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SENATE BILL NO. 5

Senate Amendments in [] - February 6, 2020

A *BILL to amend and reenact § 22.1-138 of the Code of Virginia, relating to the Board of Education; uniform minimum standards for modern public school buildings.*

Patrons Prior to Engrossment—Senators Stanley and McClellan; Delegate: Kory

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-138 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-138. Uniform minimum standards for modern public school buildings.**

A. The Board of Education shall prescribe by regulation *uniform* minimum standards for the erection of ~~or addition to~~ modern public school buildings ~~governing~~ and the modernization of existing public school buildings, including instructional, operational, health, and maintenance facilities ~~where these are not specifically addressed~~, in a manner that is consistent with the Uniform Statewide Building Code and for the purpose of promoting positive educational outcomes for each public elementary and secondary school student. Such regulations shall include uniform minimum modern public school building standards that promote (i) the delivery of instruction that complies with the Standards of Learning by addressing enrollment capacity and available space and (ii) the health and safety of each enrolled student. Each school board shall [~~annually~~ , once every three years,] (a) assess and report to the Board the extent to which each public school building in the local school division complies with such uniform minimum standards and (b) submit to the Board a long-range plan for compliance with such uniform minimum standards, including an assessment of the cost of such compliance, in any case in which the school board determines that a public school building in the local school division does not comply with such standards.

B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the United States Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A of this section. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health.

C. Each school board shall, in consultation with the local building official and the state or local fire marshal, develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) and Statewide Fire Prevention Code (§ 27-94 et seq.).

D. No school employee shall open or close an electronic room partition in any school building unless (i) no student is present in such building, (ii)(a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

E. Any annual safety review or exercise for school employees in a local school division shall include information and demonstrations, as appropriate, regarding the provisions of subsection D.

F. The Department of Education shall make available to each school board model safety guidance regarding the operation of electronic room partitions.

[2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.]

ENGROSSED

SB5E