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SENATE BILL NO. 723

Offered January 21, 2022

A *BILL to amend and reenact §§ 2.2-208, 2.2-2007.1, and 22.1-346.1 of the Code of Virginia, relating to Virginia School for the Deaf and Blind; Board of Visitors to report to the Governor.*

Patron—Bell

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-208, 2.2-2007.1, and 22.1-346.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-208. Position established; agencies for which responsible; powers and duties.

A. The position of Secretary of Education (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, *and the Commission for the Arts; and the Board of Visitors of the Virginia School for the Deaf and the Blind.* The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

B. Unless the Governor expressly reserves such a power to himself, the Secretary may (i) resolve administrative, jurisdictional, or policy conflicts between any agencies or officers for which he is responsible and (ii) provide policy direction for programs involving more than a single agency.

C. The Secretary may direct the preparation of alternative policies, plans, and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible.

D. The Secretary shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.

E. The Secretary shall consult with the agencies for which he is responsible and biennially report to the General Assembly on the coordination efforts among such agencies.

§ 2.2-2007.1. Additional duties of the CIO relating to information technology planning and budgeting.

A. The CIO shall have the following duties related to information technology planning:

1. Monitor trends and advances in information technology, plan and forecast future needs for information technology, and conduct studies and surveys of organizational structures and best management practices of information technology systems and procedures;

2. Evaluate the needs of executive branch agencies in the Commonwealth with regard to (i) a consistent, reliable, and secure information technology infrastructure; (ii) existing capabilities related to building and supporting that infrastructure; and (iii) recommendation of approaches to ensure the future development, maintenance, and financing of information technology infrastructure befitting the needs of executive branch agencies and the service level requirements of its citizens; and

3. Develop a comprehensive six-year Commonwealth strategic plan for information technology to include (i) specific projects that implement the plan; (ii) a plan for the acquisition, management, and use of information technology by executive branch agencies; (iii) a report of the progress of any ongoing enterprise information technology projects, any factors or risks that might affect their successful completion, and any changes to their projected implementation costs and schedules; and (iv) a report on the progress made by executive branch agencies toward accomplishing the Commonwealth strategic plan for information technology. The Commonwealth strategic plan for information technology shall be updated annually and submitted to the Secretary for approval.

B. The CIO shall have the following duties related to budgeting for information technology projects:

1. Develop policies, standards, and guidelines, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and budgeting processes, and that executive branch agencies shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of executive branch agency priority functional activities, as well as current and future operating expenses, and shall be utilized by all state agencies in preparing budget requests.

2. Assist executive branch agencies in the development of information technology strategic plans pursuant to § 2.2-2014 and the preparation of budget requests for information technology that are consistent with the policies, standards, and guidelines developed pursuant to this section.

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59 3. Review budget requests for information technology from executive branch agencies and
60 recommend budget priorities to the Secretary. Review of such budget requests shall include all
61 information technology projects for amounts exceeding \$250,000 for which the contract or proposed
62 contract would, as a means of payment for the project, require the Commonwealth to forgo certain
63 revenue collections or would allow another party to collect fees, charges, or other revenues on behalf of
64 the Commonwealth. For each information technology project, the agency shall provide the CIO (i) a
65 summary of the terms, (ii) the anticipated duration, and (iii) the cost or charges to any user, whether a
66 state agency or other party not directly a party to the project arrangements. The description shall also
67 include any terms or conditions that bind the Commonwealth or restrict the Commonwealth's operations
68 and the methods of procurement employed to reach such terms. Executive branch agencies and
69 institutions shall submit to the CIO a projected biennial operations and maintenance budget for
70 technology assets owned or licensed by the agency or institution and submit a budget decision package
71 for any shortfalls. The provisions of this subdivision shall not apply to public institutions of higher
72 education that meet the conditions prescribed in subsection A of § 23.1-1002 *or to the Board of Visitors*
73 *of the Virginia School for the Deaf and the Blind.*

74 **§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.**

75 A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the
76 Blind (Board), as a policy agency in the executive branch of state government under the name of the
77 "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and
78 services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the
79 Blind.

80 B. The Board shall have a total membership of 11 members that shall consist of four legislative
81 members and seven nonlegislative citizen members. Members shall be appointed as follows: two
82 members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in
83 accordance with the principles of proportional representation contained in the Rules of the House of
84 Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven
85 nonlegislative citizen members, of whom one shall be a parent of a child who is deaf or blind
86 representing the Eastern region of the Commonwealth, one shall be a parent of a child who is deaf or
87 blind representing the Western region of the Commonwealth, and one shall be a representative of the
88 Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor,
89 subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board shall be
90 citizens of the Commonwealth. Legislative members of the Board shall serve terms coincident with their
91 terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for
92 four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the
93 unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All
94 members may be reappointed. However, no House member shall serve more than four consecutive
95 two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no
96 nonlegislative member appointed by the Governor shall serve more than two consecutive four-year
97 terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute
98 a term in determining the member's eligibility for reappointment.

99 The Board shall elect a chairman and vice-chairman from among its membership. The Board shall
100 elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the
101 executive committee if one is created by the Board, and such other officers as the Board deems
102 appropriate. A majority of the members shall constitute a quorum. The Board shall meet no more than
103 four times each year. The meetings of the Board shall be held at the call of the chairman or whenever
104 the majority of the members so request.

105 C. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and
106 nonlegislative citizen members shall receive such compensation for the performance of their duties as
107 provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
108 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
109 costs of expenses of the members shall be provided from such funds as may be appropriated to the
110 Board of Visitors of the Virginia School for the Deaf and the Blind, in accordance with the
111 appropriations act.

112 D. The Superintendent of Public Instruction shall designate a member of the staff of the Department
113 of Education to serve as a consultant to the Board of Visitors of the Virginia School for the Deaf and
114 the Blind on matters pertaining to instruction, federal and state special education requirements, and
115 school accreditation, and to provide technical assistance to assist the Board in meeting specific
116 instructional and school accreditation needs.

117 E. The Board shall have the following powers and duties:

118 1. Establish such rules, policies, and regulations for the governance of the Virginia School for the
119 Deaf and the Blind.

120 2. Prescribe the criteria and procedures governing admissions to the school, and the review of student

121 placement, to ensure the appropriateness of the placement and instructional program of each student
122 admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education
123 laws and regulations.

124 3. Establish a policy governing the transportation of students at the school to permit frequent home
125 visits by students, and to provide to each student transportation to and from the school and the place of
126 residence of such student's parent or guardian whenever the school is officially closed.

127 4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind,
128 in consultation with the Department of Education, the Virginia Department for the Deaf and
129 Hard-of-Hearing, and the Virginia Department for the Blind and Visually Impaired.

130 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall
131 be appointed every two years and the other officers and faculty annually. However, the superintendent,
132 with the approval of the chairman of the Board, shall be authorized to fill vacancies in positions
133 appointed by the Board occurring between meetings of the Board. The Board may remove at any time
134 the superintendent, other officers, faculty and employees for cause, subject to the provisions of Chapter
135 29 (§ 2.2-2900 et seq.) of Title 2.2.

136 6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty,
137 and employees of the school.

138 7. Prepare and submit to the Governor and General Assembly, beginning July 1, 2010, an annual
139 report detailing the curricula and other educational programs and services of the school, including
140 receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June
141 30.

142 *F. The Board shall be subject to the direction and supervision of the Governor. The Board shall be*
143 *responsible to the Governor for the purpose of governing the educational programs provided pursuant*
144 *to this chapter.*
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