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SENATE BILL NO. 797
Offered January 8, 2025
Prefiled December 28, 2024

A BILL to amend and reenact §§ 22.1-346.2 and 23.1-812 of the Code of Virginia, relating to Board of Visitors of the Virginia School for the Deaf and the Blind; authority to establish campus police department.

Patron—Head

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-346.2 and 23.1-812 of the Code of Virginia are amended and reenacted as follows:
§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.

A. As used in this section:

"Deaf" means having a hearing impairment so severe as to impair the individual from processing linguistic information through hearing, with or without amplification, that adversely affects such individual's educational performance.

"Hard of hearing" means having an impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects an individual's educational performance. "Hard of hearing" does not include "deaf."

"Vision impaired" means having an impairment in vision that, even with correction, adversely affects an individual's educational performance. "Vision impaired" includes both having partial sight and blindness.

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

C. The Board of Visitors shall have a total membership of 15 members that shall consist of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and 11 nonlegislative citizen members, of whom two shall be parents of current students at the Virginia School for the Deaf and the Blind, of whom (i) one shall be the parent of a student who is deaf or hard of hearing and one shall be the parent of a student who is vision impaired and (ii) one shall represent the Eastern region of the Commonwealth and one shall represent the Western region of the Commonwealth, two shall be representatives of the Virginia School for the Deaf and the Blind Alumni Association who are deaf or hard of hearing, and two shall be representatives of the Virginia School for the Deaf and the Blind Alumni Association who are vision impaired, to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board of Visitors shall be citizens of the Commonwealth. Legislative members of the Board of Visitors shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Board of Visitors shall elect a chairman and vice-chairman from among its membership. The Board of Visitors shall elect a secretary, who shall keep an accurate record of the proceedings of the Board of Visitors and of the executive committee if one is created by the Board of Visitors, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum. The Board of Visitors shall meet no less than four times each year. The meetings of the Board of Visitors shall be held at the call of the chairman or whenever the majority of the members so request. Notice of all meetings shall be made in accordance with the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Notice of meetings to the public shall, pursuant to subsection G of § 2.2-3707, state whether public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received. At any meeting at which public comment will be received, each speaker shall be allotted three minutes to speak. To ensure that all interested parties are given reasonable opportunity to be heard, the time

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59 allotted for each speaker to give public comment shall not be limited extemporaneously or without adequate
60 notice prior to the date on which such meeting is scheduled.

61 D. Legislative members of the Board of Visitors shall receive such compensation as provided in § 30-
62 19.12, and nonlegislative citizen members shall receive such compensation for the performance of their
63 duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
64 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of
65 expenses of the members shall be provided from such funds as may be appropriated to the Board of Visitors,
66 in accordance with the appropriations act.

67 E. The Superintendent shall designate a member of the staff of the Department to serve as a consultant to
68 the Board of Visitors on matters pertaining to instruction, federal and state special education requirements,
69 and school accreditation, and to provide technical assistance to assist the Board of Visitors in meeting
70 specific instructional and school accreditation needs.

71 F. The Board of Visitors shall have the following powers and duties:

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

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

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

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

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

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

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

95 G. The Board of Visitors is hereby authorized to establish and maintain a campus security department and
96 to employ campus security personnel therein.

97 *H. The Board of Visitors may establish, in compliance with the provisions of Article 3 (§ 23.1-809 et seq.)*
98 *of Chapter 8 of Title 23.1, a campus police department and employ campus police officers upon appointment*
99 *as provided in § 23.1-812.*

100 **§ 23.1-812. Appointment of campus police officers and members of an auxiliary police force.**

101 A. Prior to appointment as a campus police officer or member of an auxiliary police force, each individual
102 shall be investigated by the campus police department of the institution applying for the order of appointment
103 or, if none has been established, by the police department of the locality in which such institution is located.
104 Such investigation shall determine whether the individual is responsible, honest, and in all ways capable of
105 performing the duties of a campus police officer.

106 B. Upon application of the governing board of a public institution of higher education or private
107 institution of higher education, the circuit court of the locality in which the institution is located may, by
108 order, appoint the individuals named in the application to be campus police officers or members of an
109 auxiliary police force at such institution.

110 C. Each campus police officer and member of an auxiliary police force appointed and employed pursuant
111 to this article is a state employee of the institution named in the order of appointment. Insofar as it is not
112 inconsistent with the Virginia Personnel Act (§ 2.2-2900 et seq.), the governing board of such institution shall
113 provide for the conditions and terms of employment and compensation and a distinctive uniform and badge
114 of office for such officers and members of an auxiliary police force.

115 *D. Nothing in this article shall abridge the authority of the Board of Visitors of the Virginia School for the*
116 *Deaf and the Blind to establish and maintain a campus police department and to employ campus police*
117 *personnel therein in accordance with the provisions of subsection H of § 22.1-346.2.*