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SENATE BILL NO. 1236

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on January 17, 2019)

(Patron Prior to Substitute—Senator DeSteph)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-295.2, relating to public schools; equal access to education employee associations.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-295.2 as follows:

§ 22.1-295.2. Equal access; education employee associations.

A. For the purposes of this section, "education employee association" means a teacher association, teacher organization, or other association that (i) is formed for the purpose of promoting the interests of teachers or students, (ii) limits membership to current or retired employees of a school board, (iii) is incorporated under Virginia law and is in compliance with State Corporation Commission regulations, and (iv) is a nonprofit organization that is exempt from taxation under § 501(c)(3), 501(c)(5), or 501(c)(6) of the Internal Revenue Code.

B. School boards shall adopt and implement policies to ensure that employees have equal access to education employee associations. Such policies shall include provisions to:

1. Prohibit preferential treatment to or the endorsement of one education employee association over another through procedures, policies, or any other means;

2. Provide all education employee associations the same opportunity to attend new teacher or employee orientations in an effort to recruit new members, if any such attendance is permitted; and

3. Provide equal access to employee mailboxes or email addresses to all employee education associations, if any such access is given.

C. The Department shall identify each education employee association operating in the Commonwealth and shall provide a list of such education employee associations to school boards. School boards shall provide to each employee such list of available employee education associations and shall post such list on the school division website.