



**Corporate & Government Relations**

12465 Warwick Boulevard, Newport News, VA 23606-3401 □ (757) 591-4936 □ Fax (757) 599-8270

March 4, 2021

**TO:** Members of the Newport News School Board  
Dr. George Parker, Superintendent  
Senior Staff

**FROM:** Patrick Finneran  
Director, Corporate & Government Relations

**SUBJECT: 2021 General Assembly Report on Education Legislation**

Below for your information are summaries of education legislation approved during the 2021 General Assembly session.

These bills have gone to the Governor for review. He has until March 31 to sign legislation or to propose amendments and/or vetoes. A Reconvened Session on April 7 will allow the General Assembly to consider any proposed amendments and/or vetoes. Should there be any changes to education legislation on April 7, this report will be updated.

Bills are arranged under several broad categories below, with the caveat that some legislation overlaps multiple areas:

- ASSESSMENT/CURRICULUM/INSTRUCTION
- BROADBAND
- COLLEGE OPPORTUNITY
- FACILITIES/HEALTH/SAFETY/MEALS
- HUMAN RESOURCES
- IN-PERSON AND VIRTUAL LEARNING
- SPECIAL EDUCATION
- STEM

**If you are reading this via an online computer, you can find a bill summary and full text from the chart below** by clicking on the bill number -- [HB 1865](#), for example. (You may have to press the **Ctrl** key as you click on the bill number.) That will take you to the summary and show the latest action on the bill. You may then view the entire bill by clicking on the link found below

the FULL TEXT heading. The approved version of the bill is the last item under the FULL TEXT heading.

Legislation that requires School Board policy review or action is noted with the word **POLICY** in the summary.

Some of the bills listed below do not require any immediate action on the part of local school divisions at this time, but direct the Virginia Department of Education or Virginia Board of Education to take action or conduct studies that may have a future impact on requirements for local school divisions. These are marked with **(VDOE)** or **(VBOE)**.

For the budget, attached are a list of amendments approved by the Budget Conference, and a presentation on the Conference report.

Please contact me if you have any questions about the legislation.

# 2021 VIRGINIA GENERAL ASSEMBLY

## APPROVED EDUCATION LEGISLATION

### ASSESSMENT/CURRICULUM/INSTRUCTION

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#### **[HB 1865](#) Kindergarten through grade 3; reading intervention services for certain students.**

Requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The bill requires the parent of each student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

#### **[HB 1885](#) Comprehensive review of computer science standards, etc., in public schools; DOE to perform, report. (VDOE)**

Requires the Department of Education to perform a comprehensive review of the ongoing implementation of mandatory computer science standards in elementary schools and middle schools and the alignment of middle school and high school computer science courses and course pathways. The bill requires such review to include recommendations for implementation processes at the local level, profiles of implementation processes that have been successful for school divisions, a description of opportunities for enhanced collaboration with relevant computer science stakeholders to expand computer science education opportunities for all students in the Commonwealth and for relevant professional development for teachers, and examining methods of data collection annually from local school divisions pertaining to computer science implementation. The bill requires the Department of Education to prepare a report on its comprehensive review and provide such report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, the Secretary of Education, and the Superintendent of Public Instruction no later than November 1, 2021.

02/25/21 Governor: Approved by Governor-Chapter 22 (effective 7/1/21)

#### **[HB 1905](#) Economic education and financial literacy required in middle and high school grades; employment.**

Adds to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment, part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work.

02/25/21 Governor: Approved by Governor-Chapter 25 (effective 7/1/21)

**HB 1918 Student driver safety; driver education program shall include dangers of speeding.**

Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property. This bill is identical to SB 1169.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**HB 1940 Students; guidelines on excused student absences, civic engagement.**

Provides that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event. This bill is identical to SB 1439.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**HB 2027 Standards of Learning assessments; reading and mathematics; grades three through eight. (VBOE)**

Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022–2023 school year and partial implementation during the 2021–2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment. This bill is identical to SB 1357.

02/25/21 House: Senate substitute agreed to by House 21200494D-S1 (99-Y 0-N)

02/25/21 House: VOTE: Adoption (99-Y 0-N)

**HB 2105 Early childhood education; quality rating and improvement system participation. (VBOE)**

*Summary as introduced:*

Delays until the 2022–2023 school year the requirement for all publicly funded early childhood education providers to participate in a quality rating and improvement system to be established by the Board of Education by July 1, 2021. The bill also delays from the fall of 2023 to the fall of 2024 the publication of initial quality ratings for such providers. The bill reinstates the School Readiness Committee and alters the composition and scope of the work of the School Readiness Committee.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**[HB 2119](#) Student driver education program; parent/student component exemption.**

Exempts students who are (i) at least 18 years old, (ii) emancipated minors, or (iii) unaccompanied minors who are not in the physical custody of their parent or guardian from the requirement to participate in the parent/student component of a school's driver education program.

02/25/21 Governor: Approved by Governor-Chapter 28 (effective 7/1/21)

**[SB 1190](#) Health Standards of Learning; advanced directive education for high school students.**

Directs the Board of Education to include advanced directive education in its curriculum framework for the Health Standards of Learning for high school students.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

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**BROADBAND**

**[SB 1225](#) Broadband services; school boards to appropriate funds for expansion of services for education.**

Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

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**COLLEGE OPPORTUNITY**

**[HB 2123](#) Students; eligibility for in-state tuition.**

Provides that students who meet the criteria to be deemed eligible for in-state tuition regardless of their citizenship or immigration status shall be afforded the same educational benefits, including financial assistance programs administered by the State Council of Higher Education for Virginia the State Board for Community Colleges, or a public institution of higher education, as any other individual who is eligible for in-state tuition. The bill directs the State Council of Higher Education for Virginia, in coordination with institutions of higher education in the Commonwealth, to promulgate regulations to implement the provisions of the bill. The bill has a delayed effective date of August 1, 2022, and is identical to SB 1387.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**[HB 2204](#) Get Skilled, Get a Job, Give Back (G3) Fund and Program; established.**

Establishes the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a certain high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. This bill is identical to SB 1405.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

## **FACILITIES/HEALTH/SAFETY/MEALS**

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### **HB 1823 Public schools, child day programs, and certain other programs; carbon monoxide detectors required.**

Requires each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves preschool-age children to be equipped with at least one carbon monoxide detector.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

### **HB 1998 Public schools; lock-down drills, annual requirement.**

Reduces from three to two the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth.

02/25/21 Governor: Approved by Governor-Chapter 26 (effective 7/1/21)

### **HB 2019 Public elementary and secondary schools; administration of undesignated stock albuterol inhalers.**

Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Education, in conjunction with the Department of Health, to develop and implement policies for the administration of stock albuterol in public schools. The bill has a delayed effective date of January 1, 2022.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

### **HB 2013 School boards; board policy for students unable to pay for a meal at school.**

Requires each school board to adopt a policy that prohibits the board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

### **Policy**

### **HB 2135 School boards, certain; participation in the Afterschool Meal Program.**

Requires each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

## HUMAN RESOURCES

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### **HB 1776 Education, Board of; temporary extension of certain teachers' licenses.**

Requires the Board of Education to grant a two-year extension of the license of any individual licensed by the Board whose license expires on June 30, 2021, in order to provide the individual with sufficient additional time to complete the requirements for licensure.

02/25/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

### **HB 1904 Teachers and other licensed school board employees; cultural competency.**

Requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. This bill is identical to SB 1196.

02/25/21 Governor: Approved by Governor-Chapter 23 (effective 7/1/21)

#### **Policy**

### **HB 2176 School board policies; abusive work environments, definitions.**

Defines, for the purposes of mandatory school board policies relating to abusive work environments, the terms "abusive conduct," "abusive work environment," "physical harm," and "psychological harm." The bill clarifies that the requirement to adopt such policies shall not be construed to limit a school board's authority to adopt policies to prohibit any other type of workplace conduct as the school board deems necessary.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

#### **Policy**

### **SB 1257 SOQ; school board to provide at least three specialized student support positions.**

The bill modifies a school personnel requirement in Standard 2 of the Standards of Quality. It requires each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

### **SB 1322 Public schools; seizure management and action plans, biennial training, effective date.**

Provides for the submission and utilization of seizure management and action plans for students with a diagnosed seizure disorder. The bill requires each such seizure management and action plan to state that such plan is separate from any individualized education program (IEP) or Section 504 Plan that is in place for the student and nothing in such plan shall be construed to abrogate any provision of any IEP or Section 504 Plan that is in place for the student. The bill requires that school nurses and certain school division employees biennially complete Board of Education-approved training in the treatment of students with seizure disorders. The bill provides immunity from civil liability for acts or omissions

related to providing for the care of a student under a seizure management and action plan. The bill has a delayed effective date of July 1, 2022.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

## **IN-PERSON AND VIRTUAL LEARNING**

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### **HB 1790 Public schools; severe weather conditions and other emergency situations.**

Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction grants an extension. This bill is identical to SB 1132.

02/25/21 Governor: Approved by Governor-Chapter 19 (effective 7/1/21)

### **SB 1303 Local school divisions; availability of virtual and in-person learning to all students.**

Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contains certain exceptions to the abovementioned requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

02/25/21 Senate: House substitute agreed to by Senate (36-Y 3-N)

## **SPECIAL EDUCATION**

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### **HB 2117 Children's Services Act; funds expended special education programs.**

Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates.

The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated



for no longer than 12 months for transitional services.

The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. This bill is identical to SB 1313.  
03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**HB 2182 Traumatic brain injury; definition. (VBOE)**

Requires the Board of Education to amend its regulatory definition of "traumatic brain injury," for the purpose of the provision of special education for children with disabilities, to include an acquired injury to the brain caused by a medical condition, including stroke, anoxia, infectious disease, aneurysm, brain tumors, and neurological insults resulting from medical or surgical treatments. The current regulatory definition of "traumatic brain injury" includes only an acquired brain injury caused by an external physical force.

02/24/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**HB 2299 Special education; training for school divisions on developing IEPs for children w/ disabilities.**

Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth. This bill is identical to SB 1288.

02/27/21 Senate: Conference report agreed to by Senate (39-Y 0-N)

02/27/21 House: Conference report agreed to by House (96-Y 0-N)

**HB 2314 Special education; Bd. of Education to amend certain regulation. (VBOE)**

Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency.

02/24/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

**HB 2316 Students w/ disabilities; Dept. of Education to update its special education and related services. (VDOE)**

Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team.

03/01/21 Governor: Governor's Action Deadline 11:59 p.m., March 31, 2021

## STEM

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### **[HB 2058](#) Virginia STEM Education Advisory Board; established, report.**

Creates the Virginia Science, Technology, Engineering, and Mathematics (STEM) Advisory Board to create a unified vision regarding STEM education initiatives, language, and measures of success to promote a culture of collaboration for STEM programming in the Commonwealth. The Board shall develop the infrastructure for creating STEM Regional Hubs and naming STEM Champions in communities across the Commonwealth. Additionally, the Board shall report annually to the Governor and the General Assembly on STEM challenges, goals, and successes across the Commonwealth.

02/26/21 House: Enrolled Bill communicated to Governor on February 26, 2021