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SENATE BILL NO. 1493

Offered January 19, 2023

A *BILL to amend and reenact §§ 2.2-208, 2.2-2006, and 22.1-346.2 of the Code of Virginia, relating to Virginia School for the Deaf and the Blind; Board of Visitors to report to the Governor.*

Patron—Bell

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-208, 2.2-2006, 22.1-346.2 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.

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and adopted by the Chief Information Officer (CIO) pursuant to § 2.2-2016.1 that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

"Confidential data" means information made confidential by federal or state law that is maintained in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Executive branch agency" or "agency" means any agency, institution, board, bureau, commission, council, public institution of higher education, or instrumentality of state government in the executive department listed in the appropriation act. However, "executive branch agency" or "agency" does not include the University of Virginia Medical Center, a public institution of higher education to the extent exempt from this chapter pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) or other law, the Board of Visitors of the Virginia School for the Deaf and the Blind, or the Virginia Port Authority.

"Information technology" means communications, telecommunications, automated data processing, applications, databases, data networks, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the CIO pursuant to the Commonwealth Project Management Standard developed under § 2.2-2016.1.

"Secretary" means the Secretary of Administration.

"Technology asset" means hardware and communications equipment not classified as traditional

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59 mainframe-based items, including personal computers, mobile computers, and other devices capable of
60 storing and manipulating electronic data.

61 "Telecommunications" means any origination, transmission, emission, or reception of data, signs,
62 signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or
63 other electromagnetic systems.

64 **§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.**

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

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

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

95 C. Legislative members of the Board of Visitors shall receive such compensation as provided in
96 § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of
97 their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary
98 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding
99 for the costs of expenses of the members shall be provided from such funds as may be appropriated to
100 the Board of Visitors, in accordance with the appropriations act.

101 D. The Superintendent shall designate a member of the staff of the Department to serve as a
102 consultant to the Board of Visitors on matters pertaining to instruction, federal and state special
103 education requirements, and school accreditation, and to provide technical assistance to assist the Board
104 of Visitors in meeting specific instructional and school accreditation needs.

105 E. The Board of Visitors shall have the following powers and duties:

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

108 2. Prescribe the criteria and procedures governing admissions to the school, and the review of student
109 placement, to ensure the appropriateness of the placement and instructional program of each student
110 admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education
111 laws and regulations.

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

115 4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind,
116 in consultation with the Department, the Department for the Deaf and Hard-of-Hearing, and the
117 Department for the Blind and Vision Impaired.

118 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall
119 be appointed every two years and the other officers and faculty annually. However, the superintendent,
120 with the approval of the chairman of the Board of Visitors, shall be authorized to fill vacancies in

positions appointed by the Board of Visitors occurring between meetings of the Board of Visitors. The Board of Visitors may remove at any time the superintendent, other officers, faculty, and employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

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

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

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

2. That the provisions of this act shall satisfy the reenactment requirement of Chapter 389 of the Acts of Assembly of 2022.