

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

HOUSE BILL NO. 1032
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute--Delegate LaRock)

A BILL to amend and reenact §§ 22.1-79 and 22.1-207.2 of the Code of Virginia, relating to local school boards; standards for certain public school library materials; parental review of library and other educational materials.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-79 and 22.1-207.2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-79. Powers and duties.

A school board shall:

- 1. See that the school laws are properly explained, enforced and observed;
- 2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
- 3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
- 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
- 5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
- 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except

27 the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et
28 seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary
29 period as may be required by the school board, not to exceed 18 months. The grievance procedure shall
30 afford a timely and fair method of the resolution of disputes arising between the school board and such
31 employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be
32 consistent with the provisions of the Board of Education's procedures for adjusting grievances. Except in
33 the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the
34 Board of Education pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except
35 supervisory employees;

36 7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed
37 by law;

38 8. Obtain public comment through a public hearing not less than 10 days after reasonable notice
39 to the public in a newspaper of general circulation in the school division prior to providing (i) for the
40 consolidation of schools; (ii) the transfer from the public school system of the administration of all
41 instructional services for any public school classroom or all noninstructional services in the school
42 division pursuant to a contract with any private entity or organization; or (iii) in school divisions having
43 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any
44 pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily
45 membership in the affected school. Such public hearing may be held at the same time and place as the
46 meeting of the school board at which the proposed action is taken if the public hearing is held before the
47 action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed
48 consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date
49 of this provision, an additional public hearing shall not be required;

50 9. (Expires July 1, 2025) At least annually, survey the school division to identify critical shortages
51 of (i) teachers and administrative personnel by subject matter and (ii) school bus drivers and report such
52 critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System;

53 however, the school board may request the division superintendent to conduct such survey and submit
54 such report to the school board, the Superintendent, and the Virginia Retirement System;~~and~~

55 10. Ensure that the public schools within the school division are registered with the Department of
56 State Police to receive from the State Police electronic notice of the registration, reregistration, or
57 verification of registration information of any person required to register with the Sex Offender and
58 Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school
59 division pursuant to § 9.1-914; and

60 11. Establish standards for evaluating, classifying, and removing from any public elementary or
61 secondary school library any sexually explicit content and enforce compliance with such standards
62 throughout the local school division. The Office of the Attorney General may also intervene and enforce
63 compliance with the standards in any local school division. For the purposes of this subdivision, "sexually
64 explicit content" means content that (i) involves any criminal sexual assault defined and punishable as a
65 felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or any act defined and punishable as
66 a felony under § 18.2-361 or (ii) depicts the fondling of the sexual or genital parts of another, masturbation,
67 cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.

68 **§ 22.1-207.2. Right of parents to review certain materials; summaries distributed.**

69 A. Every parent, ~~guardian or other person in the Commonwealth having control or charge~~ of any
70 child who is required by subsection A of § 22.1-254 to send such child to a public school shall have the
71 right to review the complete family life curricula, including all supplemental materials used in any family
72 life education program. A complete copy of all printed materials not subject to copyright protection and a
73 description of all audio-visual materials shall be made available through any available parental portal and
74 kept in the school library or office and made available for review to any parent ~~or guardian~~ during school
75 office hours before and during the school year. The audio-visual materials shall be made available to
76 parents for in-person review, upon request, on the same basis as printed materials are made available.

77 Each school board shall develop and distribute to the parents ~~or guardians~~ of a student participating
78 in the family life education program and post for public viewing on the local school division's official
79 website a summary designed to assist parents in understanding the program implemented in its school

80 division as such program progresses and to encourage parental guidance and involvement in the
81 instruction of the students. Such information shall reflect the curricula of the program as taught in the
82 classroom. The school division shall include the following information on the summary:

83 "Parents and guardians have the right to review the family life education program offered by their
84 school division, including written and audio-visual educational materials used in the program. Parents and
85 guardians also have the right to excuse their child from all or part of family life education instruction."

86 B. Each parent of a child for whom the parent is required to provide an education as set forth in
87 subsection A of § 22.1-254 shall have the right to review all educational materials that are made available
88 to students in the public school that his child attends or is eligible to attend, including all materials in the
89 library of such school. A complete listing of all books, periodicals, electronic book and audiobook
90 collections, and supplemental and instructional material that is available to students in the school library
91 shall also be made available electronically or in print to parents of children attending such school for their
92 review, and any library material shall be made available for review upon request of any such parent during
93 school office hours before and during the school year.

94 C. Before adding new material to any school library, each public elementary and secondary school
95 shall develop and distribute to the parent of each student who attends such school, including through any
96 electronic available means such as a parental portal, a complete list of proposed materials, including books,
97 periodicals, and any other instructional and supplemental material that may be in circulation and available
98 to children. Such list shall include descriptions of the material and shall indicate the material that contains
99 sexually explicit content, as that term is defined in subdivision 11 of § 22.1-79.

100 D. The parents of all students who attend a public elementary or secondary school shall comprise
101 the Parental Review and Approval Committee (the Committee) for such school. The Committee shall
102 review and vote to approve or disapprove of each item on the list of proposed materials distributed
103 pursuant to subsection C. Each such school shall establish an electronic survey and voting tool by which
104 the Committee review and votes on such items. The survey and voting tool shall be widely publicized to
105 members of the Committee and held open for a minimum of 14 days. A majority of the total members of
106 the Committee voting in favor of each item shall constitute approval for its circulation in the school library.

107 Any material that is not approved by a majority of the total members of the Committee voting shall neither
108 be approved for circulation nor made available to students in the school library, and any material that is
109 not reviewed and approved by the Committee shall be prohibited from being included in the school library.

110 #