

1 SENATE BILL NO. 225

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Education

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute--Senator Pekarsky)

6 A BILL to amend and reenact § 22.1-79.3 of the Code of Virginia, relating to school board policies;  
7 parental notification; safe storage of firearms in the household.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 22.1-79.3 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 22.1-79.3. Policies regarding certain activities.**

11 A. Local school boards shall develop and implement policies to ensure that public school students  
12 are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate  
13 for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the  
14 passage or defeat of any matter pending before a local school board, local governing body, or the General  
15 Assembly of Virginia or the Congress of the United States.

16 Nothing in this subsection shall be construed to prohibit the discussion or use of political or issue-  
17 oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational  
18 materials.

19 B. Local school boards shall develop and implement policies to prohibit the administration of  
20 questionnaires or surveys to public school students during the regular school day or at school-sponsored  
21 events without written, informed parental consent for the student's participation when participation in such  
22 questionnaire or survey may subsequently result in the sale for commercial purposes of personal  
23 information regarding the individual student.

24 C. In any case in which a questionnaire or survey requesting that students provide sexual  
25 information, mental health information, medical information, information on student health risk behaviors  
26 pursuant to § 32.1-73.8, other information on controlled substance use, or any other information that the

27 school board deems to be sensitive in nature is to be administered, the school board shall notify the parent  
28 concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its  
29 administration. The notice shall inform the parent regarding the nature and types of questions included in  
30 the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how  
31 information collected by the questionnaire or survey will be used, who will have access to such  
32 information, the steps that will be taken to protect student privacy, and whether and how any findings or  
33 results will be disclosed. In any case in which a questionnaire or survey is required by state law or is  
34 requested by a state agency, the relevant state agency shall provide the school board with all information  
35 required to be included in the notice to parents. The parent shall have the right to review the questionnaire  
36 or survey in a manner mutually agreed upon by the school and the parent and exempt his child from  
37 participating in the questionnaire or survey. Unless required by federal or state law or regulation, school  
38 personnel administering any such questionnaire or survey shall not disclose personally identifiable  
39 information.

40 D. No questionnaire or survey requesting that students provide sexual information shall be  
41 administered to any student in kindergarten through grade six.

42 E. Local school boards shall develop and implement policies to advise the parent of each student  
43 enrolled in the school division of the availability of information in the Sex Offender and Crimes Against  
44 Minors Registry and the location of the website. Local school boards shall also develop protocols  
45 governing the release of children to persons who are not their parent.

46 F. Each local school board shall develop and implement a policy to require the notification of the  
47 parent of each student enrolled in the local school division, to be sent by email and, if applicable, SMS  
48 text message within 30 calendar days succeeding the first day of each school year, of the parent's  
49 responsibility, in accordance with § 18.2-56.2, to safely store any firearm present in the household. Each  
50 school board shall make such parental notification available in multiple languages on its website. Such  
51 parental notification shall include information relating to (i) the importance of properly securing all  
52 firearms stored in residences and vehicles, (ii) the importance of modeling responsible behavior around  
53 firearms for children, (iii) how to discuss the presence of unsecured firearms in the residences of others.

54 (iv) information on relevant state laws and regulations relating to safe firearm storage and child access to  
55 firearms, and (v) firearm-related accidents, injuries, and deaths, including information on (a) the role of  
56 firearms in suicide, including youth suicides, and tips and resources for seeking help for a child that may  
57 be a risk to himself or others and (b) current statistics published by the Centers for Disease Control and  
58 Prevention on youth firearm fatality rates.

59 G. No local school board providing access and opportunity to use school facilities or to distribute  
60 literature may deny equal access or fair opportunity to use such school facilities or to distribute literature,  
61 or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.

62 Nothing in this subsection shall be construed to require any school or school division to sponsor  
63 the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board  
64 policies governing access to and use of school facilities and distribution of literature.

65 ~~G.~~H. Local school boards shall develop and implement policies to allow a parent of twins or higher  
66 order multiples in the same grade level to request that the children be placed in the same classroom or in  
67 separate classrooms if they are at the same elementary school. Such policies shall also provide that (i)  
68 schools may recommend classroom placement to the parent; (ii) schools must provide the placement  
69 requested by the children's parent, unless the division superintendent or his designee makes a classroom  
70 placement determination following the school principal's request in accordance with this subsection; (iii)  
71 a parent must request the classroom placement no later than three days after the first day of each school  
72 year or three days after the first day of attendance of the children during a school year; and (iv) at the end  
73 of the initial grading period, if the school principal, in consultation with the children's classroom teacher,  
74 determines that the requested classroom placement is disruptive to the school or is harmful to the children's  
75 educational progress, the school principal may request that the division superintendent or his designee  
76 determine the children's classroom placement.

77 ~~H.~~I. Local school boards may adopt and implement policies pursuant to which electronic records  
78 and electronic signatures may be accepted from any parent, guardian, or other person having control or  
79 charge of a child enrolled in the relevant school division, provided such policies are consistent with the  
80 provisions of Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1.

