



Glenn Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Bryan W. Horn  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

December 18, 2024

### **MEMORANDUM**

**TO:** The Honorable Glenn Youngkin, Governor  
The Honorable Caren Merrick, Secretary of Commerce and Trade  
The Honorable Paul Nardo, Clerk, House of Delegates  
The Honorable Susan Clarke Schaar, Clerk, Senate

**FROM:** Bryan Horn, DHCD Director

**SUBJECT:** Completed Assessments of Mandates on Local Governments – Fiscal Year 2024

**REFERENCE:** 2024 Catalog of State and Federal Mandates on Local Governments

Pursuant to Section 15.2-2903 of the Code of Virginia and Paragraph B(1)(g) of Executive Order 58 (2007), the Commission on Local Government is hereby submitting to your office the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretaries during FY24 (July 1, 2023 – June 30, 2024) and reviewed by the Commission at its September 2024 regular meeting.

The Commission on Local Government (CLG) maintains and updates a catalog of state and federal mandates on local governments pursuant to § 15.2-2903 Code of Virginia. The CLG facilitates the assessment of mandates and the process is governed by Executive Order 58 (Kaine). The Commission adopts a schedule to assess mandates for the upcoming fiscal year at its March meeting that usually includes between 15 and 20 mandates. The schedule is created using feedback from all executive agencies that administer the mandates. The agencies conduct the assessments according to the schedule and use a standardized assessment form adopted by the Commission. The assessments are submitted to the appropriate Cabinet Secretary for endorsement or amendment before being routed back to the Commission. The agencies can recommend to alter, eliminate, or retain the mandate.



Pursuant to Executive Order 58 (Kaine), the Commission submits a copy of all completed assessments to the Secretary of Commerce and Trade, the Governor, the Clerks of the House and Senate, and forwards copies to the Virginia Municipal League and the Virginia Association of Counties. Attached to this memo are the completed assessments from Fiscal Year 2024 along with a summary list of completed assessments along with each agency's recommendation to either alter, eliminate, or retain the mandate without changes.

Please contact me or the agency if you have any questions regarding the information included in this memorandum.

Enclosure

cc: Virginia Association of Counties  
Virginia Municipal League



<u>AGENCY/Mandate Short Title</u>	<u>Catalog Number</u>	<u>Agency Recommendation</u>
<b>DEPARTMENT OF SOCIAL SERVICES</b>		
Criminal History and Central Registry Check for Placements of Children	SHHR.DSS072	Retain
Child Protective Services	SHHR.DSS031	Retain
Virginia Birth Father Registry	SHHR.DSS080	Retain
<b>DEPARTMENT OF EDUCATION</b>		
Competency-Based Career and Technical Education Program and Standards	SOE.DOE062	Retain
Early Identification and Provision of Special Education Services for Students with Disabilities	SOE.DOE069	Retain
Suspension, Expulsion, Exclusion, and Readmission of Pupils	SOE.DOE097	Retain
Water Management Programs	SOE.DOE171	Retain
Teacher License Required—Cultural Competency Training	SOE.DOE174	Alter
Teacher Licensing Requirement	SOE.DOE004	Retain
Availability of In-person and Virtual Learning to All Students	SOE.DOE179	Eliminate
Seizure Management and Action Plans	SOE.DOE180	Retain
COVID-19 Mitigation Plan on School Board Website	SOE.DOE181	Retain
Self-Assessment and Action Planning for Inclusive Practices	SOE.DOE175	Retain
Student Achievement and Graduation Requirements	SOE.DOE176	Retain
Carbon Monoxide Detectors Required	SOE.DOE177	Retain
Participation in the federal At-Risk Afterschool Meal component of the Child and Adult Care Food Program	SOE.DOE178	Retain
<b>DEPARTMENT OF ENVIRONMENTAL QUALITY</b>		
Underground Storage Tanks	SNR.DEQ019	Retain
<b>DEPARTMENT OF TRANSPORTATION</b>		
Urban Street Maintenance Payments	STO.VDOT011	Retain
<b>DEPARTMENT OF CRIMINAL JUSTICE SERVICES</b>		
Professional Standards of Conduct and Procedures for Decertification	SPSHS.DCJS041	Retain
Waiver Process for Law Enforcement Agencies to use Certain Military Property	SPSHS.DCJS043	Alter
<b>DEPARTMENT OF CONVERSATION AND RECREATION</b>		

Dam Safety, Flood Prevention and Protection Assistance Fund	SNR.DCR003	Retain
Outdoor Recreation legacy Partnership	SNR.DCR029	Retain

**DEPARTMENT OF ELECTIONS**

Polling Places and Registration Facilities	SOA.ELECT003	Retain
Electoral Board, Registrar, and Officers of Election	SOA.ELECT002	Alter
Public Notification Requirements for General Registrars	SOA.ELECT007	Retain
Covered Practices and Preclearance Requirements	SOA.ELECT010	Retain

**DEPARTMENT OF JUVENILE JUSTICE**

Youth Justice Diversion Programs	SPSH.DJJ018	Retain
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Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Criminal Justice Services

Date of Submission: 8-1-24

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate instruction sheet for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

- A. Short Title of Mandate:** (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Professional Standards of Conduct and Procedures for Decertification

- B. Specific Provisions of Mandate:** (see abstract)

The purpose of this mandate and subsequent regulation is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers, and appropriate due process procedures for decertification based on serious misconduct in violation of those standards. DCJS has the authority under § 9.1-102(36)(61) of the Code of Virginia, to certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707, and to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards. The Office of the Attorney General concurred that DCJS has the legal authority to promulgate this regulation pursuant to § 9.1-102(61) of the Code of Virginia. Additionally, the Department has the authority to adopt this regulation as an emergency regulation pursuant to § 2.2-4011(B) of the Code of Virginia because the third enactment clause in Chapter 37 of the 2020 Acts of Assembly (Special Session 1, SB5030) requires the regulation to be promulgated within 280 days.

- C. Source/Authority:**

**1. Specify Each Applicable**

- |                       |                |
|-----------------------|----------------|
| a) Federal Statute    | N/A            |
| b) Federal Regulation | N/A            |
| c) State Statute:     | § 9.1-102 (61) |
| d) State Regulation:  | 6 VAC 20-65    |
| e) Other:             | N/A            |

2. **Extension of Federal Mandates by State Authority:** (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

Not applicable.

- D. **Method by Which Agency Oversees Implementation of Mandate:** (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

Although codified in § 9.1-102 (61), DCJS was tasked with promulgating an emergency regulation, in accordance with § 2.2-4011, to create statewide standards of conduct, applicable to law enforcement and jail officers in the Commonwealth, as well as due process procedures for the decertification of such individuals based on serious misconduct in violation of such standards. A working group of affected stakeholders and interested parties was assembled and met for approximately nine months before agreeing on and finalizing such standards, as well as the DC-1 form required to be submitted to DCJS upon the initiation of decertification. The Department conducted a myriad of statewide meetings and trainings, both in-person and virtually, to discuss the 2020 mandate and subsequent legislation, and how DCJS would implement the changes and procedures. The emergency regulation has been visible to the public on the Virginia Regulatory Town Hall website, located here: <https://townhall.virginia.gov/L/ViewStage.cfm?stageld=9641>, and the agency's website also has a page dedicated to information surrounding decertification, which can be found here: <https://www.dcjs.virginia.gov/law-enforcement-decertification>. In January of 2024, both the Secretary of Public Safety and Homeland Security and the Office of the Governor approved the emergency regulation, and after a 30-day public comment period (with no feedback or comments received), the standards of conduct became effective on 03/14/2024 and will expire on 09/13/2025. DCJS will be filing for the permanent regulation in the interim.

- E. **Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.)

Although this mandate may ultimately impact manpower and staffing if decertification of law enforcement or jail officers become necessary, there is no specified fiscal impact on localities as a direct result of this mandate.

2. **Funding of Mandate:**

- a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

Not applicable; There is no specific funding for implementation of this mandate.

b) Funding of Mandate: (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

Not applicable; There is no range of annual costs of compliance for localities.

c) Explanation of Estimation Methodology:

Not applicable.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

This mandate's primary purpose is to protect the safety and welfare of citizens in the Commonwealth, and codified, effective March 1, 2021. The establishment of this new regulation required by Chapter 37 of the 2020 Special Session I, is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and to appropriate due process procedures for decertification based on serious misconduct in violation of those standards. This will ultimately be beneficial for both officer and public safety across Virginia.

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

This mandate has, and will continue to protect and/or improve the health, safety, and welfare of many residents of the Commonwealth—both public safety employees and civilians alike. In fact, an advantage of promulgating this regulation is not only enhanced oversight for law enforcement misconduct, but clear decertification procedures for officers engaged in unethical or criminal behavior. Adopting statewide professional standards of conduct will make expectations clear to current and future law enforcement officers, and assure citizens that there are set procedures for police officers, sheriff's deputies, and jail officers that violate such standards. Establishing this regulation, in accordance with § 9.1-102 (61) of the Code of Virginia, will enhance both officer and public safety throughout the Commonwealth.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

There are no existing viable alternatives to the establishment of this regulation, nor does the Department believe it will prove burdensome or intrusive to any small businesses or other agencies in the Commonwealth. DCJS was mandated through the passage of SB5030 in the 2020 Special Session of the General Assembly to establish these statewide standards and decertification due process procedures, and there is no alternative to doing so.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

(For each alternative, give the anticipated range of costs of compliance for localities and describe specific factors causing the variation in local impact.)

Not applicable; There are no existing alternative approaches, as there is no fiscal impact involved in the promulgation of this regulation.

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For

each alternative, give the anticipated range of costs to the State.)

Not applicable; There is no estimated change in range of costs.

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Not applicable.

**H. Agency Recommendation:**

1. Determination by Agency: (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain.

2. Justification: (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

DCJS has determined that this regulation is essential to protect the safety and welfare of citizens in the Commonwealth, codified in 9.1-102(61). The purpose of this mandate and the subsequent regulation is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and to appropriate due process procedures for decertification based on serious misconduct in violation of those standards. Retaining this mandate will ultimately be beneficial for both officer and public safety across Virginia, setting transparent standards for current and future law enforcement and jail officers.

I. Agency Contact Regarding Assessment:

1. Name/Title: Jonathan D. Banberger/ DCJS, Law Enforcement Decertification Coordinator
2. Address/Telephone: Washington Building, 9 Flr, 1100 Bank St., Richmond, Va. 23219

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Criminal Justice Services

Date of Submission: 8/1/2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate instruction sheet for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

- A. Short Title of Mandate:** (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Waiver Process for Law Enforcement Agencies to use Certain Military Property

- B. Specific Provisions of Mandate:** (see abstract)

The 2020 Special Session of the General Assembly passed legislation to prohibit localities and agencies employing law-enforcement officers, including police departments and sheriff's offices, from obtaining certain types of equipment. These items are: weaponized unmanned aerial vehicles; aircraft that are configured for combat or are combat-coded and have no established commercial flight application; grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; bayonets; firearms of .50 caliber or higher; ammunition of .50 caliber or higher; and Weaponized tracked armored vehicles.

- C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute: 15.2-1721.1 & 2.2-5515
- d) State Regulation:
- e) Other:

2. **Extension of Federal Mandates by State Authority:** (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

This is not applicable,

- D. **Method by Which Agency Oversees Implementation of Mandate:** (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

The 2020 Special Session of the General Assembly passed legislation to prohibit localities and agencies employing law-enforcement officers, including police departments and sheriffs offices, from obtaining certain types of equipment. See the list above.

It also provided that any agency or locality that already had prohibited equipment could only continue to use them if the agency sought a waiver from the CJSB. In January of 2021, a waiver request form was developed and emailed to all Law Enforcement Agencies statewide. DCJS has also discussed this waiver at various other police forums.

The Code of Virginia directed agencies or localities to submit their waivers to DCJS by March 1, 2021.

- E. **Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.)

The only ongoing fiscal impact of this legislation is for Virginia Law Enforcement Agencies who are prevented from accepting surplus military equipment for public safety use and are forced to purchase the same or similar equipment from private vendors. With over four hundred law enforcement agencies in Virginia, it is impossible to determine who might have accepted no cost military equipment and instead had to utilize local or grant funds to purchase similar equipment.

2. **Funding of Mandate:**

- a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

There were no costs for implementation of this law. DCJS staff developed a waiver process for agencies with existing military equipment. All waivers were granted by the CJSB.

No new waivers are anticipated, as no agencies may receive this property going forward.

b)Funding of Mandate: (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

There is no ongoing costs. Agencies with regulated equipment sought and received the waiver after being notified to do so by DCJS.

c) Explanation of Estimation Methodology:

NA

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

This mandate attempts to prevent local law enforcement agencies from possessing certain kinds of military equipment. It is highly successful in doing so.

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

This mandate has resulted in the prevention of local law enforcement agencies from receiving surplus military items, like armored vehicles, which agencies would receive for free. It is not known if it has prevented agencies from buying similar items in the open market at cost.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

The determination regarding what types of tools a law enforcement organization should be allowed to employ is a political question. This mandate determined what the Commonwealth of Virginia believes are military surplus items that should not be entrusted to law enforcement. There are no other alternatives. There are only differing opinions.



**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

(For each alternative, give the anticipated range of costs of compliance for localities and describe specific factors causing the variation in local impact.)

There are no alternative approaches. Either law enforcement should or should not be allowed to determine locally what types of equipment are necessary for local public safety.

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For

each alternative, give the anticipated range of costs to the State.)

Not Applicable

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Not Applicable

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Alter

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

The mandate generally prevents Virginia law enforcement from receiving free military equipment, but not from purchasing similar pieces of equipment. If a law enforcement agency is allowed to buy a piece of equipment, shouldn't it be allowed to accept something similar for free?

I. Agency Contact Regarding Assessment:

1. Name/Title: Harvey S. Powers, Law Enforcement Division Director DCJS
2. Address/Telephone: 1100 Bank Street, Richmond, VA 23219 Phone: (804) 786-8730

Approval of Assessment:



A handwritten signature in black ink, appearing to read "Harvey S. Powers", is written over a horizontal line. The signature is stylized and cursive.

(Signature of Agency Head)



A handwritten signature in blue ink, appearing to read "T.C. Coleman", is written over a horizontal line. The signature is stylized and cursive.

(Signature of Cabinet Secretary)

Mandate Number: 

SOE.DOE174
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**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS**  
**(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

- A. **Short Title of Mandate:** Teacher License Required
  
- B. **Specific Provisions of Mandate:** Each school board shall adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years.
  
- C. **Source/Authority:**

1. **Specify Each Applicable**

a) Federal Statute	
b) Federal Regulation	
c) State Statute:	Code of Virginia §§22.1-298.7.
d) State Regulation:	
e) Other:	

2. *Extension of Federal Mandates by State Authority: N/A*

- D. **Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent’s memos, agency newsletters, and other forms of communication.

E. **Fiscal Impact of Mandate on Localities:**

- 1. **Localities Affected:** Each of Virginia’s 131 local school districts.

2. *Funding of Mandate:*

a)Funding Formula: Costs associated with the implementation of such policies would be locally funded.

b)Funding of Mandate: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

F. *Effectiveness of Mandate in Accomplishing Purpose:*

1. **General Purpose of Mandate:** The purpose of this mandate is to require that each licensed teacher is trained in cultural competency.
2. **Description of Essentiality to the Public Safety:** This mandate is not essential to public safety

G. *Alternative Approaches to Achieving Purpose of Mandate:*

1. **Identification of Alternative Approaches:** The totality of training that license holders receive is infused with competencies and skills in addressing the needs of individual students, sensitivity to the needs of students and families and awareness that each child is unique, and instruction should be individualized, free from bias, and serve the whole child. Educator preparation involves learning to provide supportive welcoming environments, understanding the different experiences of students and establishing meaningful relationships with students and families. A separate training course should be limited to one time or altered to once every five years to alleviate burdens on license holders.
2. **Fiscal Impact of Alternative Approaches:**

a)Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

H. Agency Recommendation:

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain

Alter

Eliminate

2. **Justification:** This mandate should be altered to decrease training requirements on license holders.

I. Agency Contact Regarding Assessment:

1. Name/Title: Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone: Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number: SOE.DOE004

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA  
LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: Virginia Department of Education*

*Date of Submission: May 30<sup>th</sup>, 2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Teacher License Required**

**B. Specific Provisions of Mandate:** School divisions may only employ as teachers those persons who hold licenses or provisional licenses issued by the State Board of Education. Teachers employed under federal Title I programs must be fully licensed and teaching in their areas of endorsement. Teachers seeking initial licensure or renewal of a license must have training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators. In addition, any individual licensed and endorsed to teach middle school civics or economics, or high school government or history who is seeking renewal of such license must demonstrate knowledge of Virginia history or state and local government. This requirement applies to the individual's next or initial renewal occurring after July 1, 2014.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

P.L. 89-10 (Fed.); P.L. 114-95 (Every Student Succeeds Act 2015) (Fed.)
§§ 22.1-298.1, 22.1-299 et seq.; Chapter 726, 2013 Acts of Assembly
8 VAC 20-22-10 et seq., 8 VAC 20-440-10 et seq.;

**2. Extension of Federal Mandates by State Authority: (Where the mandate is founded concurrently on State and Federal authority,**

describe specifically those additional elements prescribed by State authority.)



**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** Each of Virginia's 131 school districts.
  
2. **Funding of Mandate:**
  - a) **Funding Formula:** No state or federal funding to support the cost of initial or renewal licensure fees or costs incurred to meet licensure requirements. Initiatives like Grow Your Own helps to reduce the cost for instructional staff to become licensed.
  - b) **Funding of Mandate:** Cost is indeterminate.
  - c) **Explanation of Estimation Methodology:** Cost is indeterminate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Requiring licenses ensures that teachers have met specific educational and professional requirements set by the Board of Education which helps to maintain a consistent quality of education.
  
2. **Description of Essentiality to the Public Safety:** Licensed teachers receive training in emergency responses and student safety protocols and are equipped to handle various disciplinary issues such as bullying. These allows for a safe learning environment which is critical for student safety.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** None identified that could

achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain                       Alter                       Eliminate

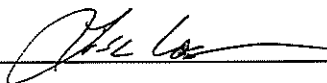
**2. Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

**1. Name/Title:** Melissa Velazquez, Asst. Supt., Policy and Government Relations

**2. Address/Telephone:** Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218 (804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA  
LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: Virginia Department of Education*

*Date of Submission: 5/31/2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate:** Possession and Self-Administration of Inhaled Asthma Medications and Epinephrine

**B. Specific Provisions of Mandate:** School divisions must develop and implement a policy permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, while at school, at school-sponsored activities, or on a school bus or other school property. Each policy shall include the development of an individualized student health care plan. In addition, school boards shall have written policies for the possession and administration of epinephrine in every school, to be administered by certain employees who are authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

c) State Statute:	§ 22.1-274.2
d) State Regulation:	8 VAC 20-131-260
e) Other:	

**2. *Extension of Federal Mandates by State Authority: N/A***

**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. *Localities Affected:* Each of Virginia's 131 local school divisions.

2. *Funding of Mandate:*

a) *Funding Formula:* Divisions receive state SOQ support positions funding related to student services administration. The 3 per 1,000 Specialized Student Support ratio standard can be applied to nurses.

b) *Funding of Mandate:* Schools divisions are using existing resources to meet this requirement in addition to SOQ funding based off of specialized student support ratios.

c) *Explanation of Estimation Methodology:* VDOE solicited local fiscal impact data but did not receive any.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** This mandate ensures that students with specific health care needs in Virginia's public schools receive critical treatment.

2. **Description of Essentiality to the Public Safety:** Anaphylaxis is potentially lethal and can rapidly progress to cause airway constriction and skin and intestinal issues.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** None identified that could achieve the same purpose.

2. *Fiscal Impact of Alternative Approaches:*

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

H. Agency Recommendation:

1. **Determination by Agency:** This mandate should be retained as no other alternative approaches have been identified.



Retain



Alter



Eliminate

2. *Justification:*

I. Agency Contact Regarding Assessment:

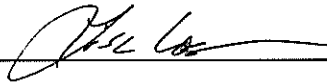
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and Government Relations

2. Address/Telephone:

Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218  
(804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE179

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: VDOE*

*Date of Submission: 5/31/2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Availability of In-person and Virtual Learning to All Students**

**B. Specific Provisions of Mandate:** Each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. For the purposes of this act, each school board shall (i) adopt, implement, and, when appropriate, update specific parameters for the provision of in-person instruction and (ii) provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. If a local school board determines, in collaboration with the local health department and in strict adherence to "Step 2: Determine the Level of School Impact" in the Department of Health's Interim Guidance to K-12 School Reopening or any similar provision in any successor guidance document published by the Department of Health, that the transmission of COVID-19 within a school building is at a high level, the local school board may provide fully remote virtual instruction or a combination of in-person instruction and remote virtual instruction to the at-risk groups of students indicated as the result of such collaboration or, if needed, the whole student population in the school building, but in each instance only for as long as it is necessary to address and ameliorate the level of transmission of COVID-19 in the school building. Any local school board may, for any period during which the Governor's declaration of a state of emergency due to the COVID-19 pandemic is in effect, provide fully remote virtual instruction to any enrolled student upon the request of such student's parent, guardian, or legal custodian. Any local school board may permit any teacher who is

required to isolate as the result of a COVID-19 infection and any teacher who is required to quarantine as the result of exposure to another individual with a COVID-19 infection to teach from a remote location and in a fully virtual manner for the duration of such period of isolation or quarantine, consistent with the mitigation strategies as set forth in § 2 of this act. Any teacher or other school staff member who is permitted to perform any job function from a remote location or in a fully virtual manner as a reasonable accommodation pursuant to Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12111 et seq.) shall be permitted to continue to perform any such job function in such a manner. All teachers and school staff shall be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The provisions of these requirements shall expire on August 1, 2022.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) Federal Statute

b) Federal Regulation

c) State Statute:

d) State Regulation:

e) Other:

Chapter 456, 2021 Special Session I Acts of Assembly

2. *Extension of Federal Mandates by State Authority: N/A*

**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent’s newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** Each of Virginia’s 131 local school districts.

2. *Funding of Mandate:*

a) Funding Formula: SOQ funding formula provides the state share of funding for required instructional positions established in Standard 2 of the SOQ, and the appropriation act to support the availability of in-person instruction for K-12 students in public schools. \$5.2M is provided to support the Virtual Va. online, virtual instructional program for both per course and full-time programs based on the capacity of student seats in the program. Divisions may purchase additional Virtual Va. student slots with

local funds or operate their own virtual course programs for students or purchase from other division programs around the state or commercial offerings.

- b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.
- c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** The purpose of this mandate was to address instruction during the COVID-19 pandemic. This mandate allowed local school divisions to provide fully remote virtual instruction to any enrolled students upon the request of the parents, guardians, or legal custodian.
- 2. **Description of Essentiality to the Public Safety:** This mandate was administered during the COVID-19 pandemic and therefore was essential to the public safety in order to mitigate transmission of the virus.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** None identified that could achieve the same purpose.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches:  
N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A



**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain

Alter

Eliminate

2. **Justification:** Pursuant to the 3rd enactment clause of Chapter 456 of 2021 Special Session 1 of the General Assembly, the provisions of this act expired on August 1, 2022.

**I. Agency Contact Regarding Assessment:**

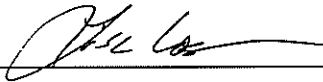
1. Name/Title:

Melissa Velazquez, Asst. Supt., Policy and Government Relations

2. Address/Telephone:

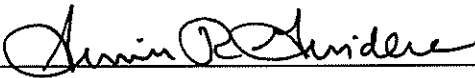
Virginia Department of Education, P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



---

(Signature of Agency Head)



---

(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE180

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: Virginia Department of Education

Date of Submission: 5/31/2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: Seizure Management and Action Plans

B. Specific Provisions of Mandate: Each local school division shall require all school nurses employed by the division to complete, on a biennial basis, a Board of Education-approved online course of instruction for school nurses regarding treating students with seizures and seizure disorders that includes information about seizure recognition and related first aid. Approved training programs shall be fully consistent with training programs and guidelines developed by the Epilepsy Foundation of America and any successor organization. Each local school division shall require all employees whose duties include regular contact with students to complete, on a biennial basis, a Board of Education-approved online course of instruction for school employees regarding treating students with seizures and seizure disorders that includes information about seizure recognition and related first aid. Approved training programs shall be fully consistent with training programs and guidelines developed by the Epilepsy Foundation of America and any successor organization.

C. Source/Authority:

1. Specify Each Applicable

a) Federal Statute

b) Federal Regulation

c) State Statute:

d) State Regulation:

e) Other:

Table with 4 rows and 1 column. The second row contains the text '§§ 22.1--274.6'.

2. *Extension of Federal Mandates by State Authority: N/A*

D. **Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

E. *Fiscal Impact of Mandate on Localities:*

1. **Localities Affected:** Each of Virginia's 131 local school districts.

2. *Funding of Mandate:*

a) **Funding Formula:** Divisions may use support funding provided in the SOQ funding formula in the Student Services area to help offset such training costs.

b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

F. *Effectiveness of Mandate in Accomplishing Purpose:*

1. **General Purpose of Mandate:** The purpose of this mandate is to ensure that school nurses are adequately trained on treating students with seizures and seizure disorder and related information about seizure recognition and related first aid.

2. **Description of Essentiality to the Public Safety:** This is essential to public safety as school nurses need to be adequately trained in order to handle these situations to ensure the safety of the student.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

**2. Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

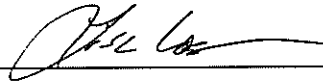
**1. Name/Title:**

Melissa Velazquez, Asst. Superintendent, Policy and Government Relations

**2. Address/Telephone:**

Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218  
(804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE181

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 31, 2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: COVID-19 Mitigation Plan on School Board Website

B. Specific Provisions of Mandate: Each school board shall post in a publicly accessible and conspicuous location on its website the plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus, consistent with the Centers for Disease Control and Prevention and Virginia Department of Health mitigation recommendations, that the school board is required to submit to the Department of Education before reopening schools in accordance with Phase II and III guidelines pursuant to the June 8, 2020, order of the State Health Commissioner.

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows and 1 column. Row 3 contains the text: Chapter 9, 2020 Special Session I Acts of Assembly

2. Extension of Federal Mandates by State Authority: N/A

D. Method by Which Agency Oversees Implementation of Mandate: The Virginia Department of Education informs local divisions of statutory requirements through

Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

a) **Funding Formula:** Divisions may use support funding provided in the SOQ funding formula in the Student Services area or federal ESSER pandemic funds to help offset any costs related to this requirement.

b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:** The purpose of this mandate is to ensure that each school board has available on its website their plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus.

**2. Description of Essentiality to the Public Safety:** This is essential to public safety as providing the plan outlining strategies for mitigating the spread of the contagious virus would help in preventing its spread within and outside of the school which would help in keep the public safe.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



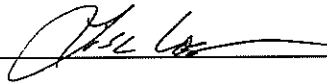
2. **Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez, Asst. Supt., Policy and Government Relations

2. Address/Telephone: Virginia Department of Education, P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secret)

Mandate Number:

SOE.DOE175

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: Self-Assessment and Action Planning for Inclusive Practices

B. Specific Provisions of Mandate: Each local school division shall complete a self-assessment and action planning instrument addressing inclusion practices, as developed by the Department, once every three years and report the results of the assessment and plans for improvement to the Department, the division’s superintendent, the division’s special education director, and the chairs of the local school board and local special education advisor committee.

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows for source/authority information. Row 3 contains 'Code of Virginia §§ 22.1-215.'

2. Extension of Federal Mandates by State Authority: This is mandated solely from state statutes.

D. Method by Which Agency Oversees Implementation of Mandate:

The Virginia Department of Education (VDOE) provided guidance to LEAs via Superintendent’s



Memos #s:

- 207-21, August 6, 2021 (overview/implementation of legislative requirements; training resources to complete a self-assessment for quality indicators of inclusive schools; follow- up professional development/training and resources); and

- 284-22, (December 16, 2022) Virginia Inclusive Action Plan Executive Summary reporting requirements/data collection)

Further follow-up/reminders were provided during VDOE’s Department of Special Populations Council Meetings and meetings that invited local division directors of special education to participate. The Department of Special Populations plans to provide local school divisions with feedback on components of the Executive Summary during late fall/early winter during the 2023-2024 school year. School divisions will also be required to report information associated with this initiative as part of their participation in required cyclical federal program monitoring.

1. **Fiscal Impact of Mandate on Localities:** Local school divisions have not indicated any fiscal impact associated with this legislation. The VDOE has not queried localities on the fiscal impact.

2. **Localities Affected:** This mandate affects each of Virginia’s 131 local school divisions.

3. *Funding of Mandate:*

a) **Funding Formula:** These programs have no specific state funding as local school divisions are responsible for the implementation of such programs, and specific allocations is dependent on a locality’s need for funding which varies based on the amount of work necessary.

b) **Funding of Mandate:** It is unclear how much implementation may cost at the local level. Costs would vary based on size of division, expertise on staff, need for consultant support, etc.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

E. Effectiveness of Mandate in Accomplishing Purpose:

1. **General Purpose of Mandate:**

The general purpose of this mandate is to improve outcomes for students with disabilities by meeting their needs to the maximum extent possible in general education settings.

2. *Description of Essentiality to the Public Safety:*

This mandate will aid in building inclusive schools and opportunities for students with disabilities to be educated to the extent possible in general education settings.

F. Alternative Approaches to Achieving Purpose of Mandate:

N/A

1. *Identification of Alternative Approaches:*

None identified that could achieve the same purpose.

2. *Fiscal Impact of Alternative Approaches:*

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches:

N/A

c) Explanation of Estimation Methodologies:

N/A

G. Agency Recommendation:

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate'.)



Retain



Alter



Eliminate

2. **Justification:**

The Agency proposes to retain this mandate in order to improve educational outcomes for students with disabilities by engaging schools in self-assessment and implementation practices that align with the *Individuals with Disabilities Education Act* (least restrictive education environments, individualized education programs, etc.).

H. Agency Contact Regarding Assessment:

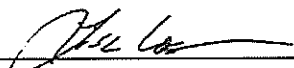
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

Approval of Assessment:

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE176

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

- A. **Short Title of Mandate:** Student Achievement and Graduation Requirements
- B. **Specific Provisions of Mandate:** Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student’s annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Source/Authority:

1. **Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-253.13:4.

2. *Extension of Federal Mandates by State Authority: N/A*

D. **Method by Which Agency Oversees Implementation of Mandate:**

Each local school board is responsible to comply with *Code of Virginia § 22.1-253.13:4*. Standard 4. Student achievement and graduation requirements, which includes the provisions that requires communication with parents on the limitations of the Applied Studies Diploma. The Code requires the Virginia Department of Education (VDOE) to develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

The VDOE released Superintendent’s Memo #147-21 on June 4, 2021 to announce the release of resources associated with this requirement. The VDOE houses the required information on agency’s website.

The [Applied Studies Curriculum Map](#) (PDF) consists of a [Guide](#) (Word), and six domains that outline skills and competencies that IEP teams can use to identify the need for additional instruction to assist students in meeting their postsecondary goals. It provides a guide that teachers, students, families, and other team members can use to identify skills that will have a direct impact on the student achieving their postsecondary goals. On the [Special Education for Families Webpage](#), there are multiple resources to inform parents of the mandate, including the [Critical Decision Points](#) document and the [Understanding the Applied Studies Diploma](#) brochure.

**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

- a) Funding Formula: This mandate does not have specific state funding as local school divisions are responsible for the implementation of such programs, and specific allocation is dependent on a localities' need for funding which varies based on the amount of work necessary.
- b) Funding of Mandate: It is unclear how much implementation may cost at the local level. Costs would vary based on size of division, expertise on staff, need for consultant support, etc.
- c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:**

An Applied Studies Diploma is not equivalent to a Standard Diploma, and it may not qualify a child for post-secondary opportunities for which a regular high school diploma is required, such as higher education, financial aid, and some employment opportunities. It is critical that parents understand early in their child's education that agreeing to modifications of a child's curriculum means that their child will not be receiving the same instructional content as his peers. This means that the child will not be adequately prepared to take standardized assessments (such as SOL assessments) that lead to verified credits. Without these verified credits, the child will be unable to earn either a Standard or an Advanced Studies Diploma.

**2. Description of Essentiality to the Public Safety:**

Parents make decisions regarding their child's education early in life. The Applied Studies Diploma may not qualify a child for post-secondary opportunities in the same way that a Standard or Advanced Studies Diploma will. All parties being well informed regarding diploma options and their results for students with disabilities may lead to better outcomes for students and the community at large.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:** N/A

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or

'Eliminate.')



Retain



Alter



Eliminate

**2. Justification:**

Children with disabilities have access to three different diploma options (Advanced Studies, Standard, and Applied Studies Diplomas). The diploma that the child will work toward is determined by the student's Individualized Education Program (IEP) team. Current Code language requires this information be made available to families as identified above.

*I. Agency Contact Regarding Assessment:*

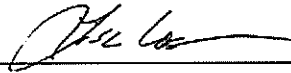
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

*Approval of Assessment:*



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE177

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Carbon Monoxide Detectors Required**

**B. Specific Provisions of Mandate:** Each public school building that was built before 2015 and that houses any classrooms for students shall be equipped with at least one carbon monoxide detector. Each building that was built before 2015 and that houses a child day program that is licensed pursuant to Chapter 165 or any program described in subdivision A 4, B 1, or B 5 of §§22.1-289.030 that serves preschool-age children shall be equipped with at least one carbon monoxide detector. Each building that was built before 2015 and that houses a child day program that is licensed pursuant to Chapter 165 or any program prescribed in subdivision A 4, B 1, or B 5 of §§63.2-1715 that serves preschool-age children shall be equipped with at least one carbon monoxide detector.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§22.1-138.2, §§22.1-289.058, Chapter 165, 2021 Special Session 1 Acts of Assembly, and §§63.2-1705.2

**2. Extension of Federal Mandates by State Authority: N/A**

**Method by Which Agency Oversees Implementation of Mandate:** VDOE ensures that local school divisions are made aware of the requirements related to the requirements of carbon monoxide detectors. Information on these requirements was disseminated by Superintendent's memo, agency newsletters and is included in VDOE's Guidelines for School Facilities In Virginia's Public Schools.



**A. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

- a) Funding Formula: Costs associated with the installation of carbon monoxide detectors would be locally funded by school divisions using their state Basic Aid per pupil funding, which includes operations and maintenance support.
- b) Funding of Mandate: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.
- c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**B. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. General Purpose of Mandate:** The purpose of this mandate is to ensure that every classroom is equipped with a carbon monoxide detector to prevent harmful gasleaks.
- 2. Description of Essentiality to the Public Safety:** This mandate is essential to public safety as it will ensure that carbon monoxide leaks are not present in school buildings.

**C. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.
- 2. Fiscal Impact of Alternative Approaches:**
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches:  
N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**D. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

This mandate should be retained as no other alternative approaches have been identified.

**E. Agency Contact Regarding Assessment:**

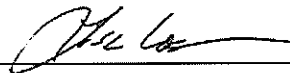
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE178

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**Short Title of Mandate:** Participation in the federal At-Risk Afterschool Meal component of the Child and Adult Care Food Program

**A. Specific Provisions of Mandate:** Effective July 1, 2022, each school board that governs a local school division that contains any public elementary or secondary school that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Program shall apply to the Department to participate in the Program for each such eligible school pursuant to FNS guidelines and state health and safety standards.

**B. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-207.4:2

**2. Extension of Federal Mandates by State Authority:** This is mandated solely from state statutes.

**Method by Which Agency Oversees Implementation of Mandate:** Eligible schools in local education agencies (LEAs) are required to participate in the federal At-Risk Afterschool Meal component of the Child and Adult Care Food Program (CACFP). Eligible schools are those with 50 percent or more of enrolled students qualifying for free or reduced-price meals in the National School Lunch Program and that also offer regularly scheduled afterschool enrichment or academic activities.

LEAs who are not eligible to participate in the CACFP must submit a *Certification of Ineligibility to Participate in the Child and Adult Care Food Program* form to the VDOE Office of School Nutrition Programs (VDOE-SNP). The certification form must be signed by the division superintendent.

The certification form and submission instructions, along with additional information about the CACFP participation requirement, can be found in SNP Memo 2023-2024-17 on the [VDOE-SNP website](#).

**C. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

a) Funding Formula: Meals served in the At-Risk component of the Child and Adult Care Food Program are reimbursed at the federal rate and is effectively cost-neutral for the implementation of the mandate at the local school level.

b) Funding of Mandate: It is unclear how much implementation may cost at the local level. Costs vary based on local food, labor, and supply costs.

c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**D. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:** The purpose of this mandate is to ensure that divisions who have at least 50% of their student population participating in free or reduced-meals programs and offer an afterschool education or enrichment program participate in the At-Risk Afterschool Meals portion of the Child and Adult Care Food Program in order to serve federally reimbursable meals.

**2. Description of Essentiality to the Public Safety:** This mandate is for the protection of public safety as it will ensure that all students have access to meals in order to function effectively and excel in school.

**E. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

- b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
- c) Explanation of Estimation Methodologies: N/A

**F. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

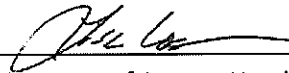
2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

This mandate ensures that divisions with at least 50% of their student population participating in free or reduced-meal programs and offer afterschool education and enrichment programs participate in the At-Risk Afterschool Meals portion of the Child and Adult Care Food Program in order to serve federally reimbursable meals.

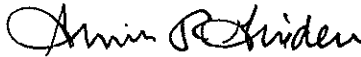
**G. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez, Asst. Superintendent, Policy and
2. Address/Telephone: Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Conservation and Recreation

Date: June 30, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate [instruction sheet](#) for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

**A. Short Title of Mandate:** Dam Safety, Flood Prevention and Protection Assistance Fund

**B. Specific Provisions of Mandate:**

Local governments receiving money from the Dam Safety Flood Prevention and Protection Assistance Fund to develop and implement flood prevention or protection projects or studies or to design, repair, and modify dams identified in safety reports must comply with grant or loan requirements. Under certain circumstances, local governments must remit to the Fund any payments contributed by developers or subdividers of lands within dam break inundation zones for their portion of the spillway upgrades required. The fund is managed by the Virginia Resources Authority on behalf of the Department of Conservation and Recreation. All grants are reimbursements and require a 50 percent match. Grants are awarded through a competitive application process, and awards must be approved by the Virginia Soil and Water Conservation Board.

**1. Source/Authority; Specify Each Applicable**

- a) Federal Statute: N/A
- b) Federal Regulation: N/A
- c) State Statute: Code of Virginia §§10.1-603.18 et seq., 15.2-2243.1
- d) State Regulation: N/A
- e) Other: N/A

**2. Extension of Federal Mandates by State Authority:** N/A

**C. Method by Which Agency Oversees Implementation of Mandate:**

To receive grants or loans from the Fund, a local government must agree to the terms of a grant or loan established in an executed grant agreement.

**D. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** All local governments that voluntarily apply for and receive grants or loans from the Fund are affected.
2. **Funding of Mandate:**
  - a) **Funding Formula:** Monies provided to the Fund vary significantly from year to year, as does the amount of funding available for grants or loans. Total annual grant funds available to local governments and other entities is 50% of the previous year's contribution to the Fund. In 2021, \$726,039 in grant funding was awarded; in 2022, \$1.6 million in grant funding was awarded. In 2023, \$498,061 in state funding was awarded and \$2,367,480 in federal funding received from the American Rescue Plan Act of 2021 was also awarded. The criteria for scoring grant applications is established in the Fund's grant manual.
  - b) **Funding of Mandate:** In 2021, 7 local governments were awarded grants from the Fund; in 2022, 1 local government was awarded funds. One local government was awarded funds in 2023, but the local government chose not to accept the grant. Requests for information related to the annual costs of complying with the grant agreements were sent to the following local governments: Botetourt Economic Development Authority, Buckingham County, Henrico County, Stafford County, the City of Portsmouth, and the Town of Wise. Only Buckingham County responded to the request; the County determined that there was less than \$5,000 in net additional expenditures related for this grant.
  - c) **Explanation of Estimation Methodology:** Local governments may apply for and be awarded several grants within one grant year. Different engineering services (such as an inspection or a dam break inundation zone) must be submitted as separate applications; the funding requests associated with these separate applications vary significantly. Over the last several years, grant awards to local governments have ranged from approximately \$1,000 to nearly \$16,000.

**E. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Local governments have primarily utilized this Fund for grants to assist with the costs of engineering services needed to ensure dams owned or maintained by the local government comply with Virginia law and regulations. These services include the determination of the hazard potential classification, the development of a dam break inundation zone map, conducting an incremental damage analysis, the development of an emergency action plan, or conducting a professional inspection of a dam. There have been several limited flood prevention and protection studies and projects that have been funded; however, with the establishment of the Virginia Community Preparedness Fund (10.1-603.24 et seq. of the Code of Virginia), the Dam Safety, Flood Prevention and Protection Assistance Fund has focused primarily on providing assistance for dam owners.
2. **Description of Essentiality to the Public Safety:** This mandate is essential for public safety and assists local governments with engineering studies and repair and rehabilitation projects to

reduce the risks associated with owning and maintaining a dam. Ensuring compliance with Virginia's Dam Safety Act and regulations enhances public safety and protects downstream property.

**F. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** No viable alternatives exist as the Fund provides direct support to local governments with grants and loans. Local governments are not required to participate. Fiscal Impact of Alternative Approaches:
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**G. Agency Recommendation:**

1. **Determination by Agency:** Retain
2. **Justification:** This mandate should not be eliminated as it provides funds to assist local governments through grants and loans for necessary engineering studies and dam repair and rehabilitation projects, enhancing public safety and protecting downstream property. Participation in the program itself is optional.

**H. Agency Contact Regarding Assessment:**

1. Name/Title: Lisa McGee/Director of Policy, Planning, and Legislative Affairs
2. Address/Telephone: 600 East Main Street, 24th floor; Richmond, Virginia 23219/804.786.4378

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)





Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Conservation and Recreation

Date: June 30, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate [instruction sheet](#) for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

**A. Short Title of Mandate:** Outdoor Recreation Legacy Partnership

**B. Specific Provisions of Mandate:**

The Outdoor Recreation Legacy Partnership Program (ORLP), a competitive grant program administered under the authority of the federal Land and Water Conservation Fund (LWCF) Act, is a 50%-50% matching reimbursement program established to provide new or significantly improve recreation opportunities for economically disadvantaged communities in densely populated urban areas that are under-served in terms of parks and other outdoor recreation resources.

**1. Source/Authority; Specify Each Applicable**

- a) Federal Statute: Land and Water Conservation Fund (LWCF) Act, as amended (P.L. 88-578, codified at 54 U.S.C. 2003 et. seq.); Consolidated Appropriations Act, 2014 (P.L. 113-76) and accompanying Explanatory Statement; The Great American Outdoors Act, P.L. 116-152; Consolidated Appropriations Act, 2023, P.L. 117-328.
- b) Federal Regulation: Assistance Listing (formerly CFDA) Number: 15.916 Federal Regulations: 2 C.F.R. § 200, 2 C.F.R. § 1402, 36 CFR 59.
- c) State Statute: N/A
- d) State Regulation: N/A
- e) Other: N/A

**2. Extension of Federal Mandates by State Authority: N/A**

**C. Method by Which Agency Oversees Implementation of Mandate:** DCR maintains terms of agreement of the Notice of Award from the National Park Service via a grant sub-agreement with awarded grant sponsors.

**D. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** The park project must be located within an incorporated city or town with a population of at least 30,000 people. Based on the 2020 census, qualifying cities and towns in Virginia are the cities of Blacksburg, Charlottesville, Chesapeake, Danville, Hampton, Harrisonburg, Lynchburg, Manassas, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Suffolk, and Virginia Beach; and Blacksburg and Leesburg towns.
2. **Funding of Mandate:**
  - a) **Funding Formula:** The Department of Interior (DOI) National Park Service (NPS) annually announces the Outdoor Recreation Legacy Program (ORLP) funding amount and specifics of eligible projects. The funding does not count against State apportionment funds – the funds are available to all eligible state governments to then solicit applications. Applications are then submitted to NPS for selection and authorization. *Federal Fiscal Year 2023 made available total funding of \$224,145,000 for project awards with a minimum amount of \$300,000 and maximum award of \$15,000,000.*
  - b) **Funding of Mandate:** In 2024, 1 ORLP grant was awarded for the City of Norfolk St. Paul’s Blue Greenway Development project in the amount of \$10 million Federal LWCF funds. ORLP is similar in financial regulations as LWCF – it is a 50/50 match reimbursement program.
  - c) **Explanation of Estimation Methodology:** No funds are guaranteed until project is selected and also authorized by the National Park Service.

**E. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Local governments have applied for this program for specific park projects in urbanized areas. The ORLP funds do not affect the State’s Land & Water Conservation Fund apportionment, rather it accesses funds available nationally. It is beneficial to remain able to apply for these opportunities as they arise for the underserved populations.
2. **Description of Essentiality to the Public Safety:** This mandate assists local governments with preparing park and recreation opportunities in urban areas that may have prior high rates of safety issues.

**F. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** No viable alternatives exist as the Fund provides direct support to local governments with grants. Local governments are not required to participate. Fiscal Impact of Alternative Approaches:
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**G. Agency Recommendation:**

1. **Determination by Agency:** Retain

2. **Justification:** This mandate should not be eliminated as it provides funds to assist local governments through grants and loans for necessary engineering studies and dam repair and rehabilitation projects, enhancing public safety and protecting downstream property. Participation in the program itself is optional.

**H. Agency Contact Regarding Assessment:**

1. Name/Title: Lisa McGee/Director of Policy, Planning, and Legislative Affairs
2. Address/Telephone: 600 East Main Street, 24th floor; Richmond, Virginia 23219/804.786.4378

**Approval of Assessment:**



\_\_\_\_\_  
(Signature of Agency Head)



\_\_\_\_\_  
(Signature of Cabinet Secretary)



**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Polling Places and Registration Facilities

**B. Specific Provisions of Mandate:**

Localities must provide adequate funds for voter registration and polling place facilities meeting federal and state accessibility standards for persons with disabilities. Facilities must include adequate signage for accessible entrances.

Localities must adopt ordinances designating precincts. The governing body must establish a central absentee precinct by ordinance and must adopt ordinances establishing new precincts when required by law and decennially based on the census. New precincts are required when a presidential election produces a turnout exceeding 4,000 voters at a precinct; precincts cannot exceed 5,000 registered voters.

If a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts used for the election of one or more members of the governing body or school board for the county or city, they must submit a waiver for a split precinct to the State Board of Elections. A new split precinct waiver is required each year the split remains. Localities are responsible for advertising and notifying voters when creating or changing precincts.

Any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice and must undergo preclearance. Central absentee voter precincts and voter satellite offices of the general registrars that are used as the designated location for early voting are also considered "polling places" and must undergo preclearance.

Localities must post the locations of early voting satellite locations and absentee ballot drop-off locations on the local website not later than 55 days prior to the election. General registrars must provide absentee ballot drop-off locations at the office of the general registrar during the absentee voting period and at each polling place location on Election Day.



**C. Source/Authority:**

**1. Specify Each Applicable:**

**a) Federal Statute:**

§ 52 USC 2101 et seq., § 42 USC 12132

**b) Federal Regulation:**

Not Applicable

**c) State Statute:**

§§ 24.2-129, 24.2-304.1 through 24.2-304.4, 24.2-305 through 24.2-310, 24.2-413, 24.2-604.1, 24.2-626.1, 24.2-627, 24.2-707.1, 24.2-712, 51.5-1, 51.5-43

**d) State Regulation:**

Not Applicable

**e) Other:**

Va. Const. Art. II, § 3, Art. VII, § 5; Virginia Office of Attorney General Opinion 21-040

**2. Extension of Federal Mandates by State Authority:**

Pursuant to §24.2-129, any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice and must undergo preclearance.

Pursuant to §24.2-604, and Virginia Office of Attorney General Opinion 21-040, firearms are prohibited within 40 feet of any polling place including early voting locations.

§24.2-304.1 through §24.2-304.6 outline the requirements and responsibilities of the local governing body regarding the reapportionment of local election districts.

§24.2-305 through §24.2-310.1 outline the requirements and responsibilities of local governing bodies regarding precincts and polling places. Pursuant to §24.2-307, local governing bodies are required to establish as many precincts as needed, keeping in mind the minimums and maximums set by the same statute. This same statute requires the local governing bodies to seek approval of split precincts when a split in a precinct occurs that cannot be otherwise healed. Pursuant to §24.2-310, which sets out the specific requirements for polling places, local governing bodies are required to provide the funds to enable the general registrar to provide adequate facilities including the accessibility of those facilities regarding voters with disabilities.

Pursuant to §24.2-411, the local governing body is to provide for and furnish an office of the general registrar, which serves as the principal office for voter registration. Further, in §24.2-413, these offices and other locations established for voter registration are to be made accessible to persons with disabilities.

Pursuant to §24.2-604.1, localities are to provide signs for special accessible entrances to polling places, notifying voters with disabilities where they may enter the polling place if the main entrance is inaccessible to them.

Pursuant to §24.2-707.1, the general registrar of each locality must establish an absentee ballot drop-off location at their office as well as any voter satellite offices. Further, a drop-off location must be available at every polling place on Election Day.

Pursuant to §24.2-712, the local governing body is to establish at least one central absentee precinct to process absentee ballots.

Pursuant to §51.5-43, "No person with a disability who is otherwise entitled to vote under

the provisions of §24.2-400 and who is not disqualified from voting under the provisions of §24.2-101 shall be denied the opportunity to register or vote in this Commonwealth because of such disability.” Thus, local governing bodies must make efforts to ensure that their polling places and registration facilities are compliant with the ADA and VDA to ensure voters with disabilities have access to these crucial facilities.

Pursuant to Opinion 21-040 of the Virginia Office of the Attorney General, the requirements for polling places such as accessibility, preclearance, and firearm prohibitions not only apply to designated polling places on Election Day but also to central absentee precincts, voter satellite offices, and offices of general registrars.

Virginia Constitution Article II Section 3 requires the secrecy of the ballot be maintained and that, “voting shall be by ballot or by machines for receiving, recording, and counting of ballots.” Virginia Constitution Article VII Section 5 states, “If the members [of the local governing body] are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law.”

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents and, occasionally, official advisories to instruct and remind general registrars and local Electoral Boards regarding their statutory obligations and how to meet those obligations regarding polling places and registration facilities.

If a local governing body seeks a Certificate of No Objection pursuant to §24.2-129, the Office of the Attorney General reviews the documents submitted and ensures that the local governing body is in compliance with §24.2-129. Alternatively, the governing body may provide for a public comment period and public hearing on the matter pursuant to §24.2-129.

ELECT provides a review of polling place change requests before changing the polling place in VERIS and generating voter notices in VERIS.

ELECT provides a review of split precinct waivers and presents them to the State Board of Elections. The State Board of Elections is required to give the final decision on split precinct waivers submitted by localities.

Annually, local Electoral Boards must certify to ELECT that they have inspected their polling places using an approved accessibility checklist and have found that their polling places meet the standards set by the ADA and VDA.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** All Localities in the Commonwealth
2. **Funding of Mandate:**



**a) Funding Formula: 100% Local Funding**

**b) Funding of Mandate:** Officers of election are paid at least \$75 for each full day's work, pursuant to §24.2-116. Localities may choose to pay their officers of election above the minimum and pay chief officers of election and assistant chiefs more than a regular officer of election. For example, Virginia Beach, with over a hundred precincts, pays \$365 for chiefs, \$315 for assistant chiefs, and \$265 for regular officers of election. Montgomery County has 30 precincts and has 196 officers of election. Chief of officers of election are paid \$355, assistant chiefs are paid \$330, and regular officers of election are paid \$250. King William County spends \$5,403 for all 33 of its officers of election; King William County has six precincts.

Pursuant to §24.2-115, localities are required to have a minimum of three officers of election per polling place; however, a precinct having more than 4,000 registered voters shall have at least five officers of election serving for a presidential election. Electoral Boards may also choose to have more officers of election above the statutory minimum. ELECT has stated that 20,000 officers of election will be necessary for the 2024 election cycle; at a minimum, that is \$1.5 million in compensation expenses for localities.

Pursuant to §24.2-707.1, drop-off locations are required at the office of the general registrar, at voter satellite offices during early voting, and at each polling place on Election Day; ELECT is required to provide standards for these locations under the same statute. Montgomery County spent \$225 for each of its drop-off boxes. Virginia Beach City spent \$26,000 for all of its drop-off boxes.

**c) Explanation -of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. The state statutes give the financial responsibility to establish and maintain polling places and registration facilities to the localities and their local governing bodies. Neither the State Board of Elections nor ELECT are mandated to provide funding for the establishment and maintenance of polling places or registration facilities. Research was conducted via the Code of Virginia and the General Registrar and Electoral Board Handbook.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** This mandate outlines the basic requirements for the establishment and maintenance of polling places and registration facilities.
2. **Description of Essentiality to the Public Safety:** Having polling places and registration facilities is essential to hosting elections and to the proper functioning of a democracy. Providing the required elements to establish and maintain polling places and registration facilities is not only important for local governments to know in order to be compliant but also it is statutorily required that ELECT provide such guidance and

oversight for this subject matter.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
  - c) **Explanation of Estimation Methodologies:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.

**H. Agency Recommendation:**

1. **Determination by Agency:**



Retain



Alter



Eliminate

2. **Justification:** The mandate contains only federal and state statutory requirements. Thus, the mandate must remain in order to reflect these requirements.

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St, First Floor, Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Electoral Board, Registrar, and Officers of Election

**B. Specific Provisions of Mandate:**

Counties and cities are required to have an electoral board to manage elections, a general registrar to administer voter registration and elections, and officers of election to administer voting at polling places.

Officers of election must receive training at least once during the appointed term or whenever there is a change to election procedures that alters the duties or conduct of officers of election.

The general registrar must complete a certification program through the Department of Elections. Each member of an electoral board must attend an annual training program provided by the State Board of Elections in the first year of their appointment and the first year of any subsequent reappointment. Duties for both the general registrar and the local electoral board are found in Chapter 1 of Title 24.2.

General registrars must mail notices required by federal and state laws, enter applications to register and vote absentee, administer absentee voting including absentee voter satellite offices and drop-off locations, and maintain accurate records using a federally mandated centralized computer database, the Virginia Election and Registration Information System (VERIS). Absentee ballot return envelopes must have postage prepaid and provided by the general registrar.

Localities are responsible for the costs of conducting all general and special elections except presidential primaries reimbursed by the Commonwealth. Costs include postage and international email capacity.

City and county electoral boards are responsible for developing and annually updating written plans and procedures relevant to the security of VERIS. Failure to comply with security standards as set by the State Board of Elections may result in a city or county's limited access to VERIS.

Localities are also responsible for the costs of certain post-election activities, such as providing voter credit to the Department of Elections, and other post-election proceedings (recounts, contests, audits).

Localities must provide all election materials in the prescribed minority language, if more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision, who are members of a single language minority group, have depressed literacy rates, and do not speak English very well. If designated by the State Board of Elections as a covered locality, the locality must provide all voting and election materials in the identified minority language.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) Federal Statute:

Voting Rights Act of 1965, 52 USC 10101 et seq; National Voter Registration Act, 52 USC § 20501 et seq.; Help America Vote Act of 2002, 52 USC 20901 et seq.; Voting Accessibility for Elderly and Handicapped Act. 52 USC § 20101 et seq; Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 USC 20107 et seq.

b) Federal Regulation:

Election Assistance Commission Advisory 2007-001 (all Fed.)

c) State Statute:

§§ 24.2-101, 24.2-103, 24.2-106, 24.2-601.01, 24.2-107, 24.2-110 through 24.2-116, 24.2-226, 24.2-228.1, 24.2-310, 24.2-311, 24.2-313, 24.2-404.1, 24.2-411, 24.2-414, 24.2-414.1, 24.2-416.1 through 24.2-416.5, 24.2-417.1, 24.2-428, 24.2-428.1, 24.2-428.2, 24.2-444, 24.2-518, 24.2-545, 24.2-600, 24.2-612, 24.2-623, 24.2-671.2, 24.2-706, 24.2-710, 24.2-802, 24.2-811, 24.2-946.2;

d) State Regulation:

Not Applicable

e) Other:

Va. Const. Art. I, §§ 5 and 6; Art. II, §§ 2, 3, 8; Art. VII, §§ 4, 5

**2. Extension of Federal Mandates by State Authority:**

Pursuant to Va. Const. Art. II §8, each city and county is required to have an electoral board made up of three members. The electoral board is required to appoint the officers of election and general registrar for that locality. Pursuant to §24.2-122, electoral board members, the general registrar, and any deputy registrar are considered employees of the locality they serve; officers of election may be considered independent contractors.

§24.2-106-109.1 outlines the duties, responsibilities, and compensation of the local electoral board. §24.2-110-114 outlines the duties, responsibilities, and compensation of the general registrar. §24.2-115-118.1 outlines the duties, responsibilities, and compensation of officers of election.

Pursuant to §24.2-704, upon receipt of an application from an applicant who indicated that they will require assistance due to a visual impairment or print disability, the general registrar must offer to provide the applicant a ballot marking tool with screen reader assistive technology. If electronic correspondence is used to forward absentee voting materials, the general registrar must use the official email address or fax number that is published on the Department of Elections website.

Pursuant to the Virginia Freedom of Information Act as well as statutes within Chapter 24.2 of the Code of Virginia, local election officials must provide nonexempt information

when requested by the public.

Pursuant to §24.2-600, costs of elections are paid by the locality; however, §24.2-545(F) states that presidential primaries will be paid by the Commonwealth. General registrars and electoral boards provide the costs of the presidential primary to ELECT for reimbursement.

§24.2-671-680 discusses the responsibilities of local election officials during the post-election period, including the canvass process, risk-limiting audits, and certification of the election results.

§24.2-410.2 requires city and county electoral boards to develop and annually update written plans and procedures relevant to the security of VERIS. Failure to comply with security standards as set by the State Board of Elections may result in a city or county's limited access to VERIS. If limited access occurs, the city or county will have seven days to correct any deficiencies.

Pursuant to §24.2-304.3, localities are responsible for implementing redistricting changes to local, state, and congressional districts and providing GIS maps to the Department of Elections when changes are made.

Pursuant to §24.2-802.3, counties and cities must pay for a recount when (i) the candidate petitioning for the recount is declared the winner, (ii) the petitioners in a recount of a referendum win the recount, or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount.

Pursuant to §24.2-811, counties and cities are responsible for the cost of a contest if the contesting candidate is successful in their contest.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents, forms, training, and policies to assist general registrars and electoral boards with meeting their statutory responsibilities.

ELECT hosts the Virginia Electronic Registration Information System (VERIS) for general registrars to use in the review of voter registration applications.

ELECT reviews the submitted abstracts of results before they are provided to the State Board of Elections. If there are any discrepancies, ELECT staff provides feedback to the locality and works with the locality to resolve the issue.

ELECT staff provides a review of risk-limiting audit requests from localities. If the request meets all statutory and regulatory requirements, then it is presented to the State Board of Elections. ELECT staff provides administrative and technical assistance to localities who perform risk-limiting audits.

ELECT staff provides review and feedback on local security plans submitted pursuant to §24.2-410.2.



**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** All Localities Affected.

**2. Funding of Mandate:**

a) **Funding Formula:** Pursuant to §24.2-600, localities are responsible for the costs of conducting an election. ELECT provides reimbursement for presidential primaries, pursuant to §24.2-545(F). Generally, ELECT reimburses the salaries of general registrars on an annual basis, excluding any supplements paid by the local governing body.

b) **Funding of Mandate:** Pursuant to §24.2-122, general registrars and electoral board members are employees of the locality; local governing bodies may designate officers of election as employees or independent contractors. Pursuant to §24.2-108 and §24.2-111, salaries for general registrars and electoral board members are set each year by the General Assembly via the state budget and are based on the estimated population of the locality.

For general registrars, local governing bodies are to provide the same benefits as other locality employees and may supplement the general registrar's salary, as allowable by law. For example, the general registrar in King William County, with an estimated population of 18,365, has a salary of \$84,494; whereas, the general registrar of Virginia Beach City, with an estimated population of 453,605, has a salary of about \$153,000.

For electoral board members, local governing bodies are to pay their salary as well as authorized expenses and mileage as allowed by law. The secretary of the local electoral board is compensated based on the estimated population of the locality, whereas the other members of the electoral board are fixed at half the secretary's compensation. For example, the secretary of the electoral board of a locality the size of Montgomery County would be paid at least \$3,842 with the other two members paid \$1,921 each.

Officers of election are paid at least \$75 for each full day's work, pursuant to §24.2-116. Localities may choose to pay their officers of election above the minimum and pay chief officers of election and assistant chiefs more than a regular officer of election. For example, Virginia Beach, with over a hundred precincts, pays \$365 for chiefs, \$315 for assistant chiefs, and \$265 for regular officers of election. Montgomery County has 30 precincts and has 196 officers of election. Chief of officers of election are paid \$355, assistant chiefs are paid \$330, and regular officers of election are paid \$250. King William County spends \$5,403 for all 33 of its officers of election; King William County has six precincts.

Pursuant to §24.2-115, localities are required to have a minimum of three officers of election per polling place; however, a precinct having

more than 4,000 registered voters shall have at least five officers of election serving for a presidential election. Electoral boards may also choose to have more officers of election above the statutory minimum. ELECT has stated that 20,000 officers of election will be necessary for the 2024 election cycle; at a minimum, that is \$1.5 million in compensation expenses for localities.

Postage is another expense for elections as certain notices must be sent by mail. In 2023, Montgomery County spent \$15,635 in postage while King William County spent \$3,400. Both reported an increase in postage expenses for 2024 as the March Presidential Primary required additional mailings as opposed to the typical mailings for June primary and November general election. Virginia Beach reported that it spends \$40,000 on postage each election.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. Research was also conducted via the Code of Virginia, General Registrar and Electoral Board Handbook, and discussions with ELECT staff.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate provides a summarization of the statutory requirements regarding electoral boards, general registrars, and officers of election.
- 2. **Description of Essentiality to the Public Safety:** The general registrar and the local electoral board are the main administrators of an election at the local level. Officers of election provide the necessary staffing of polling places so that voters may cast their ballots. They are instrumental in the electoral process.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - c) **Explanation of Estimation Methodologies:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.



H. **Agency Recommendation:**

1. **Determination by Agency:**



Retain



Alter



Eliminate

2. **Justification:** SOA.ELECT002 was separated into several mandates in 2023 to allow for better reference given the number and variety of topics covered in the mandate.

I. **Agency Contact Regarding Assessment:**


1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Public Notification Requirements for General Registrars

**B. Specific Provisions of Mandate:**

Any change to the boundaries of any election district (including redistricting), or any change that that reduces, consolidates, or relocates polling places in a locality is considered a covered practice.

Prior to enacting a covered practice, notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Notice shall be published on the official website for the locality, through press releases, and such other media as will best serve the purpose and subject involved.

Notice of any adopted change in any election district, town, precinct, or polling place shall be mailed to all affected voters at least 15 days prior to the next general, special, or primary election.

Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation within not more than 21 days in advance of the change or within seven days following the change.

The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before the final day. The notice for the final day shall be posted on the official website of the county or city, if applicable, and published at least once in a newspaper of general circulation, if one is available.

At least three days advance notice shall be given for other times and locations for voter registration. This notice shall be posted on the official website of the county or city or announced at least twice on a television station serving the county or city, if one is available.

Localities must post the locations of early voting satellite locations and absentee ballot drop-off locations on the local website not later than 55 days prior to the election.

If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar must provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval by the Department of Elections.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) <b>Federal Statute</b>	Not Applicable
b) <b>Federal Regulation</b>	Not Applicable
c) <b>State Statute:</b>	§§ 24.2-306, 24.2-310, 24.2-129, and 24.2-415
d) <b>State Regulation:</b>	Not Applicable
e) <b>Other:</b>	Not Applicable

- 2. Extension of Federal Mandates by State Authority:** This is exclusively a state mandate.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents and the General Registrar and Electoral Board Handbook to ensure that local election officials are aware of their public notification responsibilities.

If a local governing body seeks a Certificate of No Objection pursuant to §24.2-129, the Office of the Attorney General reviews the documents submitted and ensures that the local governing body is in compliance with §24.2-129. The Office of the Attorney General also has the ability to bring a lawsuit if the rights of voters have been violated.

**E. Fiscal Impact of Mandate on Localities:**

- 1. Localities Affected:** All Localities Affected

**2. Funding of Mandate:**

a) **Funding Formula:** 100% Local Funding

b) **Funding of Mandate:** The cost of this mandate would be the paper used to make signs, the printing of those signs, and the placement of those signs when required. The general registrar of Montgomery County noted that a case of copy paper is \$44. Depending on the frequency of printing, copy paper expenses may increase and vary from locality to locality. However, as noted by the King William County general registrar, when the notice is required to be posted in public buildings such as libraries or courthouses the department that controls that building may pay for the paper and posting themselves.

Specifically for newspaper ads, the cost varies based on prices set by the newspaper. The general registrar in King William County posts ads in two newspapers, which can cost between \$375 and \$400.

Montgomery pays \$380 per ad in their newspaper while Virginia Beach pays \$2,300 per ad.

Postage is another expense for elections as certain notices must be sent by mail. The frequency of mailings and the size of the locality directly affect the cost of postage for the locality. In 2023,

Montgomery County spent \$15,635 in postage while King William County spent \$3,400. Both reported an increase in postage expenses for 2024 as the March Presidential Primary required additional mailings as opposed to the typical mailings for a June primary and a November general election. Virginia Beach reported that it spends \$40,000 on postage each election.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate summarizes the requirements of public notification of changes made that would affect a voter's ability to cast their ballot.
- 2. **Description of Essentiality to the Public Safety:** Giving voters proper notice of changes made to their district, precinct, or polling place is crucial to voters engaging in the election process.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - c) **Explanation of Estimation Methodologies:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.

**H. Agency Recommendation:**

- 1. **Determination by Agency:**



Retain



Alter



Eliminate

- 2. **Justification:** This mandate must remain as it is a summarization of the requirements for public notification regarding the electoral process under the Code of Virginia.

**I. Agency Contact Regarding Assessment:**

- 1. Name/Title: Claire Scott/Policy Analyst
- 2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)



**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Covered Practices and Preclearance Requirements

**B. Specific Provisions of Mandate:**

The governing body of a locality must undergo preclearance. Preclearance requires a 30-day public comment period, one public hearing during the public comment period, and a 30-day waiting period before the change is effective. In lieu of a public comment period, the governing body of a locality may request a certification of no objection from the Office of the Attorney General.

The following are considered covered practices: (i) any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district, (ii) any change, or series of changes within a 12-month period, to the boundaries of a locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, (iii) any change to the boundaries of election districts or wards in the locality, (iv) any change that limits or impairs the creation or distribution of voting and election materials in any language other than English, or restricts the ability of any person to provide interpreter services to voters in any language other than English, and (v) any change that reduces, consolidates, or relocates polling places in the covered locality, except where permitted in the event of emergency.

Pursuant to Opinion 21-040 of the Virginia Office of the Attorney General, the requirements for polling places such as accessibility, preclearance, and firearm prohibitions not only apply to designated polling places on Election Day but also to central absentee precincts, voter satellite offices, and offices of general registrars.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) <b>Federal Statute</b>	Voting Rights Act of 1965, 52 USC 10101 et seq
b) <b>Federal Regulation</b>	Not Applicable
c) <b>State Statute:</b>	§24.2-129
d) <b>State Regulation:</b>	Not Applicable
e) <b>Other:</b>	Virginia Office of Attorney General Opinion 21-040

- 2. Extension of Federal Mandates by State Authority:** This is not a federal mandate; this is exclusively a state mandate.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides general registrars and Electoral Boards with guidance documents and the General Registrar and Electoral Board Handbook that provides the process for preclearance.

When making changes that are considered a covered practice, local governing bodies must allow for public comment and hold a public hearing. Afterward, the general registrar must submit an electronic ticket to ELECT with supporting documentation showing compliance with §24.2-129, typically by providing the minutes of the public hearing and the ordinance passed by the local governing body.

Alternatively, the governing body, during a public meeting, may choose to request a Certificate of No Objection from the Attorney General’s Office. The Officer of the Attorney General reviews the submitted materials regarding the change to ensure compliance with §24.2-129 and federal law. Afterward, the general registrar must submit an electronic ticket to ELECT with the supporting documentation, typically the signed Certificate of No Objection.

ELECT staff reviews the request and the supporting documentation to ensure that the preclearance process was met. If it was, ELECT staff approve the request and have the changes made in VERIS. If not, ELECT staff request further evidence or documentation from the general registrar to ensure that the process was followed.

**E. Fiscal Impact of Mandate on Localities:**

- 1. Localities Affected:** All Localities Affected

**2. Funding of Mandate:**

a) **Funding Formula:** 100% Local Funding with reimbursement by ELECT for the salaries of general registrars on an annual basis.

b) **Funding of Mandate:** Costs associated with this mandate would involve the time and manpower of the local election officials in the selection and proposal of changes of covered practices to the local governing body. It may take several hours of preparation for such meetings. However, the frequency of polling place changes varies from locality to locality. For example, Montgomery County has not required a polling place change for some time. Other localities with shifting populations and needs may have to seek a polling

place change more often; this may even be the case from election to election should the polling place be no longer available from election to election.

For local governing bodies, costs associated with this mandate would be the time for reviewing the proposed changes, the public notice posted in a local newspaper, if used, and the time during a public to either hold a public hearing or to decide if the local governing body will seek a Certificate of No Objection from the Attorney General's Office. Specifically for newspaper ads, the cost varies based on prices set by the newspaper. The general registrar in King William County posts ads in two newspapers, which can cost between \$375 and \$400. Montgomery pays \$380 per ad in their newspaper while Virginia Beach pays \$2,300 per ad.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. Research was conducted via the Code of Virginia and the General Registrar and Electoral Board Handbook.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate summarizes the statutory requirements of §24.2-129 regarding covered practices and the preclearance process.
- 2. **Description of Essentiality to the Public Safety:** The preclearance process provides necessary oversight of changes that can be significant in the ability of voters to cast their ballots. Thus, the mandate summarizes this preclearance process that is outlined in §24.2-129.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
  - c) **Explanation of Estimation Methodologies:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.

**H. Agency Recommendation:**

- 1. **Determination by Agency:**



Retain



Alter



Eliminate



2. **Justification:** The mandate should remain as it reflects the statutory requirements of the Code of Virginia.

I. **Agency Contact Regarding Assessment:**

1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

Mandate Number:

SPSHS.DJJ018

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: Dept. of Juvenile Justice

Date of Submission: 8/19/24

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Youth Justice Diversion Programs

B. Specific Provisions of Mandate: (see abstract)

A jurisdiction that wishes to establish a youth justice diversion program must first

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows for source/authority information. Row 3 contains '16.1-260 and 16.1-309.11'.

2. Extension of Federal Mandates by State Authority: (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

Not applicable because the mandate is not founded concurrently on State and

D. Method by Which Agency Oversees Implementation of Mandate: (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

The agency has a certification team that conducts audits and recommends

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.) Arlington County and Fairfax County. Neither of the two

2. **Funding of Mandate:**

a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

State 0%; Federal 0%; Localities 0%. Neither of the two locally

b) **Funding of Mandate:** (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

Arlington County = \$0. Fairfax County = \$0.

c) **Explanation of Estimation Methodology:**

Neither of the two locally operated CSUs have established the

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

The purpose of the mandate is to expand the youth justice diversion

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

Because this optional mandate was established recently by the 2021

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

There are no viable alternatives that could achieve the essential purpose

2. **Fiscal Impact of Alternative Approaches:**

a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**

(For each alternative, give the anticipated range of costs of compliance for

localities and describe specific factors causing the variation in local impact.)

NA

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For each alternative, give the anticipated range of costs to the State.)

NA

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Neither of the two locally operated CSUs have established the

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain       Alter       Eliminate

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

The youth justice diversion programs, as expanded to include less

**I. Agency Contact Regarding Assessment:**

1. Name/Title: James Towey / Legislative & Regulatory Affairs Manager

2. Address/Telephone: james.towey@djj.virginia.gov / 804-564-4658

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)