

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-79.3 of the Code of Virginia, relating to parental input into the*  
3 *classroom placement of twins or higher order multiples.*

4 [H 2070]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-79.3 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-79.3. Policies regarding certain activities.

9 A. No later than January 1, 2001, local school boards shall develop and implement policies to ensure  
10 that public school students are not required to convey or deliver any materials that (i) advocate the  
11 election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any  
12 referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school  
13 board, local governing body or the General Assembly of Virginia or the Congress of the United States.

14 This section shall not be construed to prohibit the discussion or use of political or issue-oriented  
15 materials as part of classroom discussions or projects or to prohibit the delivery of informational  
16 materials.

17 B. Local school boards shall develop and implement policies to prohibit the administration of  
18 questionnaires or surveys to public school students during the regular school day or at school-sponsored  
19 events without written, informed parental consent for the student's participation when participation in  
20 such questionnaire or survey may subsequently result in the sale for commercial purposes of personal  
21 information regarding the individual student. In any case in which a questionnaire or survey requesting  
22 sexual information of students is to be administered, the school board shall notify the parent concerning  
23 the administration of such questionnaire or survey in writing not less than 30 days prior to its  
24 administration. The notice shall inform the parent regarding the nature and types of questions included  
25 in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how  
26 any findings or results will be disclosed. Parents shall have the right to review the questionnaire or  
27 survey and to exempt their child from participating in the survey. However, no questionnaire or survey  
28 requesting sexual information of a student shall be administered to any student in kindergarten through  
29 grade six and, unless required by federal or state law or regulation, school personnel administering any  
30 such questionnaire or survey shall not disclose personally identifiable information.

31 C. Local school boards shall develop and implement policies to advise the parent of each student  
32 enrolled in the school division of the availability of information in the Sex Offender and Crimes Against  
33 Minors Registry and the location of the Internet website. Local school boards shall also develop  
34 protocols governing the release of children to persons who are not their parent.

35 D. No local school board providing access and opportunity to use school facilities or to distribute  
36 literature may deny equal access or fair opportunity to use such school facilities or to distribute  
37 literature, or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.

38 Nothing in this subsection shall be construed to require any school or school division to sponsor the  
39 Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board  
40 policies governing access to and use of school facilities and distribution of literature.

41 E. *Local school boards shall develop and implement policies to allow a parent of twins or higher*  
42 *order multiples in the same grade level to request that the children be placed in the same classroom or*  
43 *in separate classrooms if they are at the same elementary school. Such policies shall also provide that:*  
44 *(i) schools may recommend classroom placement to the parent; (ii) schools must provide the placement*  
45 *requested by the children's parent, unless the division superintendent or his designee makes a classroom*  
46 *placement determination following the school principal's request in accordance with this subsection; (iii)*  
47 *a parent must request the classroom placement no later than 3 days after the first day of each school*  
48 *year or 3 days after the first day of attendance of the children during a school year; and (iv) at the end*  
49 *of the initial grading period, if the school principal, in consultation with the children's classroom*  
50 *teacher, determines that the requested classroom placement is disruptive to the school or is harmful to*  
51 *the children's educational progress, the school principal may request that the division superintendent or*  
52 *his designee determine the children's classroom placement.*