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SENATE BILL NO. 522

Senate Amendments in [] — February 13, 1996

A *BILL to amend and reenact §§ 22.1-16.1, 22.1-281, 22.1-346 through 22.1-349, and 23-14 of the Code of Virginia, relating to the consolidation of the Virginia Schools for the Deaf and the Blind.*

Patrons—Hanger; Delegates: Landes and Wilkins

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-16.1, 22.1-281, 22.1-346 through 22.1-349, and 23-14 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-16.1. Board to establish regulations regarding human research.

The Board shall promulgate regulations pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in § 32.1-162.16, to be conducted or authorized by the Department of Education or any public schools including the Virginia ~~Schools~~ *School* for the Deaf and the Blind or any proprietary schools certified by the Board. The regulations shall require the human research committee to submit to the Governor, the General Assembly, and the Superintendent of Public Instruction or his designee at least annually a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from the proposals as approved.

§ 22.1-281. Triennial census of school population.

Every three years, at a time to be designated by the Superintendent of Public Instruction, a census of all persons residing within each school division who, on or before December 31 immediately following the census, will have reached their fifth birthday but not their twentieth birthday shall be taken on forms furnished by the Superintendent of Public Instruction. Such persons who are domiciled in orphanages or eleemosynary institutions or who are dependents living on any federal military or naval reservation or other federal property shall be included in the census for the school division within which the institution or federal military or naval reservation or other federal property is located. Such persons who are confined in state hospitals, state training schools or state training centers for the mentally retarded, each as defined in § 37.1-1, or mental institutions, state or federal correctional institutions, or the Virginia ~~Schools~~ *School* for the Deaf and Blind shall be included in the census for the school division within which the parents or guardians of such person or persons legally reside. If the legal residence of the parents or guardians of such person is not ascertainable, such parents or guardians shall be deemed to be legal residents of the school division from which such person was admitted or committed.

§ 22.1-346. Transfer of property; rights and duties of the Board of Education; supervision of schools; appointment and removal of officers and faculty.

A. All of the real estate and personal property now existing and standing in the name of the board of visitors of the Virginia Schools for the Deaf and the Blind shall be transferred to and be under the control of the Board of Education. The Department of General Services shall cooperate with the Board in supervising the maintenance and repair of the real and personal property of the schools.

B. Any gift, grant, devise or bequest made prior to July 1, 1984, to the Virginia School for the Deaf and the Blind at Hampton or the Virginia School for the Deaf and the Blind at Staunton shall be held by the Board of Education ~~for the school to which made~~. The Board of Education shall have the power to take, hold, receive and enjoy any gift, grant, devise or bequest made hereafter to the Virginia ~~Schools~~ *School* for the Deaf and the Blind. Such gift, grant, devise or bequest shall be held ~~for the school to which made~~ for uses and purposes designated by the donor or, if not designated for ~~one of the schools~~ *one of the schools* or for a specific purpose, for the general purposes of any programs in ~~either of the schools~~ *School*. The Board of Education shall also accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

C. *The Virginia School for the Deaf and the Blind at Hampton and the Virginia School for the Deaf and the Blind at Staunton are hereby consolidated and shall be known as the Virginia School for the Deaf and the Blind [; with operations and facilities in Staunton]*. The Board shall be charged with the operational control of the ~~Virginia School for the Deaf and the Blind at Hampton and the Virginia School for the Deaf and the Blind at Staunton~~. However, the Virginia ~~Schools~~ *School* for the Deaf and the Blind shall not be defined as ~~a school divisions~~ *division* for constitutional purposes. Supervision of the contracts and agreements of the board of visitors of the Virginia ~~Schools~~ *School* for the Deaf and the Blind are hereby transferred to the Superintendent of Public Instruction.

The Board shall provide rules and regulations for the governance of the ~~schools~~ *School*. The

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60 Superintendent of Public Instruction shall administer, supervise and direct the activities and programs of
61 the ~~schools~~ *School* pursuant to the rules and regulations of the Board. The Superintendent of Public
62 Instruction shall appoint the officers and employees of ~~each school~~ *the School* subject to the provisions
63 of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1.

64 § 22.1-347. Superintendent of Public Instruction to prescribe curricula; School to report;
65 transportation of students.

66 A. The Superintendent of Public Instruction shall approve the education programs of the Virginia
67 ~~Schools~~ *School* for the Deaf and the Blind. The Virginia Department for the Deaf and Hard-of-Hearing
68 and the Virginia Department for the Visually Handicapped shall provide consultant services as deemed
69 appropriate by the Superintendent of Public Instruction.

70 B. ~~Each of the schools~~ *The School* shall make an annual report to the Superintendent of Public
71 Instruction of such requirements and on such forms as prescribed. This report shall show receipts and
72 disbursements, educational offerings and other pertinent information pertaining to the general operation
73 of the ~~schools~~ *School* for each fiscal year. A synopsis of this report shall be included in the annual
74 report of the Superintendent of Public Instruction.

75 C. The Board shall prescribe procedures governing ~~both schools~~ *the School* for the transportation of
76 students to permit frequent home visits by students and to provide each student transportation to and
77 from the ~~school he attends~~ *School* and the place of residence of the child's parent or guardian whenever
78 the ~~school~~ *School* is officially closed.

79 § 22.1-348. Persons eligible; fees; educational programs to be provided; attendance zones; admissions
80 procedures.

81 A. Persons of ages two through twenty-one shall be eligible for educational services provided by the
82 ~~schools~~. ~~Until July 1, 1993, there shall be no charge for the education of students; but fees for student~~
83 ~~activities may be charged at the Board's discretion. Beginning July 1, 1993, the~~ *School*. The Department
84 of Education shall be entitled to deduct annually from the locality's share for the education of pupils
85 with disabilities a sum equal to the actual local expenditure per pupil in support of those students placed
86 by the relevant local school division in ~~either of the Virginia Schools~~ *School* for the Deaf and the Blind.
87 The amount of the actual transfers shall be based on data accumulated during the prior school year.

88 B. The Virginia School for the Deaf and the Blind at ~~Staunton~~ shall provide an educational program
89 for children who are deaf from preschool through grade twelve and, an educational program for children
90 who are blind from preschool through grade twelve. ~~The Virginia School for the Deaf and the Blind at~~
91 ~~Hampton shall provide an educational program for children who are deaf from preschool through grade~~
92 ~~twelve; an educational program for children who are blind from preschool through grade twelve, and an~~
93 ~~educational program for children with sensory-impaired multiple disabilities from preschool through~~
94 ~~grade twelve.~~

95 The preschool programs may be residential or nonresidential or both at the discretion of the Board.
96 The Board, from time to time, may approve additional programs as may be appropriate.

97 "Sensory-impaired multiple disabilities" means, for the purposes of this section and the identification
98 of the program at the Virginia School for the Deaf and the Blind at ~~Hampton~~, concomitant impairments,
99 including at least one significant sensory impairment, the combination of which requires services that
100 cannot be provided in special education programs designed solely for one impairment. The term does
101 not include deaf-blindness.

102 C. ~~The Board may establish geographic attendance zones to determine the school each student shall~~
103 ~~attend. Students with sensory-impaired multiple disabilities shall attend the Virginia School for the Deaf~~
104 ~~and the Blind at Hampton.~~

105 D. The Board shall prescribe procedures and criteria for determining admission to the Virginia
106 School for the Deaf and the Blind at ~~Hampton~~ and the Virginia School for the Deaf and the Blind at
107 ~~Staunton~~. The appropriateness of the placement of each student attending ~~either school~~ *the School* shall
108 be reviewed at least annually.

109 § 22.1-349. Terms of employment of teachers.

110 For the purpose of retirement and other statutory benefits, teachers employed as full-time
111 instructional personnel shall be deemed to be full-time state personnel and shall receive the same
112 benefits as are accorded all other full-time state personnel. The Board of Education shall require the
113 teachers at the Virginia ~~Schools~~ *School* for the Deaf and the Blind to comply with the provisions of
114 §§ 22.1-298, 22.1-299, and 22.1-303. Contracts for the employment of teachers shall be in the form
115 prescribed by the Board of Education. In cases of nonrenewal of contracts of probationary teachers, the
116 decisions shall be appealable to the Superintendent of Public Instruction. For all other purposes, the
117 Virginia Personnel Act (§ 2.1-110 et seq.) shall apply to the teachers of the Virginia ~~Schools~~ *School* for
118 the Deaf and the Blind.

119 The Division of Personnel and Training shall establish salary schedules for all professional personnel
120 which are competitive with those in effect for the school ~~divisions~~ *division* in which the ~~facility~~ *School*
121 is located.

§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.

The College of William and Mary in Virginia, at Williamsburg; the rector and visitors of Christopher Newport University, at Newport News; Longwood College, at Farmville; the Mary Washington College, at Fredericksburg; Clinch Valley College of the University of Virginia, at Wise; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the rector and visitors of the University of Virginia, at Charlottesville; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia ~~Schools~~ *School* for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; and the Medical College of Hampton Roads, are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

[2. That the Superintendent of Public Instruction, in cooperation with the relevant stakeholders, shall develop a plan providing for the phased consolidation of the Virginia School for the Deaf and Blind at Hampton and the Virginia School for the Deaf and Blind at Staunton during the 1996-1998 biennium. Such plan shall be presented to the Senate Committees on Education and Health and Finance and the House Committees on Education and Appropriations by September 30, 1996.

3. That the provisions of this act consolidating the Virginia School for the Deaf and Blind at Hampton and the Virginia School for the Deaf and Blind at Staunton shall be effective as the plan developed in accordance with the second enactment of this act is implemented.]

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