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## SENATE BILL NO. 859

Offered January 8, 2025

Prefiled January 3, 2025

A BILL to amend the Code of Virginia by adding a section numbered 22.1-79.3:1, relating to school boards; policies relating to volunteer student life counseling and support services; guidelines and requirements.

Patron—Reeves

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 22.1-79.3:1 as follows:**

**§ 22.1-79.3:1. After-school volunteer student life counseling and support services; policies permitting programs; guidelines and requirements.**

A. As used in this section, "student life counseling and support services" includes services provided (i) by any individual or group affiliated with a community organization, including any youth-oriented community organization, professional and community organization, dropout prevention and substance abuse prevention program, community service board, or religious community or institution, including an individual who is a chaplain or minister; (ii) with the approval of the school board in accordance with the provisions of this section; and (iii) for the purpose of providing support and guidance in navigating social, spiritual, emotional, mental, personal or interpersonal issues and concerns. "Student life counseling and support services" does not include any formal counseling, guidance, or advice relating to academic achievement or planning.

B. Any school board may adopt a policy permitting certain individuals or groups to provide, on a volunteer basis, student life counseling and support services on school property after regular school hours in accordance with the following requirements:

1. Prior to the adoption of any such policy, in order to provide appropriate opportunity for input from the general public, parents, and teachers, such school board shall obtain public comment on any such proposed policy through a public hearing not less than seven days after reasonable notice to the public in a newspaper of general circulation in the school division and on such school board's official website, including the date, time, and location of such public hearing and a copy of the proposed policy;

2. Any such policy shall:

a. Include a process for approving an individual to volunteer to provide such student life counseling and support services, including an individual seeking to volunteer in his individual capacity or, in the case of a group seeking to provide volunteer services, any individual belonging to such group who may come into contact with students, that shall, at a minimum, (i) prohibit any individual from participating as a volunteer who has been convicted of any barrier crime as defined in § 19.2-392.02 or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth and (ii) require any such individual to submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02 and comply with all other requirements set forth in §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4;

b. Require written parental consent before any student under the age of 18 participates in or receives supports or services from any after-school volunteer student life counseling or support services; and

c. Require any individual or group approved to provide after-school volunteer student life counseling or support services on school property to specifically include on any materials provided to any student or parent a statement that such individual or group is not affiliated with or employed by such school or the school board, information identifying any other entity, institution, or program with which such individual or group is affiliated, and any additional information that a parent or student may need to provide full and informed consent to participating in any such services; and

d. Be neutral with regard to any religious preference, affiliation, or belief, or lack thereof, in establishing criteria for approving any individual or group to provide any such volunteer student life counseling or support services and in establishing any guidelines or policies for the provision of any such volunteer student life counseling or support services;

3. After the adoption of any such policy and at the start of each academic year thereafter, each school board shall provide to each parent of a student enrolled in the school division and post on a publicly accessible location on its official website notice of the availability of such student life counseling or support services, including a list of all individuals or groups approved and available to provide such services;

4. No such policy shall (i) inquire into, consider, or make part of any approval criteria for any such individual or group seeking to provide student life counseling or support services the religious preferences or affiliations or lack thereof of any such individual or group; (ii) be construed as permitting or authorizing the indoctrination in any particular religious or political belief, preference, or affiliation; (iii) permit, authorize,

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59 *or require the school board or any employee of the school board to engage in any administrative oversight or*  
60 *supervision of any such services that would involve or result in the appearance of inquiry into, censorship of,*  
61 *or support or disapproval of any religious belief, expression, preference, or affiliation or lack thereof; or (iv)*  
62 *permit any such services to be provided during regular school hours or be provided at any time or in any*  
63 *manner that could cause conflict with instructional time; and*

64 *5. Any school board shall ensure that in approving volunteer student life counseling or support services,*  
65 *approving information relating to such services to be circulated to students or parents or otherwise be made*  
66 *available or posted on school property, and providing administrative oversight or supervision of such service*  
67 *s, each individual student is free from pressure from the Commonwealth to engage in or refrain from*  
68 *religious observation on school property and the constitutional principles of freedom of religion and*  
69 *separation of church and state are at all times observed.*