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HOUSE BILL NO. 1195

Offered January 14, 2026

A BILL to amend the Code of Virginia by adding a section numbered 22.1-296.6, relating to school boards and independent contractors; applicants for employment involving direct contact with children in public schools; employment history review.

Patrons—Scott, P.A. and Cole, J.G.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-296.6 as follows:****§ 22.1-79.8. Policies regarding job assistance for certain persons; certain prohibitions.**

A. The Department of Education and local school boards shall adopt policies to implement the provisions of 20 U.S.C. § 7926 that prohibit any local school board or any individual who is an employee, contractor, or agent of a local school board from assisting an employee, contractor, or agent of such local school board in obtaining a new job if such local school board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.

B. No school board, public school, or individual who is an employee, contractor, or agent of a local school board shall enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing information concerning a pending investigation or a completed investigation in which an allegation was substantiated related to a report of suspected sexual misconduct by a current or former employee;

2. Affects the ability of the school board, public school, contractor, or agent to report suspected sexual misconduct to the appropriate authorities; or

3. Requires the school board, public school, contractor, or agent to expunge information about allegations or findings of suspected sexual misconduct from any documents that it maintains unless, after an investigation, an allegation is found to be false, unfounded, or unsubstantiated.

C. Any provision in any agreement or contract that violates the provisions of subsection B is null and void.

§ 22.1-296.6. School boards and independent contractors; applicants for employment involving direct contact with children in public schools; employment history review.

A. As used in this section:

"Direct contact with children" means the care, supervision, guidance, or control of children or routine interaction with children in a public elementary or secondary school in the Commonwealth.

"Sexual misconduct" means any act, including any verbal, nonverbal, written, or electronic communication or physical act, with or directed toward a child or student, regardless of the age of such child or student, that is designed to establish a romantic or sexual relationship with the child or student. "Sexual misconduct" includes sexual or romantic invitation, a date or the solicitation thereof, sexualized or romantic dialogue, sexually suggestive comments, self-disclosure or physical exposure of a sexual, romantic, or erotic nature, and any other sexual, indecent, romantic, or erotic contact with a child or student.

B. Each school board and each independent contractor that provides services in any public elementary or secondary school in the Commonwealth shall:

1. Require each applicant for employment whose position will involve direct contact with children in a public elementary or secondary school in the Commonwealth to provide (i) the address and telephone number of and other any other relevant contact information for the applicant's current employer and any former employer that employed the applicant in a position that involved direct contact with children; (ii) a written, signed statement as to whether the applicant has (a) been the subject of an investigation and finding or adjudication of abuse or sexual misconduct by any employer, state licensing agency, law-enforcement agency, or child protective services agency or (b) been disciplined, discharged, nonrenewed, asked to resign, or otherwise separated from employment or had a professional license or certificate suspended, surrendered, or revoked while such an investigation was pending or due to such a finding or adjudication; and (iii) a written, signed authorization for the release of the information by the employer as set forth in subdivision 2; and

2. Request, from each employer identified in subdivision 1, confirmation of the dates of the applicant's employment and a written statement as to whether the applicant, to the best of such employer's knowledge, has (i) been the subject of an investigation for and a resulting affirmative finding or adjudication of abuse or

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sexual misconduct by any employer, state licensing agency, law-enforcement agency, or child protective services agency or (ii) been disciplined, discharged, nonrenewed, asked to resign, or otherwise separated from employment or had a professional license or certificate suspended, surrendered, or revoked while such an investigation was pending or due to such a finding or adjudication. Any response in the affirmative in any such written statement shall, to the maximum extent feasible, be accompanied by written documentation that confirms such response. Each such employer shall respond no later than 20 days after receipt of such a request. No such employer shall be held civilly liable for any acts or omissions relating to the provision of information pursuant to this subdivision except in the case of knowingly providing false information or withholding relevant information.

C. The Department shall develop and make available a standardized form for the purpose of complying with subdivisions B 1 and 2.

D. Any school board or independent contractor may use information received pursuant to subsection B to evaluate an applicant's fitness to be hired and may consider an applicant's provision of false information or willful failure to disclose information pursuant to subdivision B 1 to be grounds for declining to further consider such applicant for employment.

§ 22.1-313. Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals and suspensions.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision as soon as practicable but in no case more than 30 days after the hearing.

C. In the case of a hearing before a hearing officer appointed by the school board or a three-member fact-finding panel, the school board shall give the teacher its written decision as soon as practicable but in no case more than 30 days after receiving the record or recording of the hearing; however, should there be a further hearing before the school board, such decision shall be furnished the teacher as soon as practicable but in no case more than 30 days after such further hearing.

D. A teacher may be dismissed or suspended by a majority of a quorum of the school board.

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and notwithstanding the provisions of § 22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect or sexual misconduct, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.