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HOUSE BILL NO. 2319

Offered January 9, 2019

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A BILL to amend and reenact §§ 22.1-6, 22.1-176, 22.1-205, 22.1-212.14, 22.1-225, 22.1-243, 22.1-348, and 22.1-349.10 of the Code of Virginia, relating to public elementary and secondary school students; permitted fees and charges.

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Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-6, 22.1-176, 22.1-205, 22.1-212.14, 22.1-225, 22.1-243, 22.1-348, and 22.1-349.10 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-6. Permitted fees and charges.

Except as provided in this title or as permitted by regulation of the Board of Education § 22.1-5, no fees or charges may be levied on any pupil by any school board. ~~No pupil's scholastic report card or diploma shall be withheld because of nonpayment of any such fee or charge.~~

§ 22.1-176. Transportation of pupils authorized; contributions; regulations of Board of Education.

A. School boards may provide for the transportation of pupils, but nothing herein contained shall be construed as requiring such transportation except as provided in § 22.1-221.

B. ~~When a school board provides transportation to pupils for extracurricular activities, other than those covered by an activity fund, which are sponsored by the pupils' school apart from the regular instructional program and which the pupils are not required to attend or participate in, the school board may accept contributions for such transportation or charge each pupil utilizing such transportation a reasonable fee not to exceed his pro rata share of the cost of providing such transportation. A school board may waive such fees for any pupil whose parent or guardian is financially unable to pay them.~~

~~C.~~ When a school board provides transportation to pupils for field trips ~~which~~ *that* are a part of the program of the pupils' school or are sponsored by such school, the school board may accept contributions for such transportation.

~~D.~~ C. The Board of Education shall promulgate such regulations as shall be in the public interest to effect the intent of this section.

§ 22.1-205. Driver education programs.

A. The Board of Education shall establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind-the-wheel driver training. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the Department of Motor Vehicles.

1. The driver education program shall include (i) instruction concerning (a) alcohol and drug abuse; (b) aggressive driving; (c) distracted driving; (d) motorcycle awareness; (e) organ and tissue donor awareness; (f) fuel-efficient driving practices; and (g) traffic stops, including law-enforcement procedures for traffic stops, appropriate actions to be taken by drivers during traffic stops, and appropriate interactions with law-enforcement officers who initiate traffic stops, and (ii) in Planning District 8, an additional minimum 90-minute parent/student driver education component. The additional parent/student driver education component may be provided to students outside Planning District 8, at the discretion of each local school board.

2. The parent/student driver education component shall be administered as part of the classroom portion of the driver education curriculum. In Planning District 8, the parent/student driver education component shall be administered in-person. Outside Planning District 8, the parent/student driver education component may be administered either in-person or online by a public school or driver training schools that are licensed as computer-based driver education providers. For students in Planning District 8 and those students in school divisions that offer the parent/student component, the participation of the student's parent or guardian shall be required, and the program shall emphasize (i) parental responsibilities regarding juvenile driver behavior, (ii) juvenile driving restrictions pursuant to the Code of Virginia, and (iii) the dangers of driving while intoxicated and underage consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral Health and

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59 Developmental Services, as appropriate. Nothing in this subdivision precludes any school division
60 outside Planning District 8 from including a program of parental involvement as part of a driver
61 education program in addition to or as an alternative to the minimum 90-minute parent/student driver
62 education component.

63 3. Any driver education program shall require a minimum number of miles driven during the
64 behind-the-wheel driver training.

65 B. The Board shall assist school divisions by preparation, publication and distribution of competent
66 driver education instructional materials to ensure a more complete understanding of the responsibilities
67 and duties of motor vehicle operators.

68 C. Each school board shall determine whether to offer the program of driver education in the safe
69 operation of motor vehicles and, if offered, whether such program shall be an elective or a required
70 course. ~~In addition to the fee approved by the Board of Education pursuant to the appropriation act that~~
71 ~~allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of~~
72 ~~Education may authorize a local school board's request to assess a surcharge in order to further recover~~
73 ~~program costs that exceed state funds distributed through basic aid to school divisions offering driver~~
74 ~~education programs. Each school board may waive the fee or the surcharge in total or in part for those~~
75 ~~students it determines cannot pay the fee or surcharge.~~ Only school divisions complying with the
76 standardized program and regulations established by the Board of Education and the provisions of
77 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
78 education.

79 School boards in Planning District 8 shall make the 90-minute parent/student driver education
80 component available to all students and their parents or guardians who are in compliance with
81 § 22.1-254.

82 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
83 required by regulation of the Board of Education, on private or public property removed from public
84 highways if practicable; if impracticable, then, at the request of the school board, the Commissioner of
85 Highways shall designate a suitable section of road near the school to be used for such instruction. Such
86 section of road shall be marked with signs, which the Commissioner of Highways shall supply, giving
87 notice of its use for driving instruction. Such signs shall be removed at the close of the instruction
88 period. No vehicle other than those used for driver training shall be operated between such signs at a
89 speed in excess of 25 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

90 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
91 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

92 F. The Board of Education shall approve correspondence courses for the classroom training
93 component of driver education. These correspondence courses shall be consistent in quality with
94 instructional programs developed by the Board for classroom training in the public schools. Students
95 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel
96 driver training, may receive behind-the-wheel driver training (i) from a public school; ~~upon payment of~~
97 ~~the required fee,~~ if the school division offers behind-the-wheel driver training and space is available, (ii)
98 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a
99 home schooling parent or guardian instructing his own child who meets the requirements for home
100 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training
101 course approved by the Board. Nothing herein shall be construed to require any school division to
102 provide behind-the-wheel driver training to nonpublic school students.

103 **§ 22.1-212.14. Funding of public charter schools; services provided.**

104 A. For the purposes of this article, students enrolled in a public charter school shall be included in
105 the average daily membership of the relevant school division and shall be reported in fall membership
106 for purposes of calculating the state and local shares required to fund the Standards of Quality.

107 B. Insofar as constitutionally valid, a local school board or, in the case of a regional public charter
108 school, the relevant school boards may establish by contract an agreement stating the conditions for
109 funding the public charter school, including funding for the educational program to be provided by a
110 residential charter school for at-risk students. In accordance with subsection D, the per pupil funding
111 provided to the charter school by the local school board or, in the case of a regional public charter
112 school, the relevant school boards, shall be negotiated in the charter agreement and shall be
113 commensurate with the average school-based costs of educating the students in the existing schools in
114 the division or divisions unless the cost of operating the charter school is less than that average
115 school-based cost.

116 C. Services provided the public charter school by the local school board or the relevant school
117 boards, in the case of regional public charter schools, may include food services; custodial and
118 maintenance services; curriculum, media, and library services; warehousing and merchandising; and such
119 other services not prohibited by the provisions of this article or state and federal laws.

120 D. Funding and service agreements between local school boards and public charter schools shall not

provide a financial incentive or constitute a financial disincentive to the establishment of a public charter school, including any regional public charter school.

E. Any educational and related fees collected from students enrolled at a public charter school shall be credited to the account of such public charter school established by the relevant local school board.

F. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to public charter schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to public charter schools serving students eligible for such aid.

G. F. The management committee of a public charter school is authorized to accept gifts, donations, or grants of any kind made to the public charter school and to spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management committee of a public charter school if the conditions for such funds are contrary to law or the terms of the agreement between the local school board and the public charter school or, in the case of a regional public charter school, the relevant school boards and the regional public charter school.

H. G. The Department of Education shall provide technical assistance to local school boards relating to receipt, review, and ruling upon applications for public charter schools.

§ 22.1-225. Authority of school boards.

A. Local school boards shall provide adult education programs, in compliance with subdivision D 8 of § 22.1-253.13:1, for residents of the school division and, in their discretion, may charge appropriate fees to persons admitted to such programs.

B. With such funds as may be appropriated for the purposes of this article, school boards shall seek to ensure that every individual participating in such program has an opportunity to earn a high school diploma or pass a high school equivalency examination approved by the Board of Education.

§ 22.1-243. Distribution of textbooks; consumable materials.

A. Each school board shall provide, free of charge, such textbooks required for courses of instruction for each child attending public schools. However, a local school board may assess a reasonable fee or charge for damages or loss of school property when such property has been provided to students without charge.

B. Consumable materials such as workbooks, writing books, and drawing books may be purchased by school boards and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the local school board shall develop a policy ensuring that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge.

C. Nothing in this section shall be construed to authorize a school board to charge fees to students for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

§ 22.1-348. Persons eligible; educational programs to be provided; admissions procedures.

A. Persons from birth through age 21 shall be eligible for educational services provided by the school. The Department of Education shall be entitled to deduct annually from the locality's share for the education of pupils with disabilities a sum equal to the actual local expenditure per pupil in support of those students placed by the relevant local school division in the Virginia School for the Deaf and the Blind. The amount of the actual transfers shall be based on data accumulated during the prior school year. Fees for student activities may be charged at the Board's discretion.

B. From such funds as may be appropriated, the Virginia School for the Deaf and the Blind shall provide an educational program for children in preschool through grade twelve 12 who are deaf, or blind, or who may have sensory impairments and other disabilities, including intellectual disabilities.

The Board, from time to time, may approve additional programs as may be appropriate.

C. The Board shall prescribe procedures and criteria for determining admission to and the appropriate placement in the Virginia School for the Deaf and the Blind. The appropriateness of the placement of each student attending the school shall be reviewed at least annually.

§ 22.1-349.10. Funding of college partnership laboratory schools.

A. Each college partnership laboratory school shall receive such funds as may be appropriated by the General Assembly in accordance with the general appropriation act.

B. The governing board of a college partnership laboratory school may accept gifts, donations, or grants of any kind and spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the governing board of a college partnership laboratory school if the conditions for such funds are contrary to law or the terms of the agreement between the Board and the college partnership laboratory school.

C. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall

182 be directed to college partnership laboratory schools enrolling such students. The proportionate share of
183 moneys allocated under other federal or state categorical aid programs shall be directed to college
184 partnership laboratory schools serving students eligible for such aid.

185 D. College partnership laboratory schools are eligible to apply for and receive any federal or state
186 funds otherwise allocated for college partnership laboratory schools.

187 E. The collection of any tuition; ~~room and board, and other educational and related fees~~ from
188 students enrolled at a college partnership laboratory school shall comply with Board regulations and
189 shall be credited to the account of such school.

190 F. Each college partnership laboratory school is eligible to apply for and receive available funds from
191 the College Partnership Laboratory School Fund and the institution of higher education that establishes
192 the school.