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SENATE BILL NO. 109
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Cohen
on March 2, 2026)

(Patron Prior to Substitute—Senator Pekarsky)

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

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-79.3. Policies regarding certain activities.

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

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

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

C. In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to § 32.1-73.8, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, the school board shall notify the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the school board with all information required to be included in the notice to parents. The parent shall have the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent and exempt his child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

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

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

F. *Each local school board shall develop and implement a policy to require the notification of the parent of each student enrolled in the school division, to be sent by email and, if applicable, SMS text message within 30 calendar days succeeding the first day of each school year, of (i) the importance of securely storing any prescription drug, as defined in § 54.1-3401, present in the household and (ii) the parent's responsibility, in accordance with § 18.2-56.2, to safely store any firearm present in the household. Such parental notification shall include information on (a) relevant state laws and regulations relating to safe firearm storage and child access to firearms and (b) firearm-related accidents, injuries, and deaths, including the role of firearms in suicides, including youth suicides, tips and resources for seeking help for a child that may be a danger to himself or others, and current statistics published by the Centers for Disease Control and Prevention or an equivalent nationally recognized entity or organization on youth firearm fatality rates. Each school board shall make such parental notification available in multiple languages on its website.*

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

Nothing in this subsection shall be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board policies

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governing access to and use of school facilities and distribution of literature.

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

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

~~I. J.~~ Local school boards may develop a single, standardized form to obtain parental consent for the release of student data. If developed by the local school board, such form shall be used by Community Policy and Management Teams and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Developmental Services.