2004
Catalog of
State and Federal Mandates
on Local Governments

Commission on Local Government
Department of Housing and Community Development
Commonwealth of Virginia

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of the
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on
Local Government

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Introduction

BACKGROUND TO THE CATALOG

In response to increasing interest in the effect of mandates on localities, the 1993 General Assembly enacted legislation directing the Commission on Local Government to compile and annually update a catalog of State and federal mandates imposed on the Commonwealth's local governments, including, where available, a summary of the fiscal impact of any new mandates.[1] This 2004 edition of the catalog published by the Commission on Local Government includes mandates identified as of September 2003.[2] As in previous years, the Commission examined all legislation passed by the 2003 General Assembly session, surveyed executive branch agencies, and contacted the local government associations (the Virginia Association of Counties and the Virginia Municipal League) for information on new mandates and mandates not previously identified.

In the development of this document, the Commission adhered to the definition of "mandate" originally adopted by the Joint Legislative Audit and Review Commission (JLARC) which defines a mandate as a State or federal constitutional, statutory, or administrative action that places a requirement on local governments.[3] This definition encompasses three categories

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[1]Code of Virginia § 15.2-2903(7).

[2]As was the case with previous editions, this most recent update is founded upon the prior research of the Joint Legislative Audit and Review Commission published in its two catalogs of mandates: the 1992 study, Catalog of State and Federal Mandates on Local Governments (H. D. 53/1992) and the 1993 Update: Catalog of State and Federal Mandates on Local Governments (H. D. 2/1994; hereinafter referred to as the 1993 Update).

or types of mandates: compulsory orders, conditions of financial aid, and the regulation of optional activities. Under this classification scheme, "compulsory orders" require local government compliance regardless of receipt of aid or other circumstances. Mandates termed "conditions of financial aid" require compliance only if the locality accepts the State or federal assistance in question. Finally, mandates classified as "regulation of optional activities" result from State or federal regulation of activities that local governments undertake voluntarily.

ASSOCIATED STATE OVERSIGHT OF MANDATES

In addition to requiring that mandates be cataloged, the General Assembly has taken several other steps to monitor the effects of mandates on Virginia's local governments.[4] For example, the legislature has directed the Division of Legislative Services to refer to the Commission on Local Government any bills introduced in the General Assembly that may require one or more local governments to render a new service or expand an existing service, or require a net reduction in revenues by any county, city, or town.[5] The Commission on Local Government must then conduct an investigation of such bills and prepare fiscal impact estimates to be filed with the Clerk of the House of Delegates for distribution to legislators considering

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[3] 1993 Update. It is important to note that, as a result, this catalog does not include those requirements imposed on local governments by judicial decision nor by burden resulting from a reduction of State or federal financial assistance without a corresponding decrease in required services, which arguably also constitute mandates that can significantly affect localities.

[4] For a complete listing of the Virginia statutes regarding mandates on localities, see Appendix F.

[5] Code of Virginia § 30-19.03.

those measures. These fiscal impact statements alert legislators to any adverse fiscal impacts that might result from the proposed legislation.

Further, in order to examine the fiscal as well as other impacts of existing mandates on localities, all State executive branch agencies are required to review periodically the mandates on local governments that they administer, and to report which, if any, might be altered or eliminated without interruption of local service delivery or undue threat to the health, safety, and welfare of citizens of the Commonwealth.[6] However, no mandate may be required to be reassessed by the administering agency more than once every four years. The Commission on Local Government is responsible for coordinating the scheduling of the assessments and for notifying the Governor and the General Assembly when an agency assessment recommends the alteration or elimination of a mandate.

The assessment of mandates by executive agencies is governed by Executive Memorandum 1-98 (EM 1-98) that took effect in October 1998, superseding EM 5-94 which had guided the assessment process from its inception.[7] Mandates adopted subsequent to the publication of JLARC's 1993 Update and those mandates in existence when the 1993 Update was published but not identified at that time have been scheduled for assessment during periods after

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[6]Code of Virginia §§ 2.2-613 and 15.2-2903(6).

[7]Under the provisions of EM 5-94, agency assessments of mandates were to be conducted in two phases, the first ending March 31, 1995, and the second ending June 30, 1996. By the end of the second phase, all mandates identified in JLARC's 1993 Update and administered by executive branch agencies had been assessed. A parallel assessment process is also under way by which executive branch agencies will critically review their existing and proposed regulations. See Executive Order 21 (2002) -- "Development and Review of Regulations Proposed by State Agencies"-- and Code of Virginia § 2.2-4007 (economic impact analysis of proposed regulations). The Department of Planning and Budget is responsible for conducting fiscal impact analyses, for reviewing agency assessments, and for making recommendations to the Governor regarding the regulations.

July 1, 1996.[8] To that end the Commission on Local Government annually establishes a schedule for the assessment of those new and previously unreported mandates.[9] In any case, no mandate becomes subject to assessment until it has been in effect for at least twenty-four months.

Finally, by action of the 1996 General Assembly, the Virginia Advisory Commission on Intergovernmental Relationships (ACIR), upon the request of the Virginia Association of Counties, the Virginia Municipal League, or any local governing body, may review the cost estimates prepared by the Commission on Local Government in its annual assessment of fiscal impact bills as well as any executive agency assessments of mandates. The ACIR must report annually its findings, if any, to the Governor and the General Assembly.[10]

ORGANIZATION OF THE CATALOG

Generally

The 2004 edition of the catalog provides an inventory of all the State and federal mandates on local governments in Virginia that had been identified as of September 2003. The catalog is organized into two parts. Part A contains those mandates administered by the executive agencies of the Commonwealth, and Part B lists the remaining mandates which either

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[8]As of January 14, 2004, 842 approved executive agency assessments were filed with the Governor and the General Assembly. Those filings included 100% of those mandates in existence at the commencement of the assessment process in 1994. Consistent with § 15.2-2903 of the Code of Virginia and Executive Memorandum 1-98, which authorize the reassessment of mandates after a four-year period, the Commission began the administration of a second round of assessments early in 1999 and a third round in mid 2003.

[9]See Appendix B for a complete schedule of assessment periods.

[10]Code of Virginia § 2.2-2507.

are administered by nonexecutive agencies or exist without State administrative oversight. In all, 532 mandates are included in the catalog. Of the total, 439 mandates subject to critical review by executive agencies are included. This represents a net decrease of 3 reviewable mandates (0.7%) from the 442 such mandates listed in the 2003 edition. This decrease is primarily due to programs being eliminated by legislation or combined, at agency request, with other programs.[11]

Part A

Part A of the catalog lists those mandates administered by executive branch agencies and subject to assessment pursuant to the provisions of EM 1-98. They are cataloged according to administering agency. Each mandate has a separate entry containing standardized data, including a short title; a unique code number; a brief description of the mandated action; identification of the type of mandate; the name of the administering agency and the relevant secretariat; the statutory, regulatory, or constitutional authority on which the mandate is based; the mandate assessment period, if applicable; the assessment finding, where available; and additional applicable comments.[12]

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[11]See Appendix C, Changes in Mandates Since Issuance of 2003 Catalog of State and Federal Mandates on Local Governments.

[12]Code numbers for mandates administered by executive agencies and subject to assessment are derived from the official abbreviations for the secretariat, followed by the official abbreviation for the administering agency and a three-digit number. Mandates not subject to review are identified as follows: judicial branch mandates begin with the letters "JUD," followed by the official abbreviation for the appropriate court, and a three-digit number; legislative branch mandates begin with the letters "LEG," followed by the official abbreviation of the agency, and a three-digit number; independent agency mandates begin with the letters "IND," followed by the official abbreviation for the agency, and a three-digit number; mandates without State oversight begin with the letters "NSO," followed by a three-digit number.

Part B

Part B lists those mandates not subject to assessment because they are administered by nonexecutive branch agencies or because there is no State administrative oversight of the required action. Each entry for the mandates listed in Part B includes the same general information as those in Part A, but in this section references to the secretariat, assessment period, and assessment finding have been omitted.

Appendices

Detailed supplementary materials are provided in the appendices. Appendix A includes a copy of EM 1-98 which governs the mandates assessment process and contains a sample of the standardized format agencies are required to follow in conducting their assessments. Appendix B offers a complete listing of the current schedule of assessment periods. Appendix C provides a separate listing of the changes in mandates since the publication of the 2003 edition: (1) new mandates, (2) newly identified mandates, (3) those mandates which have been expanded, (4) mandates which have been eliminated, and (5) other changes.[13] Appendix D provides a separate listing of the principal federal mandates that affect Virginia's localities, with a brief description of the mandate and a listing of the authorizing measure. Examples of all of these federal mandates can be found with complete entries in Parts A and B of the catalog. Appendix E provides a table showing the number of mandates by type and by administering agency and

[13]Expanded mandates are those which, by legislative action, have been broadened with respect to the requirements placed on local government

secretariat. Finally, Appendix F includes a summary of the provisions of the Code of Virginia that apply to mandates, followed by the precise wording of the statutes.

Indices

Two indices are provided to help the reader find information easily. The first, which precedes the introductory materials, lists each mandate by administering agency, short title, and page number. The second, found at the end of the volume, provides key word guides to the relevant entries and page numbers in the catalog.

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Part A

Mandates Administered by State Executive Agencies

Part A of the catalog lists those mandates administered by executive branch agencies and subject to assessment pursuant to the provisions of EM 1-98. They are cataloged according to administering agency. Each mandate has a separate entry containing standardized data, including a short title; a unique code number; a brief description of the mandated action; identification of the type of mandate; the name of the administering agency and the relevant secretariat; the statutory, regulatory, or constitutional authority on which the mandate is based; the mandate assessment period, if applicable; the assessment recommendation or finding, where available; and additional applicable comments.

Area Plan for Aging Services

SHHR.VDA001

Local governments may be designated as area agencies on aging. If so, they must comply with Title III of the Older Americans Act. They are required to prepare and implement an area plan for aging services that describes the scope of activities to be conducted with the federal and State funding received from the Department for the Aging.

Type: Condition of Financial Aid

Agency: **Department for the Aging**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 2.2-703 et seq.; Department for the Aging Regulation 22 VAC 5-20-10 et seq.; 42 USC 3001 et seq. (Fed.); 45 CFR 1321 (Fed.)

Last Assessment Period: 5-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Enforcement of Comprehensive Animal Laws

SCT.VDACS002

Local law enforcement officers and State Veterinarian's representatives shall enforce the comprehensive animal laws of the Commonwealth.

Type: Compulsory Order

Agency: **Department of Agriculture and Consumer Services**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 3.1-796.112

Last Assessment Period: 2-1-2000 through 5-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

USDA Food Program Participation Requirements

SCT.VDACS003

Local schools, summer feeding program sponsors, correctional facilities, and nursing homes electing to receive foods donated by the U.S. Department of Agriculture must store, utilize, and account for foods they receive in accordance with federal regulations. Local governments audit and report the value of these foods as federal assistance received annually.

Type: Regulation of Optional Activity

Agency: **Department of Agriculture and Consumer Services**

Secretariat: Commerce and Trade

Authorization: Agricultural Adjustment Act of 1933 § 32, as amended (Fed.); Agricultural Act of 1946 § 416, as amended (Fed.); 7 CFR 250, 251 (Fed.)

Last Assessment Period: 2-1-2000 through 5-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Public Animal Holding Facility

SCT.VDACS004

Counties and cities must maintain or cause to be maintained a pound or animal enclosure in accordance with guidelines issued by the Department of Agriculture and Consumer Services.

Type: Compulsory Order

Agency: **Department of Agriculture and Consumer Services**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 3.1-796.96; 2 VAC 5-110-10 et seq.

Last Assessment Period: 2-1-2000 through 5-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Cooperative Gypsy Moth Suppression Program

SCT.VDACS006

Local governments participating in the Virginia Gypsy Moth Cooperative Suppression Program and receiving State or federal funding must comply with specific provisions of the Virginia Cooperative Suppression Program Guidelines.

Type: Condition of Financial Aid
Agency: **Department of Agriculture and Consumer Services**
Secretariat: Commerce and Trade
Authorization: Code of Virginia §§ 3.1-188.20 through 3.1-188.31:2; P. L. 95-313 (Fed.)

Last Assessment Period: 2-1-2000 through 5-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Plastic Pesticide Container Recycling Grant

SCT.VDACS007

Local governments receiving plastic pesticide container recycling grant funds must develop a plan to administer the program and to comply with other program requirements concerning the establishment of a secure, covered recycling site, and the employment and supervision of container inspectors.

Type: Condition of Financial Aid
Agency: **Department of Agriculture and Consumer Services**
Secretariat: Commerce and Trade
Authorization: Code of Virginia § 3.1-249.29

Last Assessment Period: 2-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Government Challenge Grant

SOE.VCA001

In order to receive matching funds through the Local Government Challenge Grants from the Virginia Commission for the Arts, localities must give financial support to not-for-profit arts organizations in their jurisdictions. The Commission will match money donated from local tax revenues to the arts, up to $5,000.

Type: Condition of Financial Aid
Agency: **Virginia Commission for the Arts**
Secretariat: Education
Authorization: Virginia Commission for the Arts 2002-2004 Guidelines for Funding

Last Assessment Period: 2-1-2000 through 4-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Artist in Residence Grant

SOE.VCA002

In order to receive funds through the Artist in Residence Grants Program from the Virginia Commission for the Arts, elementary and secondary schools must match the grant at least dollar for dollar. This program supports residencies by professional working artists in elementary and secondary schools.

Type: Condition of Financial Aid
Agency: **Virginia Commission for the Arts**
Secretariat: Education
Authorization: Virginia Commission for the Arts 2002-2004 Guidelines for Funding

Last Assessment Period: 2-1-2000 through 4-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Operation Standards

STO.DOAV001

Local governments that operate airports or air navigation facilities must maintain those facilities consistent with State and federal standards.

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia § 5.1-2.2; 24 VAC 5-20-140, 24 VAC 5-20-300; 14 CFR 139 (Fed.)

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Licensing

STO.DOAV002

Local governments that sponsor airports must secure a license from the Department of Aviation in order to operate or expand a public-use airport. Such license must be renewed every seven years.

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia §§ 5.1-7; 24 VAC 5-20-120, 24 VAC 5-20-180, 24 VAC 5-20-280

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Property Lease

STO.DOAV003

Local governments that sponsor airports must obtain the approval of the Department of Aviation on all leases involving land that is airport property.

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia § 5.1-40

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Grant Application Approval

STO.DOAV004

Local government airport sponsors that apply for federal funds for airport planning or construction projects must have approval of the application from the Department of Aviation prior to submitting it to the Federal Aviation Administration.

Type: Condition of Financial Aid
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia § 5.1-47

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Grant Assurances

STO.DOAV005

Local government airport sponsors that accept grant or loan funds from the Virginia Aviation Board must agree to terms and conditions as set forth by the Board. Such terms and conditions require that the sponsor: maintain the airport for a minimum of twenty years, carry out and complete the project in accordance with the plans and specifications of the project for which the funds were provided, accomplish all procurements in accordance with the Virginia Public Procurement Act, keep the airport free and clear of hazards to air navigation, and not release title to any airport real property without the approval of the Department of Aviation.

Type: Condition of Financial Aid
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia § 5.1-52; 24 VAC 5-20-330

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Safety Overlay Zoning

STO.DOAV006

Local governments in which a public-use airport is located as well as those that are in close proximity to such an airport are required to adopt overlay zoning that keeps the airspace free from obstruction to the safe passage of aircraft.

Type: Compulsory Order
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia § 15.2-2294; 24 VAC 5-20-190 through 24 VAC 5-20-220

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Based Aircraft Survey

STO.DOAV007

Local governments that sponsor airports must submit a survey of all based aircraft to the Department of Aviation. Such survey must be submitted annually and include ownership and aircraft registration for all aircraft normally sited on the airport as of January 1 of each year.

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: 24 VAC 5-20-350

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Financial Responsibility

STO.DOAV008

Local governments that sponsor airports are required to have bodily injury and property damage liability insurance equal to at least $1 million. Proof of insurance or other acceptable form of financial responsibility must be certified to the Department of Aviation on an annual basis.

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
Authorization: Code of Virginia §§ 5.1-88.7 through 5.1-88.10; 24 VAC 5-20-350

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Teachers for the Visually Impaired Partial Salary Reimbursement SHHR.DBVI002

School divisions that receive a partial salary reimbursement for teachers of visually handicapped students must agree to share information with the Department for the Blind and Vision Impaired, require teachers to participate in specific training activities, and be responsible for equipment and Braille and large print textbooks on loan from the Department.

Type: Condition of Financial Aid
Agency: **Department for the Blind and Vision Impaired**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 22.1-217

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Operation of Vending Stand by Blind Person SHHR.DBVI003

Local governments must give the Department for the Blind and Vision Impaired first priority for employment of a properly trained blind person in a position to operate a vending stand or other business enterprise in a public building, whenever such position becomes vacant or is created through construction or acquisition of new buildings.

Type: Compulsory Order
Agency: **Department for the Blind and Vision Impaired**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 51.5-89; Department for the Blind and Vision Impaired Regulation 22 VAC 45-40-10 et seq.; 34 CFR 395 (Fed.)

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Chesapeake Bay Preservation Area Designation

SNR.CBLAD001

Local governments in Tidewater Virginia are required to designate Chesapeake Bay Preservation Areas within their jurisdictions.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2109.A; Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30.A, 9 VAC 10-20-60.1, 9 VAC 10-20-231.1; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Comprehensive Plan Requirements in Tidewater

SNR.CBLAD002

Local governments in Tidewater Virginia are required to incorporate in each locality's comprehensive plan measures to protect the quality of State waters.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2109.B; Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30.B, 9 VAC 10-20-60.3, 9 VAC 10-20-231.2; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Zoning Ordinance Requirements in Tidewater

SNR.CBLAD003

Local governments in Tidewater Virginia are required to have zoning ordinances that incorporate measures to protect the quality of State waters in the Chesapeake Bay Preservation Areas, and to ensure that all development pursuant to their zoning ordinances comply with the criteria developed by the Chesapeake Bay Local Assistance Board.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2109.C; Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30.B, 9 VAC 10-20-60.4, 9 VAC 10-20-231.3; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Development Review Requirements in Tidewater

SNR.CBLAD004

Local governments in Tidewater Virginia are required to have a plan of development review process prior to the issuance of a building permit to ensure the use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of State waters.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30, 9 VAC 10-20-60.7, 9 VAC 10-20-231.1; 1987 Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Subdivision Ordinance Requirements in Tidewater

SNR.CBLAD005

Local governments in Tidewater Virginia are required to incorporate protection of the quality of State waters in Chesapeake Bay Preservation Areas in their subdivision ordinances, and to ensure that all subdivisions comply with the criteria developed by the Chesapeake Bay Local Assistance Board.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2109.D; Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30.B, 9 VAC 10-20-60.5, 9 VAC 10-20-231.3; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Erosion Ordinance Requirements in Tidewater

SNR.CBLAD006

Local governments in Tidewater Virginia are required to have erosion and sediment control ordinances that incorporate measures to protect the quality of State waters in Chesapeake Bay Preservation Areas, and to ensure that all development pursuant to their erosion and sediment control ordinances comply with the criteria developed by the Chesapeake Bay Local Assistance Board.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30, 9 VAC 10-20-60.6, 9 VAC 10-20-231.3; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Land Development Requirements in Tidewater

SNR.CBLAD007

Local governments in Tidewater Virginia are required to employ performance criteria promulgated by the Chesapeake Bay Local Assistance Board to ensure that the use and development of land in Chesapeake Bay Preservation Areas protects the quality of State waters.

Type: Compulsory Order

Agency: **Chesapeake Bay Local Assistance Department**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2111; Chesapeake Bay Local Assistance Department Board Regulations 9 VAC 10-20-30.B, 9 VAC 10-20-60.2, 9 VAC 10-20-231.1; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 4-1-1995 through 5-31-95

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Mandate previously scheduled for assessment during the period 2-1-02 through 4-30-02. However, the Chesapeake Bay Local Assistance Board adopted amendments to 9 VAC 10-20-10 et seq., which became effective 3-1-02. At CBLAD's request this Commission modified its mandates assessment schedule to eliminate the requirement that this program be assessed at this time (see EM 1-98, Sec. 3).

Administration of Apprenticeship-Related Instruction

SOE.VCCS001

School divisions electing to offer apprenticeship-related instruction must provide instruction, curriculum development, supervision, and administrative services consistent with policies established by the State Board for Community Colleges and the Virginia Community College System.

Type: Regulation of Optional Activity

Agency: **Virginia Community College System**

Secretariat: Education

Authorization: Code of Virginia §§ 23-218(D) and 40.1-118(10)

Last Assessment Period: 1-1-2001 through 3-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Constitutional Officer Legal Expenses

SOA.CB001

Local governments and the Commonwealth are required to pay proportional shares of the attorney fees for constitutional officers or law enforcement officers in civil cases arising out of their official duties.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Code of Virginia §§15.2-1606, 15.2-1711

Last Assessment Period: 2-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Constitutional Officer Annual Budget Request

SOA.CB002

Each city and county must elect a treasurer, clerk of court, commissioner of revenue, sheriff, and attorney for the Commonwealth. All constitutional officers shall file, on or before February 1 of the fiscal year for which the request is made, a request for the expense of their offices. The requests shall be made in the manner prescribed by the Compensation Board.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Code of Virginia §§ 15.2-1600, 15.2-1636.7, 15.2-1636.18

Last Assessment Period: 2-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Funding Constitutional Officer Expenses

SOA.CB003

The salaries, expenses, allowances, and office equipment of constitutional officers shall be paid for in full by all counties and cities, and the State shall reimburse the counties and cities for their approved, proportional share.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Code of Virginia §§ 15.2-1636.13, 15.2-1636.14, 17.1-287

Last Assessment Period: 2-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Jail Inmate Reporting

SOA.CB004

Local or regional jails that receive funding from the Compensation Board shall report inmate populations to the Board monthly. Such reports shall utilize Virginia Crime Codes for reporting offenses for which inmates are incarcerated.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Code of Virginia §§ 53.1-115.1 and 53.1-121

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Jail Revenues and Expenditures Reporting

SOA.CB005

Local or regional jails and jail farms which receive funds from the Compensation Board shall provide to the Board all sources and amounts of revenues and all expenditures associated with facility operations. Data shall be provided in a manner prescribed by the Board.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Item 63, Chapter 1042, 2003 Virginia Acts of Assembly

Last Assessment Period: 2-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Contract Inmate Classification Reporting

SOA.CB006

Local or regional jails holding contract prisoners from another state, the federal government, or the District of Columbia for more than 48 hours must report monthly to the Director of the Department of Corrections the security classification of each contract inmate and the security level of the housing unit in which the inmate is held.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authorization: Item 67, Chapter 1042, 2003 Virginia Acts of Assembly

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Comprehensive Services for At-Risk Youth and Families

CSA.001

The Comprehensive Services Act for At-Risk Youth and Families of 1992 requires local governments to coordinate services for youth and families in order to receive State funds for care and treatment of troubled and at-risk youths and families.

Type: Condition of Financial Aid

Agency: **Office of Comprehensive Services**

Secretariat: Not applicable

Authorization: Code of Virginia §§ 2.2-212, 2.2-2648, 2.2-2649, 2.2-5201 et seq.; Item 299, Chapter 1042, 2003 Virginia Acts of Assembly; P. L. 96- 272 (Fed.); 20 USC 1400 through 1485 (Fed.); 34 CFR 300 (Fed.); 45 CFR 1355 through 57 (Fed.)

Last Assessment Period: 8-1-2000 through 10-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This mandate is administered by the Office of Comprehensive Services which staffs the State Executive Council, a supervisory body that includes representatives of several secretariats, the Supreme Court of Virginia, and local governments. Not currently scheduled for reassessment.

Virginia Outdoors Fund - State Grants and Loans

SNR.DCR001

Local governments receiving grants from the Virginia Outdoors Fund Program for parks and open spaces must agree to maintain those facilities for outdoor recreation in perpetuity. Local governments receiving loans from that fund for parks and open spaces must agree to maintain those facilities for recreation for a period of ten years after project completion.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 58.1-345.1

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Land and Water Conservation Program - Federal Grants

SNR.DCR002

Local governments receiving funds from the Land and Water Conservation Program are required to maintain park and open spaces for outdoor recreation in perpetuity. The program requires continuous inspections by the State to effect the program mandate.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Land and Water Conservation Fund Act of 1965 (P. L. 88-578) (Fed.)

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Flood Prevention and Protection Assistance Fund

SNR.DCR003

Local governments receiving money from the Flood Prevention and Protection Assistance Fund for the development and implementation of flood prevention or protection projects or studies, or for the design, repair, and safety modifications of dams identified in safety reports must comply with grant or loan requirements established by the Director of the Department of Conservation and Recreation.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-603.18; Department of Conservation and Recreation Regulations 4 VAC 5-50-10 through 4 VAC 5-50-170

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Perpetual Conservation Easement

SNR.DCR004

Local governments that have adopted use-value assessment programs must assess and tax land which is subject to a perpetual conservation easement under the Virginia Conservation Easement Act or the Open-Space Land Act at the use value for open space.

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1011; Department of Conservation and Recreation Regulations 4 VAC 5-20-10 through 4 VAC 5-20-40; Standards for Classification of Real Estate as Devoted to Open Space use under the Virginia Land Use Assessment Law.

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Impounding Structure Regulations

SNR.DCR005

Local governments that own dams must make any improvements necessary to correct deficiencies in construction or maintenance found during required inspections.

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-604 et seq.; Virginia Soil and Water Conservation Board Regulations 4 VAC 50-20-10 through 4 VAC 50-20-320; P.L. 92-367 (Fed.)

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Stormwater Management Program

SNR.DCR006

Local governments adopting local comprehensive stormwater management programs must comply with minimum technical and administrative criteria specified by the regulations.

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-603 et seq.; Board of Conservation and Recreation Regulations 4 VAC 3-20-10 through 4 VAC 3-20-251

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Public Beach Grants and Advisory Commissions

SNR.DCR007

Local governments must establish local erosion advisory commissions in order to qualify for Public Beach Conservation and Development Act funds.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-709, 711; Board on Conservation and Development of Public Beaches Regulation 4 VAC 45-10-20

Last Assessment Period: 4-1-1999 through 6-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Erosion and Sediment Control Program

SNR.DCR008

Local governments which have adopted an erosion and sediment control program must administer it in a manner consistent with State guidelines and minimum standards. Administration is provided by local governments through ordinances, plan review, inspections, and enforcement.

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-560 et seq.; Virginia Soil and Water Conservation Board Regulations 4 VAC 50-30-10 et seq., 4 VAC 50-50-10 et seq.

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Recreational Trails Program

SNR.DCR009

Local governments receiving funds for non-motorized and motorized trails from the Virginia Recreational Trails Program are required to provide a 20% match and trails must be available and open for public use.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Symms National Recreational Trails Act of 1991 (P. L. 102-240) (Fed.); 49 CFR 18 and 19 (Fed.)

Last Assessment Period: 6-1-2003 through 8-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Water Quality Improvement Fund Nonpoint Source Pollution Control Grant

SNR.DCR010

Local governments receiving grants from the Virginia Water Quality Improvement Fund for nonpoint source pollution control must comply with the guidelines established by the Secretary of Natural Resources and grant requirements established by the Director of the Department of Conservation and Recreation.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 10.1-2117 et seq.

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding:

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Federal Clean Water Act - Section 319 Nonpoint Source Pollution Control Grant

SNR.DCR011

Local governments receiving Section 319 grants must comply with State and federal requirements.

Type: Condition of Financial Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-104.1; 33 USC 26, Subchapter III § 1329 (P.L. 100-4) (Fed.)

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Land Conservation Foundation Grants

SNR.DCR012

Local governments receiving grants from the Virginia Land Conservation Foundation must provide a 100% match.

Type: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 10.1-1017 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Correctional Facility Standards

SPS.DOC001

Local governments that operate jails or lockups must comply with Board of Corrections regulations concerning construction, equipment, administration, and operation of local correctional facilities.

Type: Regulation of Optional Activity
Agency: **Department of Corrections**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 53.1-5, 53.1-68, 53.1-80 through 53.1-82.3, 53.1-131.3; Board of Corrections Regulations 6 VAC 15-40-10 et seq., 6 VAC 15-80-10 et seq.

Last Assessment Period: 5-1-1999 through 7-31-99
Last Assessment Finding: Retain.
Current Assessment Period: 5-1-2003 through 7-31-2003
Comment: Current assessment finding is pending. This program was expanded by the 2003 General Assembly (Chapter 860, 2003 Virginia Acts of Assembly) to require local governments that operate jails or lockups to comply with Board of Corrections regulations concerning fees charged to inmates to defray costs associated with the inmate's keep.

Correctional Facility Cost-Sharing

SPS.DOC002

Local governments shall bear at least one-half of the cost of constructing or renovating correctional facilities, and no State reimbursement shall occur unless plans and specifications have been approved in advance by the Governor. Correctional facility maintenance costs shall be borne by localities.

Type: Condition of Financial Aid

Agency: **Department of Corrections**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 53.1-5, 53.1-76.6, 53.1-80 through 53.1-82.3, 53.1-95.1; Board of Corrections Regulations 6 VAC 15-80-10 et seq.

Last Assessment Period: 8-1-1999 through 10-31-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Residential Centers for Parolees

SPS.DOC004

To receive certification and funding, local governments participating in the contracted bed space program for housing parolees and inmates being released from prison are required to comply with Board of Corrections regulations for residential centers.

Type: Regulation of Optional Activity

Agency: **Department of Corrections**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 53.1-5, 53.1-177, 53.1-178; Board of Corrections Regulations 6 VAC 15-70-10 et seq.

Last Assessment Period: 2-1-2000 through 4-30-2000

Last Assessment Finding: Eliminate.

Current Assessment Period:

Comment: Currently the Department of Corrections is not contracting with local governments to provide this service, instead it contracts such services through private vendors. Not currently scheduled for reassessment.

Correctional Facility Compliance Audit

SPS.DOC005

Local governments that operate jails, lockups, or residential centers are required by the Board of Corrections standards to participate in a compliance audit once every two to three years. The standards require local programs to address (1) life, health, and safety issues; (2) management and administrative matters; and (3) offender programs and services. Local correctional facilities are also required to undergo one annual unannounced inspection by the Board of Corrections as well as one annual unannounced inspection by the State Health Commissioner.

Type: Regulation of Optional Activity

Agency: **Department of Corrections**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 53.1-5, 53.1-68; Board of Corrections Regulations 6 VAC 15-10-10 et seq., 6 VAC 15-20-10 et seq., 6 VAC 15-70-10 et seq.

Last Assessment Period: 5-1-2000 through 7-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Forfeited Asset Sharing Program (FASP)

SPS.DCJS001

Local law enforcement agencies seizing drug-related cash or assets under State law and through State courts are required to comply with policies and procedures established by the Department of Criminal Justice Services. Those regulations require that 90% of forfeitures be returned to the localities that originated the seizures/forfeitures, and that the returned funds must be used for law enforcement purposes.

Type: Regulation of Optional Activity

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 19.2-386.1 et seq.; Criminal Justice Services Board Regulation 6 VAC 20-150-10 et seq.

Last Assessment Period: 9-1-1999 through 11-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Criminal History Record Information

SPS.DCJS002

Local criminal justice agencies must establish record keeping procedures that ensure that criminal history record information is accurate, complete, timely, electronically and physically secure, and disseminated only to those legally entitled to receive such information. There are also detailed procedures that must be followed regarding the dissemination of criminal history record information and for expunging records.

Type: Compulsory Order

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 9.1-102; 9.1-126 through 9.1-137, 15.2-1722, 19.2-389, 19.2-390, 19.2-392 through 19.2-392.4; Criminal Justice Services Board Regulation 6 VAC 20-130-10 et seq.

Last Assessment Period: 8-1-1999 through 10-31-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

McGruff House Program

SPS.DCJS003

Local governments establishing McGruff Houses must comply with all federal and State regulations governing the establishment and operation of neighborhood "safe houses" where children may seek temporary refuge if they find themselves in danger.

Type: Regulation of Optional Activity

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 9.1-159, 9.1-160; Criminal Justice Services Board Regulation 6 VAC 20-140-10 et seq.

Last Assessment Period: 9-1-1999 through 11-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Edward Byrne Memorial Grant

SPS.DCJS005

Local governments participating in the Edward Byrne Memorial grant program are required to establish and operate programs to support crime prevention and school safety, improve law enforcement and prosecution, provide drug abuse treatment for offenders, and to make other criminal justice system improvements. Local governments receiving funds for such projects are required to provide a 25% match, and to report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 9.1-102; Department of Criminal Justice Services Program Guidelines; Omnibus Crime Control and Safe Streets Act, as amended (Fed.)

Last Assessment Period: 7-1-1999 through 9-30-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Juvenile Delinquency Prevention and Juvenile Justice System Improvement Grants

SPS.DCJS006

Local governments receiving grants for juvenile delinquency prevention and juvenile justice system improvement are required to establish and operate programs to improve services for delinquent youth and to submit local prevention plans. Localities are also required to provide a cash or in-kind match for some grants, and to report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 9.1-102; Department of Criminal Justice Services Program Guidelines; Juvenile Justice and Delinquency Prevention Act (Fed.); 28 CFR 31 (Fed.)

Last Assessment Period: 8-1-1999 through 10-31-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Alcohol Detoxification Center Program

SPS.DCJS007

Local governments receiving State funds for alcohol detoxification centers are required to establish and operate such centers in compliance with State standards, including the creation of a community criminal justice board. Localities are also required to report periodically on expenditures and on progress toward achieving objectives of the program.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 9.1-163, 9.1-164, 18.2-388, 53.1-182.1; Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8-1-2000 through 10-31-2000

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Training Standards for Criminal Justice Personnel

SPS.DCJS008

Local criminal justice personnel, including law enforcement officers, courtroom security personnel, process servers, jailers, dispatchers, undercover investigators, and criminal justice instructors are required to meet training requirements established by the Criminal Justice Services Board.

Type: Compulsory Order

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 9.1-102; Criminal Justice Services Board Regulations 6 VAC 20-10 through 110, 6 VAC 30-10 through 130, 6 VAC 40-10 through 60, 6 VAC 50-10 through 100, 6 VAC 60-10 through 90, 6 VAC 80-10 through 110.

Last Assessment Period: 10-1-2000 through 12-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Crime Victim Services Grant

SPS.DCJS011

Local governments receiving victim services grants are required to establish and operate programs to provide services to victims of crime in accordance with Department of Criminal Justice Services guidelines established to implement the Crime Victim and Witness Rights Act. Localities are also required to report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 9.1-104 and 19.2-11.01 et seq.; Department of Criminal Justice Services Program Guidelines; P.L. 98-473 (Victims of Crime Act) (Fed.)

Last Assessment Period: 10-1-2000 through 12-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Court-Appointed Special Advocate Program (CASA)

SPS.DCJS012

Local governments electing to operate court-appointed special advocate programs must comply with regulations governing the selection and training of volunteer advocates, program administration, record keeping and reporting.

Type: Regulation of Optional Activity

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 9.1-151 through 9.1-157; Criminal Justice Services Board Regulation 6 VAC 20-160-10 et seq.

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Comprehensive Community Corrections Program

SPS.DCJS013

Local governments receiving financial assistance from the State for jail construction are required to establish a Community Corrections Program to the extent that the General Assembly provides funds for establishing such programs. Localities participating in a Community Corrections Program also must comply with State standards and reporting requirements, including the creation of a community criminal justice board.

Type: Regulation of Optional Activity

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 53.1-82.1 and 9.1-173 through 9.1-183 (Comprehensive Community Corrections Act for Local-Responsible Offenders); Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 10-1-2002 through 12-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Community Policing Fund

SPS.DCJS014

Local governments receiving a grant from the Community Policing Fund are required to establish and operate community policing initiatives. Participants are required to provide a 25% cash match or to request a waiver of the match requirement after demonstrating financial hardship, and to report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 58.1-346.5; Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 2-1-1998 through 4-30-98

Last Assessment Finding: Retain.

Current Assessment Period: 8-1-2003 through 10-31-2003

Comment:

STOP Violence Against Women Grants

SPS.DCJS016

Local governments receiving STOP grants to establish and operate programs which combat violent crime against women through enhancement of the criminal justice response or victims services must comply with Department of Criminal Justice Services program guidelines.

Type:	Condition of Financial Aid
Agency:	**Department of Criminal Justice Services**
Secretariat:	Public Safety
Authorization:	Code of Virginia § 9.1-102; Violence Against Women Act (Title IV, P. L. 103-322) (Fed.); Department of Criminal Justice Services Program Guidelines

Last Assessment Period:	2-1-1998 through 4-30-98
Last Assessment Finding:	Alter.
Current Assessment Period:	8-1-2003 through 10-31-2003
Comment:	

Pretrial Services Program

SPS.DCJS017

Local governments receiving financial assistance from the State for jail construction are required to establish a Pretrial Services Program to the extent that the General Assembly provides funds for establishing such programs. Localities participating in a Pretrial Services Program must comply with State standards and reporting requirements, including the creation of a community criminal justice board.

Type:	Condition of Financial Aid
Agency:	**Department of Criminal Justice Services**
Secretariat:	Public Safety
Authorization:	Code of Virginia §§ 19.2-152.2 through 19.2-152.7 and § 53.1-82.1; Department of Criminal Justice Services Program Guidelines

Last Assessment Period:	2-1-1998 through 4-30-98
Last Assessment Finding:	Alter.
Current Assessment Period:	8-1-2003 through 10-31-2003
Comment:	

Preliminary Alcohol Analysis of Breath

SPS.DCJS019

Sheriffs' and police departments, in analyzing breath samples for blood alcohol content, must use methods and equipment approved by the Department of Criminal Justice Services, Division of Forensic Science.

Type: Regulation of Optional Activity
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authorization: Code of Virginia § 18.2-267; Regulations for Breath Alcohol Testing 1 VAC 30-50-150

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: By action of the 1996 General Assembly this program was removed from the administration of the Department of General Services and placed under the Department of Criminal Justice Services. Not currently scheduled for reassessment.

Local Law Enforcement Block Grant Program

SPS.DCJS020

Local governments receiving federal Local Law Enforcement Block Grant Program funds are required to use the grant for one or more of seven purpose areas set out in the authorizing legislation and must provide a 10% match.

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authorization: Federal Local Government Law Enforcement Block Grant Act of 1995

Last Assessment Period: 9-1-1999 through 11-30-1999
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Training Standards for Animal Control Officers

SPS.DCJS021

Local Animal Control Officers are required to meet entry level training requirements, approved by the Department of Criminal Justice Services and the State Veterinarian, within two years of date of employment and retraining requirements every thirty six months thereafter.

Type: Compulsory Order

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 3.1-796.104:1

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: This program was previously administered and assessed by the Department of Agriculture and Consumer Services. Action of the 1998 General Assembly placed the program under the Department of Criminal Justice Services. Not currently scheduled for reassessment.

School Resource Officer Grants

SPS.DCJS022

Local governments receiving Virginia School Resource Officer Program grants are required to provide a cash match based on the Department of Education's composite index for local school divisions, and must meet program and reporting requirements set out in the program guidelines. Resource officers hired to work in such local programs must be sworn, certified Virginia law enforcement officers.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 9.1-110; Criminal Justice Services Board Grant Program Guidelines

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Juvenile Accountability Incentive Block Grant

SPS.DCJS023

Local governments receiving Juvenile Accountability Incentive Block Grants must form a Juvenile Crime Enforcement Coalition (JCEC) and submit the JCEC plan for spending in allowable federal purpose areas to the Department of Criminal Justice Services.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: P. L. 105-119 (Fed.); Juvenile Accountability Incentive Block Grant Program guidelines in Title III of H. R. 3 (Fed.)

Last Assessment Period: 8-1-2000 through 10-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Rural Domestic Violence Grant Program

SPS.DCJS024

Local governments receiving grants from the Rural Domestic Violence Grant program must comply with Department of Criminal Justice Services program guidelines.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 9.1-102; 42 USC 3701 (Fed.), 42 USC 13971 (Fed.); Department of Criminal Justice Services Program Guidelines

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Program effective June 20, 2000. This program is not currently funded and is inactive. Not currently scheduled for assessment.

Sexual Assault Services Grant Program

SPS.DCJS025

Local governments receiving grants from the sexual assault services grants program must comply with Department of Criminal Justice Services program guidelines.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, 32.1-55.1; P.L. 98-473 (Victims of Crime Act) (Fed.), 42 USC 1901 - 1909 (Preventive Health and Health Services) (Fed.); Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This grant program was previously administered by the Department of Health. Not currently scheduled for reassessment.

Drug Court Grants

SPS.DCJS026

Local governments receiving State funding for drug courts must operate them in accordance with guidelines and requirements established by the Department of Criminal Justice Services.

Type: Condition of Financial Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Item 432, Paragraph M, Appropriations Act (Ch. 899, 2002 Acts of Assembly)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period: 9-1-2003 through 11-30-2003

Comment:

Motor Carrier Safety Training

SPS.DCJS027

Local law enforcement agencies authorized to perform vehicle safety inspections are required to submit to the Department of Criminal Justice Services the names of each law enforcement officer certified to perform such inspections who have satisfactorily completed a course of instruction as prescribed by the Federal Motor Carrier Safety Administration.

Type: Compulsory Order

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authorization: Code of Virginia § 46.2-1001

Last Assessment Period: 2-1-2003 through 4-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Program last assessed by the Department of State Police. By Action of the 2003 General Assembly (Chapter 82, 2003 Virginia Acts of Assembly) administration of this mandate was transferred to the Department of Criminal Justice Services. Not currently scheduled for reassessment.

Superintendent of School Division Required

SOE.DOE001

School divisions are required to have a superintendent of schools. The superintendent must be appointed by the school board of the school division from the entire list of eligible candidates certified by the State Board of Education. Each school division shall provide for the necessary travel and office expenses of the superintendent.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-58 et seq.; State Board of Education Regulations 8 VAC 20-21-10 et seq., 8 VAC 20-390-10 et seq., 8 VAC 20-400-10 et seq.

Last Assessment Period: 2-1-2001 through 3-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

School Board Employee Grievance Procedure

SOE.DOE002

School divisions must have prescribed grievance procedures covering all school employees except superintendents and probationary employees.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-79, 22.1-306 et seq.; State Board of Education Regulation 8 VAC 20-90-10 et seq.

Last Assessment Period: 5-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Felony/Child Abuse/Molestation/Crime of Moral Turpitude Offense Certification Required

SOE.DOE003

School boards shall require on applications for employment that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child; that the applicant has not been convicted of a crime of moral turpitude; and that the applicant has not been the subject of a founded case of child abuse and neglect.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-296.1, 22.1-296.4; State Board of Education Regulation 8 VAC 20-21-10 et seq.

Last Assessment Period: 5-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Teacher License Required

SOE.DOE004

School divisions may only employ as teachers those persons who hold licenses or provisional licenses issued by the State Board of Education, or those who hold a three-year eligibility license issued by the division. School divisions must provide the State Board of Education information regarding the issuance of local eligibility licenses. Teachers employed under federal Title I programs must be fully licensed and teaching in their areas of endorsement.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-299 et seq.; State Board of Education Regulations 8 VAC 20-21-10 et seq., 8 VAC 20-440-10 et seq.; P.L. 89-10 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

Last Assessment Period: 5-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This program was expanded by the No Child Left Behind Act of 2001 to include additional requirements, including the teacher licensing requirements under Title I programs. Not currently scheduled for reassessment.

Licensed Principals and Assistant Principals

SOE.DOE005

Any principals or assistant principals employed by a school division must hold licenses as prescribed by the State Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-293 et seq.; State Board of Education Regulations 8 VAC 20-21-10 et seq., 8 VAC 20-440-10 et seq.

Last Assessment Period: 5-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

School Board Employee Fingerprinting and Criminal History Records

SOE.DOE006

School divisions shall require any individual who accepts a position of employment to undergo fingerprinting and a criminal history records check. Results of such criminal history records checks must be shared with school divisions with which reciprocity agreements for the exchange of such information exists.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-296.2

Last Assessment Period: 5-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Teacher Enrollment in Virginia Retirement System

SOE.DOE007

School divisions are required to have all teachers enrolled in the Virginia Retirement System or a comparable local retirement system.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 51.1-132 through 51.1-135

Last Assessment Period: 5-1-2001 through 7-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Minimum Instructional Personnel Requirements

SOE.DOE009

School divisions are required to employ a minimum number of licensed, full-time equivalent instructional personnel deemed sufficient to meet the instructional needs of students attending public schools as set forth in the Standards of Quality. School divisions receiving federal funds must comply with certain employment requirements set forth in the No Child Left Behind Act of 2001.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-253.13:1(G), 22.1-293 through 22.1-305; State Board of Education Regulations 8 VAC 20-21-10 et seq., 8 VAC 20-90-10 et seq., 8 VAC 20-131-10 et seq., 8 VAC 20-410-10 et seq., 8 VAC 20-420-10 et seq., 8 VAC 20-440-10 et seq.; P.L. 89-10 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

Last Assessment Period: 2-1-2002 through 3-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This program was expanded by the No Child Left Behind Act of 2001 to include additional requirements, including certain employment requirements for paraprofessionals in instructional positions. Not currently scheduled for reassessment.

Pupil/Teacher Ratios

SOE.DOE010

School divisions are required to assign licensed instructional personnel in a manner that produces division-wide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, according to ratios prescribed in the Code of Virginia. In addition, instructional personnel must be assigned in a manner that produces school-wide ratios of 25 to 1 in middle schools and high schools. Annual reports on actual pupil/teacher ratios to the public are required.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:1(G)(2)

Last Assessment Period: 2-1-2002 through 3-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Provision of School Support Services

SOE.DOE011

School divisions are required to provide those support services necessary for the efficient and cost-effective operation and maintenance of public schools, including administration, instructional support, pupil personnel services, student attendance and health, operation and maintenance of the buildings, and management information systems.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:2; State Board of Education Regulation 8 VAC 20-131-240

Last Assessment Period: 2-1-2002 through 3-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Professional Development for School Board Members

SOE.DOE012

School divisions must require their school board members to participate annually in in-service programs on personnel, curriculum, and current issues in education as part of their service on the local board. In addition, they must require the division superintendent to participate annually in professional development activities at the local, State, or national levels.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:5

Last Assessment Period: 3-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Management of Student Scholastic Records

SOE.DOE013

School divisions must comply with State and federal requirements for the management of students' scholastic records.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 16.1-305.1, 22.1-287 et seq., 32.1-36.1; State Board of Education Regulations 8 VAC 20-150-10 et seq.; Family Educational Rights and Privacy Act (Fed.); 20 USC 1232g (Fed.); 34 CFR 99 (Fed.)

Last Assessment Period: 5-1-2003 through 6-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Six-Year School Improvement Plan

SOE.DOE014

School divisions are required to revise, extend, and adopt biennially a division-wide six-year improvement plan that shall be developed with staff and community involvement, including public comment. Each public school shall prepare a biennial plan that shall be given consideration by its school board in the development of the division-wide six-year improvement plan.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:6

Last Assessment Period: 3-1-2002 through 4-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Annual Report on Schools

SOE.DOE015

School divisions are required to submit an annual report to the State Board of Education providing statistical information on enrollment in certain specified categories.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-81, 22.1-259, 22.1-260

Last Assessment Period: 5-1-2001 through 7-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Records of Non-Resident Students With Disabilities

SOE.DOE016

School divisions are required to keep an accurate record of each child with a disability who is not a resident of the school division but who is attending a school in the division. School divisions are also required to certify their records and plans for educating such children to the State following the end of the school year.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-101.1, 22.1-215, 22.1-254; Regulations Governing Special Education Programs for Children with Disabilities in Virginia 8 VAC 20-80-10 et seq.

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Verification of Student Immunization

SOE.DOE018

School divisions must determine that students have been immunized before they can be admitted into the public school system. Certain medical and religious exemptions are allowed.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-271.2

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Attendance Guidelines for HIV-Infected Student and Persons with Infectious Diseases

SOE.DOE019

School divisions must adopt guidelines for school attendance for children with human immunodeficiency virus. Such guidelines must be consistent with model guidelines developed by the State Board of Education. School divisions must also provide training to school personnel having direct contact with students on the effects of blood-borne pathogens or certain other infections. The school division superintendent shall report to the local health director any incident in which any employee is involved in a possible exposure-prone incident. Persons suffering with contagious or infectious diseases shall be excluded from public schools while in that condition.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-271.3, 22.1-272, 29 CFR 1910.1030 (Blood Borne Pathogen Standards) (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Triennial Census of School-Age Population

SOE.DOE020

School divisions must conduct a census of their school-age population once every three years and report the results to the Superintendent of Public Education.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-281 et seq.

Last Assessment Period: 8-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Provision of Free Education

SOE.DOE022

School divisions must provide free education to each person of school age, to include school-age persons living in a temporary shelter with a parent, guardian, or person in charge or control of such persons, and localities must appropriate funds for this purpose.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: The Constitution of Virginia, Article VIII, § 1; Code of Virginia §§ 22.1-2, 22.1-3, 22.1-94, 22.1-254 et seq.; State Board of Education Regulations 8 VAC 20-110-10 et seq., 8 VAC 20-210-10 et seq., 8 VAC 20-520-10 et seq.

Last Assessment Period: 8-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Provision of Free Textbooks

SOE.DOE023

School divisions must provide free textbooks and workbooks required for courses of instruction for all public school children.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: The Constitution of Virginia, Article VIII, § 3; Code of Virginia § 22.1-251; State Board of Education Regulation 8 VAC 20-190-10 et seq.

Last Assessment Period: 9-1-2001 through 10-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Use of Approved Textbooks

SOE.DOE024

School divisions must select and utilize instructional materials approved by the Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-8, 22.1-238 et seq.; State Board of Education Regulations 8 VAC 20-220-10 et seq., 8 VAC 20-270-10 et seq.

Last Assessment Period: 5-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Length of School Term

SOE.DOE025

In order for a school division to receive its full allocation of State aid, all schools within the division must maintain a length of term that does not fall below 180 days or 990 hours in any year.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-98; State Board of Education Regulations 8 VAC 20-520-10 et seq., 8 VAC 20-131-10 et seq.

Last Assessment Period: 9-1-2001 through 10-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local School Division Policy Manuals

SOE.DOE026

School divisions are required to maintain and follow an up-to-date policy manual and ensure that the policy manual includes certain policies to be developed by taking into account the views of teachers, parents, and other concerned citizens. The public must be annually advised of the placement and availability of policy manuals.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:7

Last Assessment Period: 3-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Professional Development for Teachers and Administrators

SOE.DOE027

School divisions are required to provide a program of professional development, including the use of educational technology, as part of the license renewal process to assist teachers and principals in acquiring the skills needed to work with gifted students and students with disabilities and to increase student achievement. The school division shall also provide a program of professional development for administrative personnel designed to increase proficiency in instructional leadership and management.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-253.13:5, 22.1-298; State Board of Education Regulation 8 VAC 20-450-10 et seq.

Last Assessment Period: 3-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

In-Service Training in Assessment Measures

SOE.DOE028

School divisions are required to provide teachers and principals with periodic in-service training in preparing tests and other assessment measures and methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion referenced tests that match locally developed objectives.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:3

Last Assessment Period: 4-1-2002 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Standards of Accreditation Requirements

SOE.DOE030

School divisions must maintain schools that meet the standards of accreditation as prescribed by the Board of Education.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-19, 22.1-253.13:3; State Board of Education Regulations 8 VAC 20-131-10 et seq.

Last Assessment Period: 4-1-2002 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Elementary and Secondary Education Act and Regulations

SOE.DOE031

School divisions that receive funds from the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, must follow certain federal laws and administrative regulations.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: P.L. 89-10 (Fed.); P. L. 107-110 (No Child Left Behind Act of 2001) (Fed.); 34 CFR 200 (Fed.)

Last Assessment Period: 2-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Minimum Standards for New Construction and Renovation of School Facilities

SOE.DOE032

All school construction or renovation plans must be approved by the division superintendent to insure compliance with minimum standards adopted by the State Board of Education and the Uniform Statewide Building Code, and must be submitted to the Superintendent of Public Instruction.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-138, 22.1-140, Code of Virginia Title 36, Ch. 6; State Board of Education Regulation 8 VAC 20-380-10 et seq.

Last Assessment Period: 5-1-2000 through 7-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Nondiscriminatory Access to Vacation School or Summer Camp

SOE.DOE033

Any vacation school or summer camp operated by a school division or any other local agency, department, or board shall be available to persons of school age within the applicable jurisdiction on a nondiscriminatory basis regardless of whether a person attends public or private schools.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-211 and 22.1-212

Last Assessment Period: 10-1-2001 through 12-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Radon Testing of Public Schools

SOE.DOE035

All public school buildings must have been tested for radon by July 1, 1994. Buildings and additions opened after that date must also be tested. Radon tests shall be conducted pursuant to Environmental Protection Agency procedures for radon measurements in schools, and the division superintendent must report test results to the Department of Health. Each school is to maintain files on its radon test results and make these files available for review.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-138

Last Assessment Period: 4-1-2000 through 5-31-2000
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Bus Safety Standards

SOE.DOE037

Local governments must comply with Federal Motor Vehicle Safety Standards and State regulations for school buses.

Type: Regulation of Optional Activity
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-176 et seq., 46.2-339 et seq., 46.2-844, 46.2-859, 22.1-177 et seq.; State Board of Education Regulation 8 VAC 20-70-10 et seq.; P. L. 103-272 (Fed.); 49 USC 105 (Fed.); 49 USC 30125 (Fed.); 49 CFR 571 et seq. (Fed.)

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Pupil Transportation

SOE.DOE038

If transportation is provided for children, school divisions must conform to State and federal regulations regarding equipment, insurance, and driver qualifications.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-178, 22.1-183, 46.2-328, 46.2-340, 46.2-919, 46.2-1055, 46.2-1089, 46.2-1090, 46.2-1091, 46.2-1105; State Board of Education Regulation 8 VAC 20-70-10 et seq.; P. L. 103-272 (Fed.); 49 USC 105 (Fed.); 49 USC 30125 (Fed.); 49 CFR 571 et seq. (Fed.)

Last Assessment Period: 1-1-2002 through 3-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

School Breakfast Program Standards

SOE.DOE039

School divisions that agree to participate in the School Breakfast Program must comply with regulations covering breakfast requirements; determination and service of free, reduced price and paid meals served; financial and resource management; nonprofit status; procurement; effective use of commodity foods; record keeping; and sanitation and health standards.

Type: Condition of Financial Aid

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-207.3; State Board of Education Regulation 8 VAC 20-580-10 et seq.; Child Nutrition Act of 1966 (Fed.); National School Lunch Act (Fed.); 42 USC 1751 et seq. (Fed.); 42 USC 1771 et seq. (Fed.); 7 CFR 220 et seq. (Fed.)

Last Assessment Period: 1-1-2002 through 3-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

National School Lunch Program

SOE.DOE040

School divisions that agree to participate in the National School Lunch Program must comply with regulations concerning lunch requirements; determination and service of free, reduced price, and paid meals served; financial and resource management; nonprofit status; procurement; effective use of commodity foods; record keeping; and sanitation and health standards.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: National School Lunch Act (Fed.); 42 USC 1771 et seq. (Fed.); 7 CFR 210 et seq. (Fed.); 7 CFR 245 et seq. (Fed.)

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Special Milk Program

SOE.DOE041

School divisions that agree to participate in the Special Milk Program must comply with regulations covering milk requirements; determination and service of free and paid milk served; financial aid and resource management; nonprofit status; procurement; record keeping; and sanitation and health standards.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: 42 USC 1772 (Fed.); 7 CFR 215 et seq. (Fed.)

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Regulation of Food and Drink Sales

SOE.DOE042

School divisions must comply with State and federal requirements regulating the sale of food and drink during lunch periods.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: State Board of Education Regulation 8 VAC 20-290-10 et seq.; National School Lunch Act (Fed.); Child Nutrition Act of 1966 (Fed.); 42 USC 1751 et seq. (Fed.); 42 USC 1771 et seq. (Fed,); 7 CFR 210.11 (Fed.)

Last Assessment Period: 2-1-2002 through 4-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

School Breakfast Programs

SOE.DOE043

School divisions are required to establish school breakfast programs in any school in which 25 percent or more of the students are approved in the federally funded free or reduced lunch program. Further, school divisions also must annually report on their school breakfast programs to the Department of Education, including the numbers and socioeconomic characteristics of the students participating in the program.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-207.3; State Board of Education Regulation 8 VAC 20-580-10 et seq.; National School Lunch Act (Fed.); Child Nutrition Act of 1966 (Fed.); 42 USC 1751 et seq. (Fed.); 42 USC 1771 et seq. (Fed.); 7 CFR 210 et seq. (Fed.)

Last Assessment Period: 3-1-2002 through 4-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Program of Instruction for Grades K-12

SOE.DOE044

School divisions must develop and implement a program of instruction for grades K through 12, as prescribed by the Code of Virginia, which emphasizes essential knowledge and skills, concepts and processes, and the development of the ability to apply such skills and knowledge to the preparation for eventual employment or appropriate training and lifelong learning.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:1(C)

Last Assessment Period: 4-1-2002 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Instruction Standards for K-3

SOE.DOE045

School divisions are required to implement programs in grades K through 3 that emphasize developmentally appropriate learning to enhance success.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:1(D)(1)

Last Assessment Period: 4-1-2002 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Programs to Increase Numbers of Students Earning Diplomas or GED

SOE.DOE046

School divisions are required to implement programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma or general education development certificate.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:1(D)(2)

Last Assessment Period: 5-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Drugs, Substance Abuse, and Drunk Driving

SOE.DOE047

School divisions are required to provide instruction concerning drugs, substance abuse, and the public safety hazards and dangers of substance abuse, underage drinking, and drunk driving.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-205 and 22.1-206; State Board of Education Regulations 8 VAC 20-310-10 et seq.

Last Assessment Period: 10-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Physical and Health Education

SOE.DOE048

School divisions are required to emphasize physical and health education throughout their curricula in accordance with State regulations. Each division must establish an advisory board to develop health policy and evaluate the status of school health education, environment, and health services.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-207, 22.1-275.1; State Board of Education Regulations 8 VAC 20-131-10 et seq., 8 VAC 20-320-10

Last Assessment Period: 6-1-2000 through 7-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Moral Education

SOE.DOE049

School divisions are required to emphasize moral education through lessons given by teachers and imparted by appropriate reading sections.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-208

Last Assessment Period: 3-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Funds for Driver Education Standards

SOE.DOE050

School divisions must comply with the standardized program and regulations established by the Board of Education for driver education programs in order to receive State funds for driver education programs.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-205, 46.2-334; State Board of Education Regulation 8 VAC 20-340-10 et seq.

Last Assessment Period: 10-1-2000 through 12-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Identification and Enrollment of Gifted Students

SOE.DOE051

School divisions are required to provide a plan of services for gifted students from grades K through 12, and must implement early identification of gifted students and the enrollment of such students in appropriately differentiated instructional programs. Local school divisions must report annually to the State on such programs.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-18.1, 22.1-253.13:1(D)(7); State Board of Education Regulation 8 VAC 20-40-10 et seq.

Last Assessment Period: 5-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Educational Alternatives for Students

SOE.DOE052

School divisions are required to implement educational programs for students whose needs are not met in programs prescribed in the Standards of Quality. Such students shall be counted in average daily membership in accordance with the regulations of the Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-209.1:2, 22.1-253.13:1(D)(8); State Board of Education Regulation 8 VAC 20-330-10 et seq.

Last Assessment Period: 5-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Programs for Educationally At-Risk Students

SOE.DOE053

School divisions are required to develop and implement programs of prevention, intervention, and remediation, including summer school, for students who are educationally at-risk, including but not limited to those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests; who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight; or who fail an end-of-course test for the award of a verified unit of credit required for the student's graduation.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:1(C)

Last Assessment Period: 5-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Plans and Procedures for Measuring Progress of At-Risk Students SOE.DOE054

School divisions are required to implement a plan to make achievements for educationally at-risk students a division-wide priority. The plan must include procedures for measuring the progress of such students.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:1(D)(10); State Board of Education Regulations 8 VAC 20-630-10 et seq.; Appropriation Act-Direct Aid to Public Education.

Last Assessment Period: 6-1-2002 through 7-31-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Adult Education Programs SOE.DOE055

School divisions are required to implement education programs for adults functioning below the high school completion level.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:1(D)(9); State Board of Education Regulation 8 VAC 20-30-10 et seq.; Workforce Investment Act of 1998 (Fed.); P.L. 105-220 (Fed.)

Last Assessment Period: 6-1-2002 through 7-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Employment Counseling and Placement Services

SOE.DOE057

School divisions are required to make employment counseling and placement services available to secondary students at no charge to students.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-209, 22.1-253.13:1(D)(4)

Last Assessment Period: 9-1-2000 through 10-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Pupil Personnel Services in Grades K-12

SOE.DOE058

School divisions are required to provide a program of pupil personnel services for grades K through 12 that shall be designed to aid students in their educational, social, and career development.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-253.13:2

Last Assessment Period: 7-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Administration of Assessment Instruments

SOE.DOE059

School divisions are required to administer appropriate assessments which may include criterion-referenced tests and teacher-made tests, and shall include the Virginia State Assessment Program, the Virginia State Literacy Testing Program, and the National Assessment of Educational Progress, or alternate assessments for students receiving special education services. Each school division shall analyze and report annually to the public, in compliance with any criteria that may be established by the Board of Education, the results from the Virginia State Assessment Program and the Standards of Learning Assessments.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:3; State Board of Education Regulation 8 VAC 20-131-10 et seq.; Individuals with Disabilities Education Act (Fed.); 20 USC 1412 (Fed.); 34 CFR 300.138 (Fed.)

Last Assessment Period: 7-1-2002 through 8-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Units of Credit for High School Diplomas

SOE.DOE061

School divisions are required to award diplomas to all secondary school students who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the school division and approved by the Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:4; State Board of Education Regulation 8 VAC 20-131-10 et seq.

Last Assessment Period: 7-1-2002 through 8-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Competency-Based Career and Technical Education Program and Standards

SOE.DOE062

School divisions are required to develop a plan for and implement competency-based career and technical education programs to promote knowledge of careers and types of employment, and to ensure that students are prepared to enter employment and continue formal education. The programs must include instruction about employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance for all secondary students, including those identified as disabled. Plans for such programs must be submitted to the Superintendent of Public Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-253.13:1(D)(3) and (4); State Board of Education Regulation 8 VAC 20-120-10 et seq.; Carl D. Perkins Vocational and Technical Education Act of 1998 (Fed.); P.L. 105-332 (Fed.); 20 USC 2301 (Fed.); 34 CFR 400 et seq. (Fed.)

Last Assessment Period: 7-1-2002 through 8-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Academic and Career and Technical Preparation for Students

SOE.DOE063

School divisions are required to implement academic and career and technical preparation programs for students who plan to continue their education beyond secondary school or who plan to enter employment.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:1(D)(5)

Last Assessment Period: 8-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Nondiscrimination in Career and Technical Education

SOE.DOE064

School divisions that receive federal funds for career and technical education are required to operate their educational programs in a manner that does not deny services or promote discrimination on the basis of sex, race, creed, age, color, handicapping condition, or national origin.

Type: Condition of Financial Aid

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-227, State Board of Education Regulation 8 VAC 20-120-10 et seq.; Carl D. Perkins Vocational and Technical Education Act of 1998 (Fed.); P.L. 105-332 (Fed.); 20 USC 2301 (Fed.); 34 CFR 400 et seq. (Fed.)

Last Assessment Period: 10-1-2001 through 12-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Career and Technical Advisory Council

SOE.DOE066

School divisions must establish a general advisory council to provide advice on current job needs and the relevancy of career and technical programs offered to assist in the development of the local plan and application. Councils must be composed of representatives from business, industry and labor including representation of both sexes and racial and ethnic minorities. A report must be provided annually to the Department of Education describing activities of the advisory council.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: State Board of Education Regulation 8 VAC 20-120-50

Last Assessment Period: 2-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Career and Technical Education Student Organizations

SOE.DOE067

Career and technical student organizations must be an integral and active part of each career and technical program established by school divisions. All career and technical students must be provided opportunities to participate in instructional activities of the organization whether or not dues are paid.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-227, State Board of Education Regulation 8 VAC 20-120-160; Carl D. Perkins Vocational and Technical Education Act of 1998 (Fed.); P.L. 105-332 (Fed.); 20 USC 2301 (Fed.); 34 CFR 400 et seq. (Fed.)

Last Assessment Period: 2-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Early Identification and Placement of Students with Disabilities

SOE.DOE069

School divisions are required to implement early identification of students with disabilities and to enroll such students in appropriate instructional programs consistent with State and federal law.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-215, 22.1-253.13:1(D)(6); State Board of Education Regulation 8 VAC 20-80-10 et seq.; Individuals with Disabilities Act (Fed.); P. L. 105-17 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 8-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Special Education Services

SOE.DOE070

School divisions are required to provide a free and appropriate public education to all persons with disabilities, ages two through twenty-one, residing within their jurisdictions, in accordance with State and federal regulations.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-215, 22.1-253.13:1; State Board of Education Regulations 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Act (Fed.); P. L. 105-17 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 2-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Special Education Plan

SOE.DOE071

School divisions are required to submit an annual plan for special education for the year following and a report indicating the extent to which the plan required by law for the preceding year has been implemented. The plan must be acceptable to the State Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-215; State Board of Education Regulations 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Act (Fed.); P. L. 105-17 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 2-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Special Education Program Standards

SOE.DOE074

School divisions are required to follow the special education program standards that specify criteria for class size maximums and the operations of programs for students with disabilities. In addition, criteria for special education teacher endorsements and educational interpreters for students with hearing impairments are provided.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-253.13:3; State Board of Education Regulations 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Act (Fed.); P. L. 105-17 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 5-1-2001 through 7-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Reduced Class Size Grant

SOE.DOE075

School divisions receiving Reduced Class Size grant funds to reduce pupil-teacher ratios in grades K through 3 are required to match the grant funds on the basis of the locality's composite index of local ability to pay.

Type: Condition of Financial Aid

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-199.1; Appropriation Act-Direct Aid to Education

Last Assessment Period: 8-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

At-Risk Four-Year-Old Preschool Grant

SOE.DOE076

School divisions receiving At-Risk Four-Year-Old Preschool grant funds to provide quality preschool programs for at-risk four-year-olds and five-year-olds not served by other programs are required to match the grant funds on the basis of the locality's composite index of local ability to pay.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-199.1; Appropriation Act-Direct Aid to Education

Last Assessment Period: 8-1-2002 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Electronic Classroom

SOE.DOE078

School divisions receiving Educational Telecommunications payments to receive distance learning programs broadcast via the Virginia Satellite Education Network are required to share in the cost associated with the operation of electronic classrooms on the basis of the locality's composite index of local ability to pay.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Appropriation Act-Direct Aid to Education

Last Assessment Period: 9-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Limited English Proficient Students

SOE.DOE079

School divisions receiving federal aid of any kind are required to provide special alternative language programs to ensure that limited English proficient students have access to the school's programs. Key components of such programs include a process for identifying students of limited English proficiency, a means of assessing their language skills, and procedures for placing them in an appropriate education program.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-212.1 and 22.1-253.13:1; P.L. 89-10 (Fed.); Bilingual Education Act § 7101 et seq. (Fed.); Equal Educational Opportunities Act of 1974 (Fed.); P. L. 93-380 (Fed.); 20 USC 1703 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

Last Assessment Period: 9-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This program was expanded by the No Child Left Behind Act of 2001 to include additional requirements, including annual testing. Not currently scheduled for reassessment.

Family Life Education Materials

SOE.DOE081

School divisions are required to implement the Family Life Education curriculum as established by the State Board of Education. School divisions are also required to develop a summary of the family life education program and to distribute the summary to parents or guardians on request. A complete copy of all printed materials and a description of all audiovisual materials must be kept in the school library or office and made available for review to any parent or guardian during school office hours before and during the school year.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia §§ 22.1-207.1, 22.1-207.2; State Board of Education Regulation 8 VAC 20-131-170

Last Assessment Period: 9-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Reenrollment Plans

SOE.DOE082

School division superintendents or their designee are required to participate in the development of reenrollment plans for juveniles who are released from a juvenile correctional center.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 16.1-293, 22.1-288.2

Last Assessment Period: 8-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Reports of Certain Acts in Schools

SOE.DOE083

School division superintendents are required to report certain incidents such as assaults resulting in bodily injury, threats against school personnel, bomb threats, found weapons, student possession of weapons, the possession of certain substances, and and the theft of prescription medications to the Department of Education annually, and to make such information available to the public. School principals must also report such incidents to local law enforcement.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-279.3:1; State Board of Education Regulation 8 VAC 20-560-10 et seq.

Last Assessment Period: 4-1-2003 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School-to-Work Transition Programs

SOE.DOE084

School divisions that establish school-to-work programs must adhere to guidelines issued by the Board of Education.

Type: Regulation of Optional Activity
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-208.2:2 and 22.1-209.01

Last Assessment Period: 5-1-1998 through 7-31-98
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Notice of Parental Involvement in Schools

SOE.DOE085

School divisions are required to distribute to all parents notice of the requirements of State law relating to parental involvement, and to distribute a copy of school board standards of student conduct. Additionally, schools are required to follow certain procedures regarding parental involvement in enforcing standards of conduct.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-276.2, 22.1-279.3, 22.1-279.6

Last Assessment Period: 4-1-2003 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Prevention of Violence and Crime on School Property

SOE.DOE086

School divisions are required to develop programs to prevent violence and crime on school property and at school-sponsored events.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-279.8

Last Assessment Period: 4-1-2003 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Sight and Hearing of Pupil to be Tested

SOE.DOE088

School divisions are required to establish and maintain screening procedures, using testing materials and appliances supplied by the Department of Education, to assure the identification of children with disabilities, including those related to fine and gross motor functions.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-273; State Board of Education Regulations 8 VAC 20-250-10 et seq., 8 VAC 20-80-50

Last Assessment Period: 8-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Sale of School Property

SOE.DOE089

School divisions that sell surplus real property must establish a capital improvement fund in which the proceeds of such sale accrue. The fund shall only be used for new school construction, school renovation, and major school maintenance projects.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-129

Last Assessment Period: 8-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Safety Audit and Crisis and Emergency Management Plan

SOE.DOE090

School divisions are required to conduct safety audits in all public schools in accordance with guidelines developed by the Superintendent of Public Instruction, and must develop a written school crisis and emergency management plan. A copy of all school safety audits must be made available for public review, and copies of such audits must be submitted to the Virginia Center for School Safety by the division superintendent.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-279.8

Last Assessment Period: 4-1-2003 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Early Intervention Services to Primary Grade Students

SOE.DOE091

School divisions receiving grant funds to provide an intervention program to primary grade students who demonstrate educational deficiencies are required to provide a local match based on the composite index of local ability to pay.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Appropriation Act-Direct Aid to Education

Last Assessment Period: 10-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Maintenance

SOE.DOE092

School divisions are required to establish a program for ongoing maintenance needs as a condition for receiving State maintenance supplement funds.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-138.1; Appropriation Act-Direct Aid to Education

Last Assessment Period: 4-1-2001 through 5-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Notification to Parents of Students with Vision/Hearing Impairments

SOE.DOE093

School divisions are required to annually distribute information made available by the Department of Education to parents of eligible students describing the services available through the Virginia School for the Deaf and the Blind at Staunton, the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and Vision Impaired.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-217.01

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Home Instruction

SOE.DOE094

Local school division superintendents are required to monitor the progress of home-schooled students, and must notify the Superintendent of Public Instruction of the number of students in the division receiving home instruction.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-254.1

Last Assessment Period: 9-1-2000 through 10-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Required Local Funding Effort for School Division

SOE.DOE095

Local governing bodies must appropriate funds for the operation of local school divisions at a level not less than that apportioned in compliance with the Code of Virginia for meeting the Standards of Quality in local educational programs.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-94, 22.1-115, 22.1-97

Last Assessment Period: 5-1-2000 through 7-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Fees and Charges

SOE.DOE096

School divisions may charge only those fees authorized by the Board of Education. Scholastic records may not be withheld for nonpayment of fees or charges.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-6; 8 VAC 20-370-10 et seq.

Last Assessment Period: 5-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Suspension, Expulsion, Exclusion, and Readmission of Pupils

SOE.DOE097

School divisions must adhere to procedures as set forth in the Code of Virginia in the suspension, expulsion, exclusion, and the readmission of students regarding school attendance.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04 through 22.1-277.08, 22.1-277.2

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Safe and Drug-Free Schools and Communities

SOE.DOE098

School divisions must certify to the Department of Education, as a condition for receiving funds under the federal Safe and Drug-Free Schools and Communities Act of 1994, that they have adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: P.L. 89-10 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001 Title IV § 4001 et seq.) (Fed.)

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Jointly Owned and Operated Schools or Programs

SOE.DOE099

School divisions are required to follow Board of Education guidelines when operating jointly owned schools or programs, including regional public charter schools or regional residential charter schools.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-26; 8 VAC 20-280-10 et seq.

Last Assessment Period: 8-1-2000 through 10-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Activity Funds

SOE.DOE100

School divisions must follow Board of Education regulations in handling funds derived from extracurricular school activities and activities involving school personnel, students, and property.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-16, 22.1-17, 22.1-115, 22.1-116; State Board of Education Regulation 8 VAC 20-240-10 et seq.

Last Assessment Period: 5-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Student Code of Conduct

SOE.DOE103

School divisions shall adopt and revise regulations governing student conduct consistent with the guidelines of the Board of Education. The code of conduct regulations shall include proceedings for suspension, expulsion, and exclusion decisions. The code of conduct shall be reviewed biennially to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-276.2, 22.1-279.6

Last Assessment Period: 4-1-2000 through 5-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public School Construction Grants

SOE.DOE104

School divisions eligible to receive construction grants must follow the guidelines as issued by the Board of Education, and must provide matching funds based on the locality's composite index of ability to pay.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-175.1 through 22.1-175.4; State Board of Education Regulations 8 VAC 20-380-10 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Internet Use Policy

SOE.DOE105

Local school superintendents are required to file an Internet use policy, approved by the local school board, with the Superintendent of Public Instruction biennially.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-70.2

Last Assessment Period: 10-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Character Education

SOE.DOE106

School divisions are required to establish a character education program consistent with criteria established by the State Board of Education.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-208.01

Last Assessment Period: 10-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Remediation Programs Evaluation and Reporting

SOE.DOE107

School divisions are required to annually evaluate, based on criteria established by the State Board of Education, remediation programs in terms of the pass rate on the Standards of Learning tests, and report data pertaining to the demographic and educational characteristics of those students identified for remediation, as well as the number of students meeting the objectives of these remedial programs.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-199.2; State Board of Education Regulations 8 VAC 20-630-10 et seq.; Appropriation Act-Direct Aid to Education

Last Assessment Period: 5-1-2003 through 6-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Legal Opinion Required for Literary Fund Loan

SOE.DOE108

School divisions receiving Literary Fund loans must provide an opinion of bond counsel as to the validity of the loan and the status under federal income tax laws of the interest on the loan.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authorization: Code of Virginia § 22.1-157

Last Assessment Period: 11-1-2002 through 12-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Families in Education Incentive Grants Program

SOE.DOE109

School divisions receiving grants from the Families in Education Incentive Grants Fund must meet State Board of Education program guidelines.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-209.1:7

Last Assessment Period: 3-1-2003 through 4-30-2003
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public School Educational Technology Grants Program

SOE.DOE110

School divisions receiving grants from the Virginia Public School Educational Technology Trust Fund must provide a 20% local match based on the composite index of ability to pay, and must meet State Board of Education program guidelines. At least 25% of the local match shall be used for teacher training in the use of the technology.

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-175.6 through 22.1-175.9; Appropriation Act-Direct Aid to Education

Last Assessment Period: 11-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Evaluation of Superintendent

SOE.DOE111

School divisions must evaluate the division superintendent annually.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-60.1

Last Assessment Period: 11-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Asthma Medication Policy

SOE.DOE112

School divisions must develop and implement a policy permitting a student with a diagnosis of asthma to possess and self-administer inhaled asthma medications 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.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-274.2

Last Assessment Period: 8-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Student Searches

SOE.DOE113

School divisions must adopt and revise regulations governing student searches that are consistent with the guidelines established by the Board of Education.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-279.7

Last Assessment Period: 5-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Commercial, Promotional, and Corporate Partnership Policy

SOE.DOE114

School divisions are required to develop and implement a policy relating to commercial, promotional, and corporate partnerships and sponsorships in their public schools.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-89.4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 4-1-2004 through 5-31-2004
Comment:

Optional K-5 Education Programs

SOE.DOE116

School divisions establishing optional education programs away from the regular classroom for students in grades K-5 who need to be redirected toward appropriate classroom decorum and acceptable behavior must provide services that will enable the students to benefit from a public education while away from the regular classroom. Such programs must be adequately staffed and facilitate parent participation.

Type: Regulation of Optional Activity
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-200.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 4-1-2004 through 5-31-2004
Comment:

Teacher Intervention/Remediation Training

SOE.DOE117

School divisions are required to provide training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-303

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 4-1-2004 through 5-31-2004
Comment:

Posting of the National Motto/Bill of Rights

SOE.DOE118

School divisions are required to post the Bill of Rights of the Constitution of the United States and the statement, "In God We Trust, the National Motto, enacted by Congress in 1956," in a conspicuous place in each school of the locality.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Chapter 902, 2003 Virginia Acts of Assembly.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2002. Not currently scheduled for assessment.

Charter School Applications

SOE.DOE119

School divisions are required to receive and review all public charter school applications based on procedures established by the division. Each division must report the grant or denial of any public charter school application and submit annual evaluations of any public charter school in the division to the Board of Education.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia §§ 22.1-212.11, 22.1-212.15, 22.1-219.9

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2002. Not currently scheduled for assessment.

Scoliosis Screening

SOE.DOE120

School divisions shall provide parent educational information or implement a program of regular screening for scoliosis of pupils in grades five through ten. Excepted from this requirement are pupils admitted for the first time to a public school who have been so tested as part of the comprehensive physical examination or whose parents have indicated the preference that their children not participate in such screening. Local divisions shall develop procedures for parents to indicate such preference.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authorization: Code of Virginia § 22.1-273.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2003. Fiscal impact: May result in a modest one-time cost to local school divisions. Not currently scheduled for assessment.

Voting Equipment and Systems

SOA.SBE001

Each city and county having an optional form of government must use in its elections a mechanical or electronic voting or counting system approved by the State Board of Elections. For other counties, such systems must be used in precincts having 750 or more registered voters. Furthermore, State law stipulates how many such voting devices must be present at precincts, based on the number of registered voters.

Type: Compulsory Order
Agency: **State Board of Elections**
Secretariat: Administration
Authorization: Code of Virginia §§ 24.2-103, 24.2-628, 24.2-629

Last Assessment Period: 5-1-1999 through 7-31-99
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Electoral Board and Registrar

SOA.SBE002

Counties and cities are required to have an electoral board and a general registrar, and they must follow State and federal procedures for voting and registration. The cost of conducting elections shall be borne by the locality.

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authorization: Code of Virginia §§ 24.2-106, 24.2-110, 24.2-404.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 24.2-416.1 through 24.2-416.5, 24.2-417.1, 24.2-428.1, 24.2-428.2, 24.2-600; Voting Rights Act of 1965 (Fed.), National Voter Registration Act (42 USC § 1973gg et seq.) (Fed.)

Last Assessment Period: 2-1-2002 through 4-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Assistance for Disabled and Elderly at Polling Place

SOA.SBE003

Local electoral boards must provide signs outside polling places to direct people with disabilities and elderly persons to any special entrance designed for their use.

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authorization: Code of Virginia §§ 24.2-604.1, 51.5-1; P.L. 98-435 (Fed.); 42 USC 1973ee et seq. (Fed.); 42 USC 12131 et seq. (Fed.)

Last Assessment Period: 2-1-2002 through 4-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Appoint Local Emergency Services Director

SPS.VDEM001

Each county and city must appoint a director of emergency services. Towns with populations greater than 5,000 can operate a program separate from a county, but they must appoint a director of emergency services.

Type: Compulsory Order
Agency: **Department of Emergency Management**
Secretariat: Public Safety
Authorization: Code of Virginia § 44-146.19

Last Assessment Period: 2-1-2000 through 2-29-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Emergency Management Assistance

SPS.VDEM002

Local governments receiving federal financial assistance from the Department of Emergency Management for emergency services programs must have an emergency agency established by law, a director of emergency services, and an emergency program manager. The locality also must have an approved Emergency Operations Plan (EOP). Participating localities must have an exercise plan to test and evaluate all functions in their EOPs and must conduct an exercise each year. A local match is required.

Type: Condition of Financial Aid
Agency: **Department of Emergency Management**
Secretariat: Public Safety
Authorization: Code of Virginia § 44-146.19; P.L. 81-920 (Fed.); 44 CFR 302(Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Emergency Operations Plan

SPS.VDEM003

All cities and counties are required to develop and maintain a local emergency operations plan, which assigns emergency duties and responsibilities to local government and support agencies, and sets forth procedures for emergency response and recovery. The plan should be updated annually and readopted every five years.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia § 44-146.19; Federal Civil Defense Act of 1950, as amended (Fed.); Federal Emergency Management Agency Civil Preparedness Guides 1-3, 1-8 (Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Radiological Emergency Plan

SPS.VDEM004

Each political subdivision having a nuclear power station or other nuclear facility within 50 miles of its boundaries shall prepare and keep current an appropriate emergency plan for its area to respond to nuclear accidents at such station or facility.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia § 44-146.19; 42 USC 5131, 5844 (Fed.); P.L. 96-295 (Fed.); 10 CFR 50, 44 CFR 350 (Fed.); Executive Orders 12127, 12148 (Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Disaster Assistance

SPS.VDEM006

Following a presidential declaration of a major disaster or emergency, local governments may receive disaster assistance to save lives, protect property, and supplement the efforts and available resources to alleviate damage, loss, and suffering caused by the event. Local recipients must agree to: assume the nonfederal share of costs (25%), complete work for which assistance is received, and comply with the provisions of a State-Applicant Disaster Assistance Agreement.

Type: Condition of Financial Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 44-146.13, 44-146.17, 44-146.18, 44-146.27; P.L. 93-288 (Fed.); 42 USC 5121 et seq. (Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Hazardous Materials Response Team

SPS.VDEM007

Local governments entering into cost-sharing agreements with the Department of Emergency Management to receive State funds for the maintenance and operation of advanced hazardous materials response teams must agree to dispatch the teams to incidents occurring within an assigned geographic area outside their own political subdivisions.

Type: Condition of Financial Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia § 44-146.36

Last Assessment Period: 2-1-2000 through 2-29-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

SARA Title III Requirements

SPS.VDEM008

Local governments must participate in Local Emergency Planning Committees established by the Virginia Emergency Response Council under the authority of Title III of the Superfund Amendments and Reauthorization Act (SARA), also known as the Emergency Planning and Community Right-to-Know Act of 1986. Local committees must develop (1) emergency response plans for extremely hazardous substances, (2) procedures for collecting and maintaining listings of extremely hazardous substances, and (3) procedures to respond to requests for information on the presence or release of these substances. Local emergency response plans must be reviewed and updated annually.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 44-146.18(a) and (b)(1) - (5), 44-146.35, 44-146.40; P.L. 99-499 (Superfund Amendments and Reauthorization Act of 1986, Title III) (Fed.); 42 USC 9601 et seq. (Fed.); 40 CFR Subchapter J (Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Appoint Local Hazardous Materials Coordinator

SPS.VDEM009

Local governments are required to appoint a hazardous materials coordinator and the individual appointed to that position must have the requisite qualifications as established by the Department of Emergency Management.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authorization: Code of Virginia § 44-146.38; P.L. 99-499, Section 303(c)(3) (Fed.)

Last Assessment Period: 6-1-2003 through 8-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Workforce Development Program

SCT.VEC002

Local governments participating in workforce development programs funded through the Workforce Investment Act are required to apply for Local Workforce Investment Area Designation, appoint members to the Local Workforce Investment Board, and comply with other elements of the State's Workforce Development Program to insure the development and performance of programs for the training and employment of youth and adults through One Stop service delivery systems.

Type: Condition of Financial Aid

Agency: **Virginia Employment Commission**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 9-329.1; P.L. 105-220 (Workforce Investment Act of 1998) (Fed.), 20 CFR 652 et seq. and 20 CFR 661.315 (Fed.)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period: 4-1-2004 through 6-30-2004

Comment:

Water Withdrawal Report

SNR.DEQ001

Local governments are required to report on their water withdrawals if the average daily withdrawal exceeds 10,000 gallons per day in any one month for uses other than agricultural irrigation or more than one million gallons in any month for agricultural irrigation uses.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 62.1-44.38; State Water Control Board Regulation 9 VAC 25-200-10 et seq.

Last Assessment Period: 5-1-1999 through 7-31-99

Last Assessment Finding: Retain.

Current Assessment Period: 8-1-2004 through 9-30-2004

Comment:

Clean Air Act Section 105 Grant

SNR.DEQ002

Local governments receiving air pollution control grants from the Department of Environmental Quality must comply with federal Environmental Protection Agency requirements.

Type: Condition of Financial Aid
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: 40 CFR Ch. 1, Subpart B (Fed.)

Last Assessment Period: 9-1-1999 through 11-30-99
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Coastal Resources Management Program

SNR.DEQ003

Local governments receiving federal funding through the Virginia Coastal Resources Management Program must meet all requirements of the contract they execute with the Department of Environmental Quality. Those requirements include completion of all work and submission of all deliverables as described in the locality's approved proposal as well as compliance with all State and federal administrative requirements.

Type: Condition of Financial Aid
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: 40 CFR Ch. 1, Subpart B (Fed.)

Last Assessment Period: 9-1-1999 through 11-30-99
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Operator Certification

SNR.DEQ005

Local government waste management facilities must be operated under the direct supervision of a person licensed by the Board of Waste Management Facility Operators.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 10.1-1408.2 and 54.1-2212; Board of Waste Management Facility Operators Regulations 18 VAC 155-20-10 et seq.

Last Assessment Period: 3-1-2001 through 5-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Permit

SNR.DEQ006

Local governments that operate solid waste management facilities are required to have a permit from the Department of Environmental Quality to ensure proper siting, design, construction, and operation; and must provide financial assurance to cover the cost of closure and post closure maintenance of the facility. Local governments seeking a permit to operate a new sanitary landfill or transfer station are required to hold an advertised public hearing to seek comment from affected residents and to form a citizen advisory group to assist in site selection.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 10.1-1408.1, 10.1-1408.3 et seq., 10.1-1410.2; Virginia Waste Management Board Regulations 9 VAC 20-70-10 et seq., 9 VAC 20-80-10 et seq.; P.L. 94-580 (Fed.); P.L. 98-616 (Fed.); 42 USC 6901 et seq. (Fed.); 40 CFR 257, 258 (Fed.)

Last Assessment Period: 3-1-2001 through 5-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Vegetative Waste Management and Yardwaste Composting Regulations

SNR.DEQ009

Local governments electing to compost yardwaste or other vegetative waste must comply with the requirements of the Vegetative Waste Management and Yardwaste Composting Regulations related to the siting, operation, and monitoring of such facilities.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1408.1; Virginia Waste Management Board Regulation 9 VAC 20-101-10 et seq.; 42 USC 6901 et seq. (Fed.); 40 CFR 257, 258 (Fed.)

Last Assessment Period: 3-1-2001 through 5-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Litter Control and Recycling Grant

SNR.DEQ010

Local governments receiving litter control and recycling grants must follow guidelines established by the Department of Environmental Quality.

Type: Condition of Financial Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1422; Department of Environmental Quality Guidelines

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Litter Receptacles in Public Places

SNR.DEQ011

Local governments that elect to place a litter receptacle at a park, beach, campground, trailer park, or other public place are responsible for removing the litter from those receptacles.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia § 10.1-1419; Virginia Waste Management Board Regulation 9 VAC 20-190

Last Assessment Period: 3-1-2001 through 5-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Fees for Solid Waste Management Facility Permits

SNR.DEQ012

Local governments applying for new, amended, or modified permits for solid waste management facilities must pay a permit application fee in order for the permit to be considered complete.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia § 10.1-1402.1; Virginia Waste Management Board Regulation 9 VAC 20-90-10 et seq.

Last Assessment Period: 3-1-2001 through 5-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Compliance Notification

SNR.DEQ013

Upon receipt of a request for certification that the location and operation of a solid waste management facility are consistent with all applicable ordinances, the local government is required to inform both the applicant and the Department of Environmental Quality of the facility's compliance or noncompliance within 120 days.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1408.1; Virginia Waste Management Board Regulation 9 VAC 20-80-10 et seq.

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Program expanded (Chapter 613, 1999 Virginia Acts of Assembly) to require local governments that host, but do not own or operate, a new or expanding municipal solid waste landfill certify to the Department of Environmental Quality that a host agreement, having certain required provisions, has been reached between the applicant and the host jurisdiction. Not previously reported by administering agency. Not currently scheduled for assessment.

Solid Waste Management Plan

SNR.DEQ014

Local governments, either individually or joining together as an approved region, are required to submit comprehensive 20-year solid waste management plans by July 1, 2004 to the Department of Environmental Quality. Plans must be kept up-to-date by amendment and approval by the Department of Environmental Quality. Permitting of solid waste management facilities in the region must conform to the plan

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 10.1-1402, 10.1-1411, 10.1-1413.1; Virginia Waste Management Board Regulation 9 VAC 20-130-10 et seq.

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Recycling Program

SNR.DEQ015

Local governments must develop and implement recycling programs to maintain a recycling rate of 25%. Plans for achieving this rate must be included in local solid waste management plans. Data to document recycling rates for the preceding calendar year must be reported annually to the Department of Environmental Quality.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1411; Virginia Waste Management Board Regulation 9 VAC 20-130-10 et seq.

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Hazardous Waste Management Requirements

SNR.DEQ016

Local governments that generate, transport, treat, store, or dispose of hazardous wastes must comply with hazardous waste management requirements. To ship hazardous wastes, localities must use manifests and permitted transporters. Such wastes can be shipped only to certain treatment or disposal facilities. In general, any treatment, storage, or disposal requires a permit.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1400 et seq.; 9 VAC 20-60-10 et seq.; P.L. 94-580 (Fed.); P.L. 98-616 (Fed.); 42 USC 6901 et seq. (Fed.); 40 CFR 124 and 40 CFR 260-279 (Fed.)

Last Assessment Period: 3-1-2001 through 5-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Medical Waste Management

SNR.DEQ017

Local governments electing to generate, transport, and/or treat, store, or dispose of regulated medical waste must meet certain minimum regulatory standards. Generators must ensure that their regulated medical waste is appropriately handled, and transporters must be registered with the Department of Environmental Quality. Medical waste treatment, storage facilities require permits.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1402; Virginia Waste Management Board Regulation 9 VAC 20-120-10 et seq.

Last Assessment Period: 3-1-2001 through 4-30-2001

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Hazardous Materials Transportation

SNR.DEQ018

Local governments electing to transport hazardous materials in excess of specified levels must follow the federal safety requirements for interstate transportation. Hazardous materials must be properly packaged and labeled, and transport vehicles must bear placards to identify the hazard associated with the materials. Drivers of hazardous materials vehicles must have a commercial driver's license and a hazardous materials certification from the Department of Motor Vehicles.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§10.1-1450 et seq.; Virginia Waste Management Board Regulation 9 VAC 20-110-10 et seq.; Hazardous Materials Transportation Act of 1990 § 19 (Fed.); 49 CFR 107, 171 through 180, 383, 390 through 397 (Fed.)

Last Assessment Period: 3-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Underground Storage Tank

SNR.DEQ019

Local governments that have underground storage tanks are required to upgrade or replace the tanks. Localities are also required to ensure that the underground storage tanks have not leaked, or will not leak, regulated substances into the ground. If leaks have occurred, further testing and, if necessary, cleanup are required.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 62.1-44.34:8 through 44.34:13; State Water Control Board Regulation 9 VAC 25-580-10 et seq.; P.L. 98-616 (Fed.); 40 CFR 280, 281 (Fed.)

Last Assessment Period: 3-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Pollution Discharge Elimination System Permit

SNR.DEQ020

Local governments that operate wastewater treatment facilities or have any other point source discharges to surface waters are required to have a permit authorizing the discharge from the facility into surface waters. The permit imposes controls on the quality of the discharge to ensure compliance with water quality standards, requirements for monitoring the discharge, and reporting of the results.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 62.1-44.15 et seq.; 9 VAC 25-30-10 et seq.; 9 VAC 25-110-10 et seq.; 33 USC 1251 et seq. (Fed.); Clean Water Act § 402 (Fed.); 40 CFR 122 - 124 (Fed.)

Last Assessment Period: 7-1-2001 through 9-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Water Protection Permit

SNR.DEQ021

Local governments that intend to conduct in navigable waters any activity that requires a federal permit must obtain certification from the State that the activity will not violate the State's water quality standards. The certification applies to numerous types of activities, regardless of federal permit requirements, such as dredging, building docks, developing water intakes, drainage or excavation of non-tidal wetlands, etc., and is granted through a Virginia Water Protection Permit that may contain special conditions necessary to protect water quality.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 62.1-44.15:5; 9 VAC 25-210-10 et seq.; 33 USC 1341 (Fed.); 40 CFR 121 (Fed.)

Last Assessment Period: 7-1-2001 through 9-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Pollution Abatement Permit

SNR.DEQ022

Local governments that operate facilities that have the potential to discharge into State waters but are not actually a point source discharge are required to obtain a Virginia Pollution Abatement Permit. These permits contain requirements specific to the operation and include monitoring and reporting requirements. The types of operations that may be required to obtain a Virginia Pollution Abatement permit are land application of sludge or land treatment of wastewater.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 62.1-44.15, 62.1-44.18; 9 VAC 25-30-10 et seq.; 33 USC 1251 et seq. (Fed.); Clean Water Act § 402 (Fed.); 40 CFR 122 - 124 (Fed.)

Last Assessment Period: 7-1-2001 through 9-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Ground Water Withdrawal Permit

SNR.DEQ023

Local governments that withdraw for any purpose ground water in excess of 300,000 gallons per month in a ground water management area are required to obtain a permit prior to the withdrawal. The permit imposes maximum withdrawal amounts and monitoring and reporting requirements.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 62.1-254 et seq.; 9 VAC 25-610-10 et seq.

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Surface Water Withdrawal Permit

SNR.DEQ024

Local governments that withdraw in excess of 300,000 gallons of surface water per month in a surface water management area are required to obtain a permit prior to withdrawal. The permit may establish, among other things, in-stream flow conditions that limit the volume and rate at which water may be withdrawn at certain times and conditions to protect beneficial uses.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 62.1-242 et seq.; 9 VAC 25-220-10 et seq.

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Above-Ground Storage Tank

SNR.DEQ025

Local governments owning an above-ground oil storage or handling tank with a capacity of 25,000 gallons or more must have an approved contingency plan that will ensure that the locality can take steps necessary to protect environmentally sensitive areas, to respond to the threat of an oil discharge, and to contain cleanup and mitigate an oil discharge within the shortest feasible time.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 62.1-44.34:15; State Water Control Board Regulation 9 VAC 25-140-10 et seq.

Last Assessment Period: 3-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Waste Tire Grant and End User Reimbursement

SNR.DEQ027

Local governments participating in regional programs established with grant funds from the Waste Tire Fund to address waste tire accumulation problems must establish a point of collection for waste tires. Eligibility for end user reimbursement payments may be established by local governments that elect to process and beneficially reuse waste tires.

Type: Condition of Financial Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia §§ 10.1-1422.1 through 10.1-1422.4

Last Assessment Period: 6-1-2002 through 8-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Solid Waste Management Reporting

SNR.DEQ028

Local governments that operate solid waste management facilities are to report annually on the volume and category of waste disposed and the amounts originating from outside the State.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia § 10.1-1413.1

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Water Quality Improvement Fund (WQIF) Point Source Program

SNR.DEQ029

Local governments receiving grants from the Virginia Water Quality Improvement Fund for installing nutrient removal technology in publicly owned wastewater treatment plants must comply with the guidelines established by the Secretary of Natural Resources.

Type: Condition of Financial Aid
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 10.1-2117 et seq.

Last Assessment Period: 3-1-2001 through 4-30-2001
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Compliance with Air Emission Standards

SNR.DEQ031

Local governments that operate landfills, incinerators, wastewater treatment facilities, boilers, or other facilities that generate air pollution must comply with air emissions standards.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1308; 9 VAC 5-40-10 et seq., 9 VAC 5-50-10 et seq., 9 VAC 5-60-10 et seq., 9 VAC 5-80-10 et seq.; Federal Clean Air Act §§ 110, 111, 112, 123, 129, 165, 171, 172, 173, 182 (Fed.); 40 CFR 51, 60, 61, 63, 70 (Fed.)

Last Assessment Period: 4-1-2000 through 6-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Landfill Closure

SNR.DEQ032

Local governments must close municipal solid waste landfills that they own or operate, in accordance with a schedule developed by the Department of Environmental Quality, which do not have liners and leachate collection systems meeting the requirements of the Virginia Waste Management Board.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1413.2

Last Assessment Period: 9-1-2003 through 10-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Exceptional Waters Notification

SNR.DEQ033

Local governments must provide, upon the request of the Department of Environmental Quality, names and addresses of riparian property owners impacted by a nomination of a waterway or segment of a waterway for designation as an exceptional state water.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 62.1-44.15:4(B); Water Quality Standards Regulation 9 VAC 25-260-30

Last Assessment Period: 7-1-2001 through 9-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Transportation of Waste on State Waters

SNR.DEQ034

Local governments that operate facilities for receiving solid waste or regulated medical waste transported aboard vessels on State waters are required to obtain permits to ensure proper siting, design, construction, and operation of such facilities. Local governments that operate facilities that load solid waste or regulated medical waste onto vessels for transport on State waters are not required to have a permit but are required to meet several performance criteria. All vessels and facilities are subject to performance, financial assurance, and fee requirements regardless of ownership.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-1454.1; Virginia Waste Management Board Regulation 9 VAC 20-170-10 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Program effective July 1, 2003. Fiscal impact: Data not available. Not currently scheduled for assessment.

Fire Programs Grant

SPS.DFP001

Local governments receiving grants from the Fire Programs Fund must use the funding for fire service purposes and may not use such funds to supplant nor replace local appropriations. In collecting fire programs funding local governments must file a timely report on the prior fiscal period's usage, as well as an agreement specifying uses for the current period.

Type: Condition of Financial Aid

Agency: **Department of Fire Programs**

Secretariat: Public Safety

Authorization: Code of Virginia § 38.2-401; Department of Fire Programs Administrative Policies, Section 17.1 - Fire Programs Fund

Last Assessment Period: 2-1-2003 through 4-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Training Standards for Fire Marshals

SPS.DFP002

Local fire marshals are required to meet training standards established by the Virginia Fire Services Board in order to exercise police powers in the conduct of investigations and to issue summons for violations of the State Fire Prevention Code.

Type: Regulation of Optional Activity

Agency: **Department of Fire Programs**

Secretariat: Public Safety

Authorization: Code of Virginia §§ 27-34.2 and 27-34.2:1

Last Assessment Period: 2-1-2003 through 4-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Volunteer Fire Assistance Program Grant

SCT.DOF002

Volunteer fire departments receiving financial assistance for training, supplies, and equipment through the Volunteer Fire Assistance Program are required to provide a 50% match.

Type: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Commerce and Trade
Authorization: P.L. 95-313-1978 (Fed.)

Last Assessment Period: 11-1-2000 through 2-28-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Forest Protection Reimbursement

SCT.DOF003

Local governments entering into a contract with the Department of Forestry must reimburse the Department for expenditures for forest protection, forest fire detection, forest fire prevention, and forest fire suppression not to exceed in any one year an amount equal to five cents per acre of privately owned woodland.

Type: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Commerce and Trade
Authorization: Code of Virginia § 10.1-1124

Last Assessment Period: 11-1-2000 through 2-28-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Urban and Community Forestry Assistance Program

SCT.DOF004

Local governments participating in the Cooperative Forestry Assistance grant program must agree to participate in urban and community forestry program development and/or projects that involve tree management, ecosystem management, or land-use planning, and are required to provide a minimum 50% cash and/or in-kind match.

Type: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Commerce and Trade
Authorization: Forestry Title of the Farm Bill (Fed.); U&CF Assistance §1219

Last Assessment Period: 11-1-2000 through 2-28-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Dry Fire Hydrant Grant Program

SCT.DOF005

Local fire departments participating in the Department of Forestry's Dry Fire Hydrant Grant Program may have a dry hydrant installed at a pre-approved location by the program's designated contractor. Localities must agree to pay for any materials required that exceed those specified in the grant.

Type: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Commerce and Trade
Authorization: Code of Virginia § 38.2-401; Item 459, Chapter 1, Special Session I, 1998 Virginia Acts of Assembly

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Carrying Loaded Firearm on Public Road

SNR.DGIF001

Local governments that adopt ordinances to restrict the carrying of loaded firearms in vehicles on public roads must notify the Department of Game and Inland Fisheries by May 1 of the year in which the law takes effect; otherwise it is not enforceable.

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 18.2-287.1, 29.1-526

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting Damage Stamp

SNR.DGIF002

Local governments that require hunters who hunt deer, elk, or bear to purchase a damage stamp must report disbursements and collections to the Department of Game and Inland Fisheries annually.

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authorization: Code of Virginia § 29.1-358

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting or Trapping Near Highway

SNR.DGIF003

Local governments that adopt ordinances to prohibit hunting or trapping near primary or secondary highways must notify the Department of Game and Inland Fisheries by May 1 of the year in which the law takes effect; otherwise it is not enforceable.

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authorization: Code of Virginia § 29.1-526

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Boating Ordinances

SNR.DGIF004

Local boating ordinances and regulatory markers must be approved by the State Board of Game and Inland Fisheries. After notifying the Department, local governments may by ordinance establish no wake zones, as well as recreational boating "pass-through" zones.

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 29.1-744, 29.1-744.4

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting Firearm Restrictions

SNR.DGIF005

Local governments that adopt ordinances placing limits on the type and caliber of weapons used to hunt within the boundaries of the locality must notify the Department of Game and Inland Fisheries by May 1 of the year in which the ordinance takes effect; otherwise it is not enforceable.

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authorization: Code of Virginia § 29.1-528

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Design-Build/Construction Management Review

SOA.DGS004

Local governments are authorized to enter into contracts for construction on a fixed-price or not-to-exceed price design-build or construction management basis under certain conditions. Before a locality may issue a Request for Proposal, the Design-Build/Construction Management Review Board must determine that the conditions have been met and that the use of design-build is reasonable.

Type: Regulation of Optional Activity
Agency: **Department of General Services**
Secretariat: Administration
Authorization: Code of Virginia §§ 2.2-2404 through 2.2-2406, 2.2-4308

Last Assessment Period: 1-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Maintain Local Health Department

SHHR.VDH001

Each county and city must establish and maintain a local department of health. The specific requirements and services to be provided by the local health department are contained in an annual contract between the locality and the State Board of Health.

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 32.1-30 through 32.1-34.1

Last Assessment Period: 4-1-1999 through 6-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 9-1-2003 through 11-30-2003
Comment:

Communicable Disease Services

SHHR.VDH002

Local health departments must provide communicable disease services including childhood immunizations; sexually transmitted disease screening, diagnosis, and surveillance; acquired immune deficiency syndrome and human immunodeficiency virus testing and counseling; surveillance of reportable communicable diseases, food borne disease outbreaks; and other unusual disease outbreaks, tuberculosis control screening, diagnosis, treatment, and surveillance; and community education.

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 32.1-11.3, 32.1-39, 32.1-45.1, 32.1-46, 32.1-49, 32.1-54, 32.1-57; Department of Health Agreement With Local Government

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Child Health Services Program

SHHR.VDH003

Local health departments are required to provide child health services including children's specialty services; screening for genetic traits and inborn errors of metabolism; dietary supplements; well child care; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and community education.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 22.1-270, 32.1-11, 32.1-65 through 32.1-68, 32.1-77; Department of Health Agreement with Local Government; P.L. 94-10 (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Maternal Health Services Program

SHHR.VDH004

Local health departments are required to provide maternal health services including prenatal and postpartum care for low risk and intermediate risk women; baby care services; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and community education.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 32.1-11, 32.1-77; Department of Health Agreement with Local Government; Social Security Act, Title V (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Family Planning Services Program

SHHR.VDH005

Local health departments are required to provide family planning services including clinic services, including drugs and contraceptive supplies; pregnancy testing and counseling; and community education.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Department of Health Agreement with Local Government; Social Security Act, Title X (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Alter.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Environmental Health Services Program

SHHR.VDH006

Local health departments are required to provide environmental health services including investigation of communicable diseases; rabies control; regulation of ice cream/frozen desserts, marinas, migrant labor camps, milk, on site sewage disposal, water supply sanitation, wells, and restaurants; and inspections of sewage treatment plants serving single family homes with discharges of less than 1,000 gallons per day.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 3.1-530.4, 3.1-562.1 through 3.1-562.10, 29-213.1 through 29-213.4, 32.1-13, 32.1-39, 32.1-163 through 32.1-176.6, 32.1-203 through 32.1-211, 32.1-246, 35.1-22, 62.1-44.18, 62.1-44.19; Department of Health Agreement with Local Government; P.L. 92.500 (Fed.), P.L. 93.523 (Fed.), P.L. 95-217 (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Optional Communicable Disease Services Program

SHHR.VDH008

Local health departments that provide optional communicable disease services, including foreign travel immunizations, must comply with Department of Health regulations, policies, and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Optional Child Health Services Program

SHHR.VDH009

Local health departments that provide optional child health services, including baby care services, sick child care, blood lead level testing, school health services, and outreach, must comply with Department of Health regulations, policies, and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Optional Maternal Health Services Program

SHHR.VDH010

Local health departments that provide optional maternal health services, including outreach, must comply with Department of Health policies and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Optional Family Planning Services Program

SHHR.VDH011

Local health departments that provide optional family planning services must comply with Department of Health policies and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Optional General Medical Services Program

SHHR.VDH012

Local health departments that provide optional general medical services, including activities of daily living; general clinic services; home health services; outreach; occupational health services; personal care; pharmacy services; hypertension screening, referral, counseling; and respite care services, must comply with Department of Health regulations, policies, and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Optional Dental Health Services Program

SHHR.VDH013

Local health departments that provide optional dental health services, including preventive clinic services for children and adults and restorative clinic services, must comply with Department of Health regulations, policies, and guidelines.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Department of Health Agreement with Local Government

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Emergency Medical Services Licensing

SHHR.VDH014

Local governments electing to be direct providers of emergency medical services are required to be licensed by the Department of Health and to comply with rules and regulations promulgated by the Board of Health governing medical services.

Type: Regulation of Optional Activity

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 32.1-111.1 through 32.1-111.15 and 32.1-116.1 through 32.1-116.3; Emergency Medical Services Regulation 12 VAC 5-30-10 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Health Care Facility Licensing

SHHR.VDH015

Local governments and regional authorities that own and operate State regulated health care facilities and services are required to comply with State licensure requirements such as those governing operation of hospitals, home health agencies, hospices, or nursing homes.

Type: Regulation of Optional Activity

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 32.1-123 through 32.1-127.1:03, 32.1-138 through 32.1-138.5, 32.1-162.1 through 32.1-162.15; Department of Health Regulations 12 VAC 5-371-10 et seq., 12 VAC 5-380-10 et seq., 12 VAC 5-390-10 et seq., and 12 VAC 5-410-10 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Health Facility Medicare Requirements

SHHR.VDH016

Local governments and regional authorities that own and operate health care facilities that provide care for Medicare patients, and wish to receive reimbursement for such care, must comply with federal requirements. The Department of Health's Center for Quality Health Care Services and Consumer Protection acts on behalf of the federal government in connection with the survey and certification of such facilities.

Type: Condition of Financial Aid

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Social Security Act, Titles XVIII, XIX (Fed.)

Last Assessment Period: 4-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Restaurant, Hotel or Summer Camp Licensing

SHHR.VDH017

Local governments that operate a restaurant, hotel, or summer camp are required to meet the same licensing or permitting requirements as any other operator of such facilities.

Type: Regulation of Optional Activity

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 35.1-13 through 35.1-17; Department of Health Regulations governing licensure of hotels, summer camps, campgrounds, and restaurants, 12 VAC 5-420-10 et seq., 12 VAC 5-430-10 et seq., 12 VAC 5-440-10 et seq., and 12 VAC 5-450-10 et seq.

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Vital Records and Health Statistics Report

SHHR.VDH018

Each county and city health director shall serve as the county or city registrar of vital records and health statistics for his or her jurisdiction. The local registrar shall transmit at least twice monthly the records filed with him or her to the State Registrar.

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-254 et seq.

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Public Water System Permit

SHHR.VDH019

Local governments that own and operate public water systems are required to have a waterworks operation permit. This permit requires: (1) continuous provision of safe drinking water; (2) monitoring requirements; and (3) reporting requirements.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 32.1-167 through 32.1-176; Waterworks Regulation 12 VAC 5-590-10 et seq.; P.L. 93-523 (Fed.); P.L. 99-399 (Fed.); P.L. 104-182 (Fed.)

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Public Marina

SHHR.VDH020

Local governments that own and operate marinas and the sanitary sewage facilities serving marinas and other places where boats are moored must conform to the requirements of the 1990 Sanitary Regulations for Marinas and Boat Moorings.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-246; Department of Health Regulation 12 VAC 5-570-10 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Sewerage Design Approval

SHHR.VDH021

Local governments that own and operate sewage collection systems and sewage treatment works are required to provide an engineered design for any new or upgraded facility, consistent with the Commonwealth's public health and water quality objectives. In addition to the design, localities must provide documents for a technical evaluation of the design, construction, installation, and operation of equipment and systems. Such information must verify that the proposed facilities will reliably achieve compliance with the sewerage regulations and with permit requirements.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 32.1-164, 62.1-44.19; 1977 Sewerage Regulation 12 VAC 5-580-10 et seq.

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Inspection of Local Correctional Facilities

SHHR.VDH022

Local jails are subject to at least one annual unannounced inspection to be conducted by the Department of Corrections, with oversight from the Virginia Department of Health, to ensure proper protection for jail inmates and staff.

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 35.1-1, 53.1-68, and 53.1-127

Last Assessment Period: 7-1-1998 through 9-30-98
Last Assessment Finding: Retain.
Current Assessment Period: 2-1-2004 through 4-30-2004
Comment:

Certificate of Public Need (COPN) Requirements for Local Health Facilities

SHHR.VDH023

Local governments that operate medical care facilities and services must receive a Certificate of Public Need from the Department of Health to establish new acute care facilities and services and long-term care medical facilities, as well as for new construction and renovation.

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-102.1 through 32.1-102.12; Certificate of Public Need Program and the State Medical Facilities Plan Regulations 12 VAC 5-220-10 through 12 VAC 5-360-10 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Clinical Laboratory Facility Requirements

SHHR.VDH024

Local governments that operate clinical laboratories that test human specimens for assessing health for the diagnosis, prevention, or treatment of any disease or impairment must comply with federal certification standards.

Type: Regulation of Optional Activity

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Clinical Laboratory Improvement Act of 1988 (Fed.); Omnibus Reconciliation Act of 1989 (Fed.); Titles XVIII and XIX of the Social Security Act (Fed.); 42 CFR, Chapter IV - HCFA, part 493 - Laboratory Requirements

Last Assessment Period: 4-1-2002 through 6-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Emergency Medical Services Funds Report

SHHR.VDH025

Local governments are required to report annually to the Board of Health on the use of State funds received for training and procurement for emergency medical and rescue services. Such annual reports to the Board of Health are required prior to the receipt of such funds for the next fiscal year.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 46.2-694

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Rescue Squad Assistance Fund

SHHR.VDH026

Local governments electing to apply for funds from the Rescue Squad Assistance Fund grant program must comply with the Rules and Regulations Governing Financial Assistance for Emergency Medical Services.

Type: Condition of Financial Aid
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-111.12; Department of Health Regulation 12 VAC 5-30-10 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Variances and Exemptions for Rescue Squads

SHHR.VDH027

Local governments must review applications of rescue squads in their jurisdiction that request variances or exemptions from the Rules and Regulations Governing Emergency Medical Services, and shall submit their recommendation to the Commissioner of Health.

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-111.9; Department of Health Regulation 12 VAC 5-30-10 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Historic Preservation Grants

SNR.DHR001

Local governments receiving historic preservation grants must comply with criteria established by the Department of Historic Resources and the Code of Virginia, and are required to provide a match equal to the grant in cash or in kind.

Type: Condition of Financial Aid
Agency: **Department of Historic Resources**
Secretariat: Natural Resources
Authorization: Code of Virginia §§ 10.1-2202, 10.1-2208, 10.1-2213, 11-35

Last Assessment Period: 3-1-2000 through 3-31-2000
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Grants to Certified Local Governments

SNR.DHR002

Local governments certified by the Department of Historic Resources to receive project grants from the Historic Preservation Fund must comply with State and federal requirements.

Type: Condition of Financial Aid
Agency: **Department of Historic Resources**
Secretariat: Natural Resources
Authorization: Code of Virginia § 10.1-2202; National Historic Preservation Act (1980 amendments) (Fed.); 36 CFR 61 (Fed.)

Last Assessment Period: 3-1-2000 through 3-31-2000
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Cultural Resource Survey and Planning Cost-Share Program

SNR.DHR003

Local governments contracting with the Department of Historic Resources for assistance in conducting cultural resource surveys and planning projects are required to provide a 50% match.

Type: Condition of Financial Aid

Agency: **Department of Historic Resources**

Secretariat: Natural Resources

Authorization: Code of Virginia § 10.1-2202

Last Assessment Period: 3-1-2000 through 3-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Uniform Statewide Building Code

SCT.DHCD001

Local building departments must enforce the Uniform Statewide Building Code which provides mandatory statewide regulations for the construction, maintenance, and use of buildings and structures.

Type: Compulsory Order

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 36-97 et seq.; Department of Housing and Community Development Regulations 13 VAC 5-62-10 et seq.

Last Assessment Period: 5-1-1994 through 11-30-94

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Program expanded by regulatory action of the Board of Housing and Community Development to incorporate the International Code Council building codes. Program effective October 1, 2003. Not currently scheduled for reassessment.

Statewide Fire Prevention Code

SCT.DHCD002

Local governments electing to enforce a fire prevention code must comply with the Statewide Fire Prevention Code that establishes minimum statewide standards for fire safety in buildings and structures and provides regulations for the storage, handling, and use of specified substances, materials, and devices such as explosives and blasting agents.

Type: Regulation of Optional Activity

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 27-94 et seq.; Department of Housing and Community Development Regulations 13 VAC 5-51-10 et seq.

Last Assessment Period: 3-1-2000 through 5-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Program expanded by regulatory action of the Board of Housing and Community Development to incorporate the International Code Council fire codes. Program effective October 1, 2003. Not currently scheduled for reassessment.

Small Cities Community Development Block Grant Program

SCT.DHCD004

Local governments participating in the Small Cities Community Development Block Grant Program must comply with State and federal requirements.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Title I of the Housing & Community Development Act, as amended (Fed.); 24 CFR 570 Subpart I (Fed.)

Last Assessment Period: 6-1-2000 through 8-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Appalachian Regional Commission (ARC) Program Participation SCT.DHCD005

Southwest Virginia localities participating in the Appalachian Regional Commission Program are required to comply with federal and State guidelines and requirements.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 36-139; Appalachian Regional Development Act of 1965, as amended (Fed.); Appalachian Regional Commission Code (Fed.)

Last Assessment Period: 9-1-2000 through 11-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Home Investment Partnership Act Program (HOME) SCT.DHCD007

Local governments participating in the Home Investment Partnerships Act must comply with federal and State requirements.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 36-139; Board of Housing and Community Development Virginia Indoor Plumbing Rehabilitation Program Guidelines; P. L. 101-625, 24 CFR 92 (Fed.)

Last Assessment Period: 3-1-2000 through 5-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Enterprise Zone Act

SCT.DHCD010

Local governments with enterprise zone designations are required to develop periodic reports and comply with program regulations.

Type: Regulation of Optional Activity

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 59.1-271 et seq. (Virginia Enterprise Zone Act); Department of Housing and Community Development Regulations 13 VAC 5-111-10 et seq.

Last Assessment Period: 9-1-2000 through 11-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: The regulations for this program were updated and revised in 2003. Not currently scheduled for reassessment.

Regional Competitiveness Act

SCT.DHCD011

Local governments seeking to apply for Regional Competitiveness Act funds are required to form regional partnerships, prepare regional strategic economic development plans, and issue annual reports.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 15.2-1306 et seq.; Item 92, Chapter 1, Special Session I, 1998 Virginia Acts of Assembly

Last Assessment Period: 6-1-2000 through 8-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Although this program is not currently funded, it is still active. Not currently scheduled for reassessment.

Derelict Structures Fund

SCT.DHCD012

Local governments receiving grants from the Virginia Removal or Rehabilitation of Derelict Structures Fund must provide a 100% match and report to the Department of Housing and Community Development annually on the status of properties acquired with such grants.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 36-152 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Housing Revitalization Fund Grants

SCT.DHCD013

Local governments receiving grants or other forms of financial aid from the Housing Revitalization Fund must comply with program requirements.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 36-157 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Live In Our Community Police Housing Program

SCT.DHCD014

Local governments receiving grants or subsidies from the Live In Our Community Police Housing Program must comply with program requirements.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 9.1-102, 36-140.1, 36-140.2

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Industrial Site Development Fund

SCT.DHCD015

Local governments receiving financial aid from the Industrial Site Development Fund must comply with program requirements and must provide a 25% match.

Type: Condition of Financial Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authorization: Item 107 H., Chapter 1073, 2000 Virginia Acts of Assembly

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Optional Health Insurance

SOA.DHRM001

Local governments electing to participate in the employee health insurance plan operated by the Department of Human Resource Management obligate themselves either (1) to contribute at least 80% of the cost of the employee-only premium and at least 20% of the cost of dependent coverage, or (2) to enroll 75% or more of all employees whom the local employer deems to be eligible for health insurance.

Type: Regulation of Optional Activity

Agency: **Department of Human Resource Management**

Secretariat: Administration

Authorization: Code of Virginia §§ 2.2-1204, 2.2-1205, 2.2-2818; Department of Human Resource Management Regulations 1 VAC 55-20-10 et seq.

Last Assessment Period: 6-1-1999 through 8-31-99

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Juvenile Correctional Facility Report

SPS.DJJ001

Local governments receiving State funds to support the operation of juvenile correctional facilities are required to issue a monthly report to the State on the number of child care days registered by each juvenile correctional program or facility operated.

Type: Condition of Financial Aid

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authorization: Code of Virginia § 16.1-322.3

Last Assessment Period: 5-1-2000 through 7-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Delinquency Prevention

SPS.DJJ002

To obtain funds for a delinquency prevention program from the Department of Juvenile Justice, localities must develop a comprehensive plan based on an objective assessment of the community's needs and resources for developing, coordinating, and evaluating youth services within the locality; establish a youth services citizen board, and provide a 25% match.

Type: Condition of Financial Aid
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 66-27 through 66-35; Board of Juvenile Justice Regulations 6 VAC 35-60-10 et seq.

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Court Service Unit Standards

SPS.DJJ003

Cities and counties operating local service units for juvenile and domestic relations courts must comply with minimum State staff and personnel standards, and provide services determined by the Department of Juvenile Justice.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia § 16.1-233; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Court Service Unit Office Space

SPS.DJJ004

Cities and counties must provide office space, utilities, furniture, and telephone service for State operated service units for juvenile and domestic relations courts.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia § 16.1-234; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Juvenile Detention, Probation, and Court Service Unit Standards

SPS.DJJ005

Local governments providing specialized court services must develop and operate probation, detention, and related court services for the juvenile and domestic relations court in accordance with established regulations.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 16.1-235; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Transportation of Detained Youth

SPS.DJJ006

Local governments operating detention homes having custody or responsibility for supervision of a child are responsible for transportation of the child to medical appointments, dental appointments, psychological, and psychiatric evaluations. Transportation of youth to special placements shall be the responsibility of the court service unit.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia § 16.1-254

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community-Based Juvenile Services and Sanctions

SPS.DJJ007

To receive funding under the Virginia Juvenile Justice Community Crime Control Act, local governments must have their biennial plans for community-based residential and nonresidential programs approved by the State Board of Juvenile Justice (SBJJ), and must comply with SBJJ standards and regulations in the operation of their programs.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 16.1-309.2 through 309.9

Last Assessment Period: 8-1-2000 through 10-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Mental Health Screening of Juveniles

SPS.DJJ008

The staff of local juvenile detention facilities must ascertain the need for a mental health assessment for incarcerated juveniles. If such assessment is needed, the assessment shall take place within twenty-four hours of determination.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authorization: Code of Virginia § 16.1-248.2

Last Assessment Period: 4-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Boiler and Pressure Vessel Safety

SCT.DOLI001

School divisions and other local entities that have ownership or responsibility for boilers and other pressure vessels must protect human life and property from the unsafe or dangerous construction, installation, inspection, operation, maintenance, and repair of boilers and pressure vessels in the Commonwealth through periodic inspections, repair or replacement, and payment of fees for certificate of inspection.

Type: Compulsory Order
Agency: **Department of Labor and Industry**
Secretariat: Commerce and Trade
Authorization: Code of Virginia § 40.1-51.6 et seq.; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-50-10 et seq.

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

SCT.DOLI002

Local governments must comply with federal Environmental Protection Agency regulations, incorporated by reference by the Department of Labor and Industry, governing the demolition and renovation of facilities and the disposal of asbestos-containing wastes from such operations.

Type: Compulsory Order

Agency: **Department of Labor and Industry**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 40.1-51.24 et seq.; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-30-10 et seq.; P.L. 99-519 (Fed.); 42 USC 7401 et seq., 40 CFR 61.140 et seq. (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Occupational Safety and Health Act

SCT.DOLI003

Local governments must provide for the occupational safety and health of their employees through compliance with the State enforcement of the federal Occupational Safety and Health Act of 1970, its rules and regulations, as well as any unique requirements of the Virginia State plan program.

Type: Compulsory Order

Agency: **Department of Labor and Industry**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 40.1-1, 40.1-2.1, 40.1-22, 40.1-49.4 et seq.; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-60-10 through 16 VAC 25-190-10 et seq.; 29 CFR 1910, 1915, 1917, 1926, 1928 (Fed.); P.L. 91-596 (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Boiler and Pressure Vessel Operator Certification

SCT.DOLI004

Local governments that adopt ordinances requiring boiler and pressure vessel operators to be certified by the locality must utilize the Department of Labor and Industry's standards to determine the applicant's ability, proficiency, and qualifications. Certification examinations are provided and monitored by the Department.

Type: Regulation of Optional Activity

Agency: **Department of Labor and Industry**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 15.2-910; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-40-10 et seq.

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Voluntary Apprenticeship Programs

SCT.DOLI005

Local governments that offer apprenticeship programs and choose to register the programs with the Department of Labor and Industry must comply with the Department's regulations governing the administration of apprenticeship programs.

Type: Regulation of Optional Activity

Agency: **Department of Labor and Industry**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 40.1-117 through 40.1-126 (Voluntary Apprenticeship Act); Department of Labor and Industry/Apprenticeship Council Regulations 16 VAC 20-20-10 et seq.; P.L. 75-308 (National Apprenticeship Act of 1937.

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

State Certified Librarian

SOE.LVA001

Local libraries serving a population of over 5,000 must employ librarians who meet the qualifications established by the State Library Board.

Type: Regulation of Optional Activity
Agency: **The Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia §§ 42.1-15.1, 42.1-51, 42.1-52; State Library Board Regulation 17 VAC 100-10-10 et seq.

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Library Network

SOE.LVA002

Local libraries participating in the library network grant program must follow standards, procedures, and processes established by the State Library Board.

Type: Condition of Financial Aid
Agency: **The Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia §§ 42.1-32.1 through 42.1-32.7

Last Assessment Period: 4-1-2000 through 6-30-2000
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. This grant program is not currently funded and is inactive; § 42.1-32.7 was repealed by the 2003 General Assembly (Chapter 176, 2003 Virginia Acts of Assembly).

Library Operations Standards

SOE.LVA003

Local libraries must meet State requirements for personnel, materials and operating procedures in order to qualify for State or federal grants-in-aid.

Type: Condition of Financial Aid
Agency: **The Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulation 17 VAC 110-10-10 et seq.

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Planning and Development Standards for Public Library Services

SOE.LVA004

Local governments receiving State grants for public libraries must follow the standards endorsed by the State Library Board in planning and developing public library services.

Type: Condition of Financial Aid
Agency: **The Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulation 17 VAC 110-10-10 et seq.

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public Records Act

SOE.LVA005

Local governments are required to comply with regulations issued by the State Library Board regarding the creation, preservation, storage, filing, reformatting, management, and destruction of official public records. Local governments must also comply with regulations issued by the Board for the inventory, scheduling, and microfilming of official public documents which have been determined to have permanent value.

Type: Compulsory Order
Agency: **The Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia §§ 42.1-76 et seq.

Last Assessment Period: 5-1-2000 through 7-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Library Acceptable Internet Use Policy

SOE.LVA006

Local library boards or localities without a library board which operate a public library are required to file an acceptable policy for Internet use with the Library of Virginia. Policies shall be filed on or before December 1, 1999 and biennially thereafter.

Type: Regulation of Optional Activity
Agency: **Library of Virginia**
Secretariat: Education
Authorization: Code of Virginia § 42.1-36.1

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Protection from Identity Theft

SOE.LVA007

Local governments shall protect individuals from identity theft by eliminating social security numbers in public records.

Type: Compulsory Order
Agency: **Library of Virginia**
Secretariat: Education
Authorization: 2003 Virginia Acts of Assembly, Chapters 914, 918

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2004. Fiscal impact: Data not available. Not currently scheduled for assessment.

Disclosure of Proffered Cash Payments and Expenditures

SCT.CLG001

Local governments that accept cash proffers on new development are required to make an annual report to the Commission on Local Government concerning the amount received from cash proffers, the amount expended from cash proffers revenue, and the purpose for such expenditures.

Type: Compulsory Order
Agency: **Commission on Local Government**
Secretariat: Commerce and Trade
Authorization: Code of Virginia § 15.2-2303.2

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program expanded (Chapter 522, 2003 Virginia Acts of Assembly) to require additional accounting procedures. Not currently scheduled for assessment.

Wetlands Zoning Ordinance in Tidewater

SNR.MRC001

Tidewater localities that have adopted an ordinance regulating tidal wetlands must supply meeting space for the wetlands board and reasonable secretarial, clerical, legal, and consulting services as needed.

Type: Regulation of Optional Activity
Agency: **Marine Resources Commission**
Secretariat: Natural Resources
Authorization: Chapter 13 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Coastal Primary Sand Dune Zoning Ordinance

SNR.MRC002

Certain designated localities in the Tidewater area that have adopted an ordinance regulating coastal primary sand dunes and beaches must supply meeting space to the local wetlands board and reasonable secretarial, clerical, legal, and consulting services, as needed.

Type: Regulation of Optional Activity
Agency: **Marine Resources Commission**
Secretariat: Natural Resources
Authorization: Chapter 14 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

State/Local Hospitalization Program

SHHR.DMAS001

Each city and county is required to participate in the State/Local Hospitalization Program. Localities are required to provide funds for a share of the total costs to provide hospital and medical care to qualified applicants.

Type: Compulsory Order
Agency: **Department of Medical Assistance Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-345; Department of Medical Assistance Services Regulation 12 VAC 30-100-10 et seq.

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Services Board Participation in Community Medicaid Initiative

SHHR.DMHMRSAS002

All community services boards must participate in Medicaid-covered services and meet all requirements for provider participation.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Item 341, Chapter 1, Special Session I, 1998 Virginia Acts of Assembly

Last Assessment Period: 11-1-1999 through 1-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Establishment of Community Services Board

SHHR.DMHMRSAS003

Every county or city or any combination thereof shall establish a community services board, and each locality or combination of localities having established such shall, in consultation with its community services board, designate its board as an operating community services board, an administrative policy community services board, or a local government department with a policy-advisory community services board. Appointments to community services boards shall be broadly representative of the community with one-third being consumers and family members of consumers, one of whom shall be receiving services.

Type: Compulsory Order

Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 37.1-194, 37.1-195, 37.1-245

Last Assessment Period: 11-1-1999 through 1-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Community Services Board Licensing

SHHR.DMHMRSAS004

Community services boards providing services to the mentally ill, mentally retarded, or substance abusing persons are required to be licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Compulsory Order

Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 37.1-10, 179, 183.1; Department of Mental Health, Mental Retardation and Substance Abuse Services Regulation 12 VAC 35-102-10 et seq.; 21 CFR 291.505, 1300 (Fed.)

Last Assessment Period: 11-1-1999 through 1-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Community Services Board Emergency Services

SHHR.DMHMRSAS005

Community services boards and behavioral health authorities must provide emergency services, prescreening, case management, and predischarge planning services for people with mental illness, mental retardation, or alcohol and other drug problems before their admission to a State hospital or training center.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-194

Last Assessment Period: 11-1-1999 through 1-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Support Services for Community Services Board

SHHR.DMHMRSAS006

Each local government establishing a single jurisdiction community services board or the local government that serves as the fiscal agent for a multijurisdictional community services board must audit the community services board's total revenues. Local governments are also required to arrange for legal services to a single or multijurisdictional community services board.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 37.1-195; P.L. 98-502 (Fed.)

Last Assessment Period: 1-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Services Board Prescription Team

SHHR.DMHMRSAS007

Community services boards must establish and coordinate the operation of a prescription team that is responsible for integrating the community services necessary to accomplish effective prescreening and predischarge planning for clients referred to community services boards.

Type: Compulsory Order

Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 37.1-197.1

Last Assessment Period: 1-1-2001 through 3-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Human Research

SHHR.DMHMRSAS008

Community services boards seeking to conduct or sponsor human research must be certified by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Regulation of Optional Activity

Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 37.1-24.01; Department of Mental Health, Mental Retardation, and Substance Abuse Services Regulation 12 VAC 35-180-10 et seq.

Last Assessment Period: 2-1-2003 through 4-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Development of the Comprehensive State Plan

SHHR.DMHMRSAS009

Local community services boards and behavioral health authorities must develop and submit to the Department of Mental Health, Mental Retardation, and Substance Abuse Services information for the preparation of the Comprehensive State Plan for mental health, mental retardation, and substance abuse services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-197, 37.1-248

Last Assessment Period: 5-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Involvement of Consumers and Family Members

SHHR.DMHMRSAS010

Local community services boards and behavioral health authorities must take all necessary and appropriate actions to maximize the involvement and participation of consumers and family members of consumers in policy formulation and service planning, delivery, and evaluation.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-197, 37.1-248

Last Assessment Period: 12-1-2001 through 1-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Predischarge Planning

SHHR.DMHMRSAS011

Local community services boards and behavioral health authorities are required to complete of a predischarge plan for any person who is to be discharged from a State mental health facility or training center.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§37.1-197.1, 37.1-248

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Annual Performance Contract

SHHR.DMHMRSAS012

Local governments must approve the annual performance contract of the community services board or behavioral health authority before it is eligible to receive State grants. The contract must include specific outcome measures negotiated with the Department of Mental Health, Mental Retardation, and Substance Abuse Services. In addition, localities are required to provide a 10% match.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-198, 37.1-248.1

Last Assessment Period: 10-1-2001 through 11-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Dispute Resolution

SHHR.DMHMRSAS013

Local community services boards and behavioral health authorities must institute dispute resolution mechanisms approved by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-198, 37.1-248

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Chief Administrative Officer

SHHR.DMHMRSAS014

Local community services boards must appoint an executive director and behavioral health authorities must appoint a chief executive officer to be employed under an annually renewable contract.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 37.1-197, 37.1-248

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Regulation of Coal Surface Mining and Reclamation

SCT.DMME001

Local governments electing to engage in coal surface mining activities are subject to the requirements of the federal Surface Mining Control and Reclamation Act of 1977. State primacy is implemented through the Virginia Coal Surface Mining and Reclamation Act.

Type: Regulation of Optional Activity

Agency: **Department of Mines, Minerals, and Energy**

Secretariat: Commerce and Trade

Authorization: Code of Virginia §§ 45.1-229, 45.1-234, 45.1-259; Department of Mines, Minerals, and Energy Regulations 4 VAC 25-130-10 et seq.; P. L. 95-87 (Fed.); 30 CFR 700 - 999 (Fed.)

Last Assessment Period: 5-1-2000 through 7-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Regulation of Mineral Mining Operations

SCT.DMME002

Local governments electing to regulate mining operations in their jurisdictions under a waiver of the State regulatory program must adopt standards at least as stringent as those set forth in Chapter 16 of Title 45.1 of the Code of Virginia.

Type: Regulation of Optional Activity

Agency: **Department of Mines, Minerals, and Energy**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 45.1-197; Department of Mines, Minerals, and Energy Regulation 4 VAC 25-31-10 et seq.

Last Assessment Period: 5-1-2000 through 7-31-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Abandoned Motor Vehicles

STO.DMV001

Upon certification by a local government that an inoperable motor vehicle left on property within the locality has been disposed of as provided in the Code of Virginia, the Department of Motor Vehicles shall reimburse the locality $50 for each inoperable abandoned motor vehicle disposed of at the expense of the locality. Localities are required to complete forms provided by the Department of Motor Vehicles to prevent the payment of undocumented claims.

Type: Regulation of Optional Activity
Agency: **Department of Motor Vehicles**
Secretariat: Transportation
Authorization: Code of Virginia §§ 46.2-1200 through 1207

Last Assessment Period: 5-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Unmarked Police Vehicle License Plates

STO.DMV002

In order to receive regular license plates for use on unmarked vehicles, local governments must certify that the motor vehicles will be used solely for police work.

Type: Regulation of Optional Activity
Agency: **Department of Motor Vehicles**
Secretariat: Transportation
Authorization: Code of Virginia § 46.2-750.1

Last Assessment Period: 5-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Traffic Safety Grant

STO.DMV003

Local governments may receive Community Traffic Safety grant funds through the Department of Motor Vehicles. To be eligible under this program, localities must establish programs to reduce the number and severity of traffic crashes through enhanced response to accidents, selective traffic law enforcement, identification of pedestrian safety problems, and identification and improvement of locations that have high or potentially high accident experience. Localities receiving this grant funding are required to provide matching funds and to comply with other program requirements.

Type: Condition of Financial Aid

Agency: **Department of Motor Vehicles**

Secretariat: Transportation

Authorization: Code of Virginia §§ 46.2-222 through 224; Highway Safety Act of 1966, as amended (Fed.); 23 USC 401 et seq. (Fed.)

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Vehicle Registration Withholding Program

STO.DMV004

The treasurer or director of finance of any locality may enter into an agreement with the Department of Motor Vehicles (DMV) for DMV to withhold a vehicle registration renewal if the applicant is delinquent in paying local vehicle license fees or personal property tax. If the locality participates in the program it must comply with the requirements specified in the Code of Virginia and the formal agreement between the locality and the Department of Motor Vehicles.

Type: Regulation of Optional Activity

Agency: **Department of Motor Vehicles**

Secretariat: Transportation

Authorization: Code of Virginia § 46.2-752(J)

Last Assessment Period: 5-1-2003 through 8-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Vehicle Registration Program

STO.DMV005

Local governments that enter into an agreement with the Department of Motor Vehicles (DMV) for DMV to collect local vehicle license fees must comply with statutory requirements and the formal agreement between the locality and DMV.

Type: Regulation of Optional Activity

Agency: **Department of Motor Vehicles**

Secretariat: Transportation

Authorization: Code of Virginia §§ 46.2-752, 46.2-756

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Effective July 1, 2002. Not previously reported by administering agency. Not currently scheduled for assessment.

Developmental Disabilities Grant

SHHR.VBPD001

Local governments receiving competitive Developmental Disabilities grant funds must establish programs to improve service delivery to people with developmental disabilities. The minimum match requirement for grant recipients is 25% except in designated poverty areas where localities are required to provide a match of 10%. Match can be in cash or in-kind.

Type: Condition of Financial Aid

Agency: **Virginia Board for People with Disabilities**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 51.5-33; P.L. 106-402 (Fed.); Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Fed.)

Last Assessment Period: 10-1-2002 through 12-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Port Assistance Grant

STO.VPA001

Local governments requesting financial assistance for port facilities must submit a request to the Virginia Port Authority's Board of Commissioners showing that the project will further the interests of the Commonwealth. Localities are required to provide matching funds.

Type: Condition of Financial Aid

Agency: **Virginia Port Authority**

Secretariat: Transportation

Authorization: Code of Virginia § 58.1-638; Virginia Port Authority Policy on Grants to Local Governments for Financial Assistance for Port Facilities

Last Assessment Period: 6-1-2001 through 8-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Asbestos Inspector Licensing

SCT.DPOR001

Local government employees who perform asbestos inspections, create asbestos project designs or management plans, or engage in asbestos abatement or monitoring activity must be licensed by the Department of Professional and Occupational Regulation.

Type: Regulation of Optional Activity

Agency: **Department of Professional and Occupational Regulation**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 54.1-503; Department of Professional and Occupational Regulations 18 VAC 15-20-10 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Waterworks and Wastewater Works Operators License

SCT.DPOR002

Local government employees who are in charge of a waterworks or a wastewater works as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations, must be licensed by the Department of Professional and Occupational Regulation.

Type: Regulation of Optional Activity

Agency: **Department of Professional and Occupational Regulation**

Secretariat: Commerce and Trade

Authorization: Code of Virginia § 54.1-2302; Department of Professional and Occupational Regulations 18 VAC 160-20-10 et seq.

Last Assessment Period: 3-1-2003 through 5-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Federal Mass Transportation Grants

STO.DRPT003

Local governments receiving federal mass transportation grants which provide funds for planning, operation, capital, and administrative assistance to local public transportation agencies must accept federal mandates as to procurement, project management oversight, project review, safety standards, new bus model testing, alcohol and controlled substance testing of employees, nondiscrimination, labor standards, energy policy, environmental protection, and uniform audits and reporting.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: 49 USC §§ 5307, 5309, 5310, 5323, 5331 through 5333 (Fed.); 49 CFR Parts 21, 26, 609, 613, 614, 622, 630, 633, 639, 653, 654, 661, 663, and 665 (Fed.); FTA Circular 4220.1D (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Public Transit System Financial and Statistical Reports

STO.DRPT004

Public transit systems must file financial and other required statistical data annually with the Commonwealth Transportation Board.

Type: Regulation of Optional Activity
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-223.1

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Disadvantaged Business Participation in Contracts

STO.DRPT005

Local governments must give small business concerns owned and controlled by socially or economically disadvantaged individuals, including ethnic minorities and females, a fair opportunity to compete for and perform contracts funded by state and federal rail and mass transit grants, with a goal for contracts utilizing federal grant moneys of at least ten percent participation.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authorization: Code of Virginia §§ 2.1-374 through 2.1-376.1; 23 USC § 324 (Fed.); 42 USC §§ 2000d et seq. (Fed.); 49 USC §§ 47107 and 47113 (Fed.); 49 CFR Part 26 (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Clean Air Act Amendments of 1990

STO.DRPT006

Local governments receiving federal mass transit grant funds for nonattainment areas must ensure that their projects conform with any air quality implementation plan approved under the Clean Air Act Amendments of 1990, to include meeting the plan's emission reduction goals.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: P.L. 101-549 (Fed.); 104 Stat. 2470 (Fed.); 42 USC § 7506(c) (Fed.); 40 CFR Parts 85 and 86 (Fed.)

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Title to Rail Industrial Access Projects

STO.DRPT007

Local governments receiving funds through the Department of Rail and Public Transportation's Rail Industrial Access Program must insure that the State retains a vested interest in the tracks or facilities constructed or procured with the funds.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Code of Virginia § 33.1-221.1:1

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Procurement Requirements for Construction of Rail or Public Transportation Facilities

STO.DRPT008

If a local government uses transportation funds to construct transportation facilities that are reasonably estimated to cost $300,000 or more, or, of a lesser amount, if so required by the Commonwealth Transportation Board, the contracting processes must comply with applicable State procurement statutes.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Code of Virginia §§ 33.1-185 and 11-35

Last Assessment Period: 7-1-2000 through 9-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Transportation Services for Individuals with Disabilities

STO.DRPT011

Local governments receiving federal rail or mass transit grant funds must comply with the Americans with Disabilities Act of 1990 by providing accessible service and facilities which accommodate persons with transportation disabilities.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Americans with Disabilities Act of 1990 (Fed.); P.L. 101-336 (Fed.); 104 Stat. 338 (Fed.); 42 USC §§ 12141 through 12143 (Fed.); 49 CFR Parts 27, 37, and 38 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Crosscutting requirement that applies to many or all federal assistance programs.

Drug and Alcohol Testing of Employees Engaged in Rail or Transit Operations

STO.DRPT012

Local governments receiving federal rail or transit grant funds must comply with the Omnibus Transportation Employee Testing Act of 1991 by testing for prohibited drug use and alcohol misuse by rail or transit employees.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Omnibus Transportation Employee Testing Act of 1991 (Fed.); 49 USC §§ 53331, 20140, and 31306 (Fed.); 49 CFR Parts 40, 219, 653, and 654 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Commonwealth Mass Transit Funds

STO.DRPT013

Local governments receiving funds from the Commonwealth Mass Transit Fund or the Commonwealth Transit Capital Fund for public transportation are required to provide a match of 5% or more as set by the Commonwealth Transportation Board.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Code of Virginia § 58.1-638(A)(4)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Rail Industrial Access Program

STO.DRPT014

Local governments participating in the Department of Rail and Public Transportation's Rail Industrial Access Program must request funds by resolution of the governing body, provide right of way at no cost to the program, and provide a 50% match for any funds received in excess of $100,000.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: Code of Virginia § 33.1-221.1:1, 24 VAC 25-10-10 et seq.

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Rail Preservation Program

STO.DRPT015

Local governments receiving State grants for rail preservation or improvement projects are required to provide for 30% of project funding using non-State sources. The Commonwealth's interests in such projects must be secured by lien for the useful life of the assets or improvements for which the grant is obtained.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: 49 USC 322(a)(Fed.); 49 CFR 49 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Alternative Fuel Bus Funds

STO.DRPT016

Local governments in urban areas with populations over 100,000 persons receiving federal grants for urban bus alternative fuels demonstration projects must provide a 20% match.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authorization: P.L. 102-486, Title IV, § 410 (Fed.); 106 Stat. 2884 (Fed.); 42 USC 13236(b) (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Federal Uniform Administrative Requirements

STO.DRPT017

Local governments receiving transportation grants or entering into cooperative agreements with the federal Department of Transportation or its agencies are subject to uniform administrative requirements.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authorization: 49 USC 322(a) (Fed.); 49 CFR Part 49 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Federal Highway Administration Grants

STO.DRPT018

Local governments receiving Transportation Demand Management grants from the Department of Rail and Public Transportation in connection with highway construction projects funded by the Federal Highway Administration are required to comply with certain federal mandates as to nondiscrimination, record keeping, safety, water and air quality, and lobbying activities.

Type: Condition of Financial Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: 23 USC 109 and 114 et seq. (Fed.); 23 CFR 633 and 635 (Fed.); 49 CFR 20 (Fed.); Form FHWA-1273 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Voter Registration for Disabled Users of Transit and Paratransit Services

STO.DRPT019

Certain local governments that operate transit agencies are required to serve as voter registration sites for people with disabilities.

Type: Compulsory Order

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authorization: National Voter Registration Act of 1993 ("Motor Voter Act") (Fed.); 107 Stat. 80 (Fed.); 42 USC 1973gg-5(a)(2)(B) (Fed.); Consent Order entered October 4, 2000 by the United States District Court for the Eastern District of Virginia in the case styled, "*National Coalition for Students with Disabilities Education and Legal Defense Fund v. Governor James S. Gilmore and Cameron Quinn,*" Case No. 00-1375-A

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment. Applies only to the Cities of Charlottesville, Danville, Fairfax, Fredericksburg, Harrisonburg, Manassas, Manassas Park, and Williamsburg; the Counties of Buchanan, Fairfax, Franklin, Goochland, James City, Prince William, Spotsylvania, and York; and the Towns of Blacksburg and Bluefield.

Establishment of Local Disability Services Board

SHHR.DRS001

Local governments, either singly or in combination with other political subdivisions, must establish boards that will assess and plan for the needs of persons with physical or sensory disabilities.

Type: Compulsory Order
Agency: **Department of Rehabilitative Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 51.5-47 through 51.5-52

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Energy Assistance Program

SHHR.DSS001

Local social services agencies must accept applications and determine the eligibility of clients for the energy assistance program in accordance with State regulations. They must administer the energy assistance program using federal grant funds and any other available funds.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-100, 63.2-805; Department of Social Services Regulation 22 VAC 40-680-10 et seq.; P.L. 97-35, as amended; P.L. 105-285 (Fed.)

Last Assessment Period: 3-1-2001 through 5-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Merit System of Personnel Administration

SHHR.DSS002

Local social services agencies must conform to a merit system of personnel administration for administrative staff.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-100, 63.2-326; 5 CFR 900.603 (Fed.)

Last Assessment Period: 9-1-2001 through 11-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Social Services Staffing Report

SHHR.DSS007

Local social services agencies must submit reports on staffing to the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-205, 63.2-315

Last Assessment Period: 2-1-2002 through 3-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Social Services Administration/Record Retention and Reporting

SHHR.DSS008

Local social services boards must submit reports concerning administrative planning to the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-205, 63.2-315; Department of Social Services Local Administrative Manual, Ch. F

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Annual Budget Required

SHHR.DSS009

Local governments, in accordance with allocations received from the Department of Social Services, must fund a share of the annual budgets for local social services agencies.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-400; Department of Social Services Local Administrative Manual, Ch. C

Last Assessment Period: 7-1-2001 through 8-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Administrative Records Confidentiality Required

SHHR.DSS010

Local social services agencies must ensure and maintain the confidentiality of administrative records.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-102, 63.2-104; Department of Social Services Local Administrative Manual, Ch. C; 45 CFR Part 205.50 (Fed.)

Last Assessment Period: 9-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Employee Qualification Standards

SHHR.DSS011

Local social services agencies must ensure that workers who investigate out-of-family complaints meet the State Board of Social Services' qualifications and that the workers receive assistance from the State Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-1503

Last Assessment Period: 7-1-2002 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Long-Term Care Screening Team Participation Required

SHHR.DSS012

Local social services agencies are required to participate in a community based screening team to evaluate individuals who will be eligible for long-term care services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 32.1-330, 63.2-1602(1); Department of Social Services Policy Manual, Ch. D

Last Assessment Period: 8-1-2001 through 11-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Office Space Compliance Required

SHHR.DSS014

Local social services agencies must conform to policies for office space and facilities established by the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-400; Department of Social Services Local Administrative Manual, Vol. I, Ch. D

Last Assessment Period: 7-1-2001 through 9-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Auxiliary Grant Program for SSI Recipients

SHHR.DSS015

Local social services agencies must determine the eligibility of clients for the auxiliary grant program for supplemental security income (SSI) recipients and provide local funding for a share of the program costs in accordance with State regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-800; Department of Social Services Manual Volume II, Parts I - III; Department of Social Services Medicaid Pending System Guide; Department of Medical Assistance Services Medicaid User's Guide; Social Security Act §§1616, 1618 (Fed.); 20 CFR 416.2099, 416.2095 - 416.2099 (Fed.)

Last Assessment Period: 7-1-2001 through 12-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Food Stamp Program

SHHR.DSS016

Local governments are required to participate in the Food Stamp program and administer the program in accordance with State regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-801; Department of Social Services Food Stamp Policy Manual Volume V; 7 CFR 271 through 282 (Fed.); P.L. 88-525, Sec. 2013 (Fed.)

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

General Relief Program Standards

SHHR.DSS018

Local governments electing to provide the general relief program must adhere to the standards established by the State Board of Social Services.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-100, 63.2-401, 63.2-802

Last Assessment Period: 12-1-2001 through 3-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Refugee Resettlement Administration and Eligibility Determination

SHHR.DSS020

Local social services agencies must determine the eligibility of clients for the refugee assistance program in compliance with procedures as established by the Department of Social Services in accordance with the federal Refugee Resettlement Program.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-217, 63.2-501, 63.2-517, 63.2-519; Department of Social Services Regulation 22 VAC 40-400-10 et seq.; Department of Social Services Manual Volume XVIII, Department of Medical Assistance Services Medicaid User's Guide; 45 CFR 400.4, 400.23, 400.50, 400.90, 400.202, 401.12 (Fed.)

Last Assessment Period: 1-1-2002 through 3-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Temporary Assistance for Repatriates Program

SHHR.DSS021

Local social services agencies must determine the eligibility of clients for the temporary assistance for repatriates program.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-217; Department of Social Services Manual of Policy and Procedure, Vol. II, Part VI; 42 USC 1313 (Fed.); 45 CFR 212.1 - 212.10 (Fed.)

Last Assessment Period: 4-1-2001 through 6-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Medicaid Administration and Eligibility Determination

SHHR.DSS022

Local social services agencies must determine the eligibility of clients for the Medicaid program and must follow certain rules and regulations associated with determining Medicaid eligibility.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 32.1-324.1, 63.2-100, 63.2-401, 63.2-405, 63.2-406, 63.2-501 through 63.2-505, 63.2-515; Department of Social Services Manual Volume XIII, Medicaid Pending System User Guide; Department of Medical Assistance Services Medicaid User's Guide; Social Security Act, Sec. 1902 (a) (5), (8), (19); 42 CFR 431.10, 431.200, 431.800, 435.905, 435.911, 435.912 (Fed.)

Last Assessment Period: 10-1-2001 through 12-31-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Eligibility for the Aid to Families with Dependent Children - Foster Care Program

SHHR.DSS023

Local social services agencies must determine the eligibility of children in foster care for the Aid to Families with Dependent Children - Foster Care Program.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-503, 63.2-504, 63.2-505, 63.2-602; Social Security Act §§ 471 (a), 472 (a) (Fed.); 45 CFR 1356.21 (Fed.)

Last Assessment Period: 9-1-2001 through 11-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Caseload Reporting

SHHR.DSS026

Local social services agencies must submit reports on caseloads to the Department of Social Services.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-205, 63.2-315; Food Stamp Act as amended, P.L. 104-193 and P.L. 105-185, 7 CFR Subpart C and Parts 273.15 and 273.16 (Fed.); Social Security Act, P.L. 104-193, 45 CFR 260-265 and 1355-1357, Title IV-B §§ 421,422,425, Title IV-E §§ 47, 471,472, 473 (Fed.); P.L. 100-294 as amended by P.L. 101-126 and P.L. 101-226 (Fed.); 42 CFR 431.10 and 431.80 (Fed.)

Last Assessment Period: 1-1-2002 through 3-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Social Services Board Records Retention Policy

SHHR.DSS027

Local social services agencies are required to preserve for such length of time as the Department of Social Services may prescribe a record of the decision of the local social services board and all supporting documents and records including the findings and recommendations of the local superintendent.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-516

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Family-Based Social Services Policy

SHHR.DSS029

Local social services agencies are required to implement a family-based social services policy for specified populations of families.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-217, 63.2-900, 63.2-1500; Department of Social Services Regulation 22 VAC 40-800-10 et seq.

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Family Preservation Services Requirements

SHHR.DSS030

Local social services agencies are responsible for the development and delivery (or purchase) of family preservation services, including services to prevent or eliminate the need for foster care or other out-of-home placements.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-217, 63.2-319, 63.2-900, 63.2-903, 63.2-1105; Department of Social Services Manual, Vol. VII, Ch. E; Department of Social Services Regulation 22 VAC 40-800-10 et seq.; Social Security Act, Title IV-B (Subpart 2), Title IV-E (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Child Protective Services

SHHR.DSS031

Local social services agencies are required to provide child protective services and to administer the program in accordance with State regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-1503; 22 VAC 40-720-10 et seq.; Department of Social Services Program Manual Volume VII §III, Ch. A; P. L. 100-294, as amended by P.L. 104-235 (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Foster Care Services

SHHR.DSS032

Local social services agencies are required to provide foster care. In addition, local social services agencies must follow State board regulations, including those for the interstate and intercountry placement of children.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 2.2-5211, 16.1-281, 16.1-282, 16.1-282.1, 63.2-100, 63.2-104, 63.2-205, 63.2-319, 63.2-900, 63.2-902, 63.2-903, 63.2-905, 63.2-907, 63.2-908, 63.2-1100, 63.2-1104, 63.2-1105; Department of Social Services Regulations 22 VAC 40-210-10 et seq.; Department of Social Services Service Program Manual Vol. VII, Ch. B, D, and E; Social Security Act, Title IV-E §§ 470 through 472 (Fed.); 45 CFR 1355-57 (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Adoption and Other Services

SHHR.DSS033

Local social services agencies are required to provide adoption services and to administer the program in accordance with State regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 16.1-283, 63.2-100, 63.2-319, 63.2-1302; Department of Social Services Regulations 22 VAC 40-220-10 et seq.; Department of Social Services Service Program Manual Volume VII § III, Ch. C, D; Social Security Act, Title IV-B § 421 and Title IV-E § 47 (Fed.)

Last Assessment Period: 7-1-1994 through 3-31-95

Last Assessment Finding: Retain.

Current Assessment Period: 2-1-2004 through 4-30-2004

Comment:

Long-Term Care Services Coordination Committee

SHHR.DSS035

The governing body of each county or city, or combination thereof, must designate a lead agency and member agencies to accomplish the coordination of local long-term care services. Representatives from the local department of public health, the local social services agency, the community services board or the community mental health clinic, the area agency on aging, and the local nursing home preadmission screening team must serve on the coordination committee.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 2.2-708, 63.2-1602(3); Department of Social Services Manual, Vol. VII, Ch. D

Last Assessment Period: 1-1-2003 through 3-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Adult Protective Services

SHHR.DSS037

Local social services agencies are required to identify specific protective services for adults found to need protective services and to provide those services to the extent that federal or State matching funds are available. The local agency must conduct investigations into reports that older and/or incapacitated adults are abused, neglected, or exploited, and must also submit reports on protective services.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-1603 through 63.2-1610; State Board of Social Services Policy; Department of Social Services Service Program Manual Volume VII § IV, Ch. B

Last Assessment Period: 1-1-2003 through 3-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Adult and Family Care Program Requirements

SHHR.DSS038

Local social services agencies participating in the adult and family care program must comply with State rules and regulations.

Type: Regulation of Optional Activity
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-1601; Department of Social Services Service Program Manual Volume VII, Ch. D

Last Assessment Period: 10-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Services to Person Discharged from State Hospital

SHHR.DSS040

Local social services agencies are required to assume responsibility for the provision of social services to persons discharged from State hospitals.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-1602(4); Department of Social Services Policy Manual, Vol. VII, Ch. A through D

Last Assessment Period: 1-1-2003 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Home-Based Services

SHHR.DSS041

Local social services agencies are required to provide home-based services to the extent that federal or State matching funds are available.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-1600; State Board of Social Services Policy, January 1975; and Department of Social Services Service Program Manual Volume VII § IV, Ch. C and D.

Last Assessment Period: 6-1-2002 through 8-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Long-Term and Transitional Child Day Care Services

SHHR.DSS042

Local social services agencies must provide child day care services to eligible recipients of Temporary Assistance to Needy Families (TANF), the Virginia Initiative for Employment Not Welfare (VIEW), and the Food Stamp Employment and Training Program (FSET). In addition, local social service agencies must provide on a sliding fee scale basis transitional child day care services to eligible, employed former recipients of TANF.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-217, 63.2-319, 63.2-611, 63.2-616; Department of Social Services Manual, Vol. VII, Ch. D; P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act) (Fed.); P.L. 101-508 (Child Care Development Block Grant) (Fed.); Food Stamp Act, as amended (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Food Stamp, Employment, and Training Program (FSET)

SHHR.DSS043

Local social services agencies must provide employment services to recipients of food stamp assistance, including general relief recipients receiving food stamps, who are not otherwise exempt due to age, disability, etc., or due to participation in the Virginia Initiative for Employment Not Welfare (VIEW).

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-801; Food Stamp Employment and Training Program Annual Plan; Food Stamp Act (Fed.); P.L. 88-525, § 2013, as amended (Fed.); 7 CFR 271 through 273, 277 (Fed.)

Last Assessment Period: 2-1-2003 through 4-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: This program applies to a selected group of 41 local social services agencies. Not currently scheduled for reassessment.

Purchase of Child Day Care Services

SHHR.DSS045

Local social services agencies must purchase child day care services, to the extent that funding is available, for low income families who need child care to support education and/or training activities (Fee System/Block Grant child day care program) and to support employed (Fee System/ Block Grant and Fee System At-Risk child day care programs). Eligible clients contribute to the cost of care in accordance with a sliding fee scale.

Type: Condition of Financial Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: P.L. 101-508 (Fed.); Omnibus Budget Reconciliation Act of 1990 §§ 5081, 5082 (Fed.)

Last Assessment Period: 1-1-2003 through 3-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Integration of Community Services

SHHR.DSS046

Local social service agencies are required to develop, with the community services boards, joint annual written agreements to specify what services will be provided to clients. Local social services agencies are also required to serve on prescription teams to facilitate the integration of community services necessary for predischarge planning for clients referred to community services boards.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 37.1-197(12), 37.1-197.1, 63.2-1602(4); Department of Social Services Service Program Manual Volume VII § IV, Ch. D

Last Assessment Period: 10-1-2002 through 12-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Intake Services

SHHR.DSS047

Local social services agencies are required to provide the following intake services: (1) accepting and processing service applications; (2) arranging for family planning; and (3) periodic screening, diagnosis, and treatment for children.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-217

Last Assessment Period: 5-1-2002 through 7-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Case Management Services

SHHR.DSS048

Local social services agencies are required to provide case management services including disposition of service applications, service planning, service delivery, monitoring and case closure.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-905, 63.2-907, 63.2-1302, 63.2-1503, 63.2-1601, 63.2-1602, 63.2-1605; Department of Social Services Regulation 22 VAC 40-780-10 et seq.

Last Assessment Period: 1-1-2003 through 3-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Out-of-Home and In-Home Services Approval

SHHR.DSS050

Local social services agencies must approve out-of-home and in-home providers.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-100, 63.2-904; Department of Social Services Regulation 22 VAC 40-770-10 et seq.

Last Assessment Period: 10-1-2002 through 12-31-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Child Day Centers, Camps, and Schools Licensing

SHHR.DSS051

Local governments that operate child day centers, nursery schools, child day care camps, before and after school child care programs, family day systems, or child caring institutions must be licensed by the Department of Social Services.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-1701; Child Day-Care Council Regulation 22 VAC 15-30-10 et seq.; Department of Social Services Regulations 22 VAC 40-100-10 et seq. and 22 VAC 40-120-10 et seq.

Last Assessment Period: 7-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Confidentiality of Client Social Services Program Records

SHHR.DSS052

Local social services agencies must ensure and maintain the confidentiality of client records for social service programs.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia § 63.2-102; Department of Social Services Local Administrative Manual, Ch. C

Last Assessment Period: 7-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Adult Day Care Centers and Adult Homes Licensing

SHHR.DSS053

Local governments that operate adult day care centers for profit or adult care residences must be licensed by the Department of Social Services.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: Code of Virginia §§ 63.2-1701, 63.2-1800; Department of Social Services Regulations 22 VAC 40-60-10 et seq. and 22 VAC 40-70-10 et seq.

Last Assessment Period: 7-1-2002 through 9-30-2002

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

AmeriCorps Grant

SHHR.DSS057

Local governments receiving AmeriCorps grant funds must establish volunteer programs to address local problems, with such programs employing at least 20 full-time or 40 part-time individuals age 17 years or older. Localities receiving funds for such activities are required to provide a match of 15% to 35% and to comply with other program requirements.

Type: Condition of Financial Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authorization: National and Community Trust Act of 1993

Last Assessment Period: 6-30-1997 through 12-31-97

Last Assessment Finding: Retain.

Current Assessment Period: 2-1-2004 through 4-30-2004

Comment:

Spouse Abuse Grant

SHHR.DSS058

Local governments receiving Virginia Family Violence Prevention Spouse Abuse grant funds must develop programs to initiate and strengthen basic community services for victims of domestic violence; expand community education on domestic violence issues; increase outreach services, support, and advocacy for victims of domestic violence; and increase services for batterers. Localities receiving funds for such activities are required to provide a 25% match and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-1502(3), 63.2-1614, 63.2-1615

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Child Abuse and Neglect Prevention Grant

SHHR.DSS059

Local governments receiving Virginia Family Violence Prevention Child Abuse and Neglect Prevention grant funds must establish programs aimed at preventing the factors causing child abuse and neglect. Localities receiving funds for such activities are required to provide a 25% match and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-1502(3)

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Child Abuse and Neglect Treatment Grant

SHHR.DSS060

Local governments receiving Child Abuse and Neglect Treatment grant funds must establish programs to provide direct services to victims of child abuse and neglect. Localities receiving funds for such activities are required to provide a match of 20% to 35%, or an in-kind match, and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-1502(3); 42 USC 10601 (Fed.)

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Board and Director of Social Services

SHHR.DSS061

Local governments shall have a local Board and Director of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-300, 63.2-324

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Assessment in Assisted Living Facilities

SHHR.DSS062

Local social services agencies must assess residents of assisted living facilities (ALF) and applicants for residency using the Uniform Assessment Instrument to determine care needs. Any subsequent change in a resident's condition which would affect admission to an ALF shall cause a new assessment to be completed.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 63.2-1602(2), 63.2-1804; 22 VAC 40-745-10 et seq.

Last Assessment Period: 7-1-1999 through 9-30-99
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Temporary Assistance to Needy Families (TANF)

SHHR.DSS063

Local social services agencies are required to participate in the Temporary Assistance to Needy Families Program (TANF) and to administer the program in accordance with State regulations.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-600; P.L. 104-193 (Fed.)

Last Assessment Period: 10-1-2000 through 12-31-2000
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Initiative for Employment not Welfare (VIEW)

SHHR.DSS064

Local social services agencies must operate the Virginia Initiative for Employment not Welfare (VIEW) program to assist recipients of Temporary Assistance to Needy Families (TANF) to become economically self-sufficient by assisting in the removal of barriers and disincentives to work and to offer opportunities and work skills training.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-601; P.L. 104-193 (Fed.)

Last Assessment Period: 1-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

New Hires Reporting

SHHR.DSS065

Local governments must report new hires, unless exempted by statute or regulation, to the Virginia New Hire Reporting Center, operated under the Division of Child Support Enforcement, within 20 days of the initial hire.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-1946

Last Assessment Period: 10-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Fraud Control Program

SHHR.DSS066

Local social services agencies must establish fraud prevention and investigation units in compliance with State Board of Social Services regulations. Such units may be established in cooperation with other local social services agencies.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 63.2-526

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Annual Reports by Guardians

SHHR.DSS067

Local social services agencies receiving annual reports by guardians must file a copy of such reports within 60 days to the clerk of the circuit court that appointed the guardian. Additionally, twice each year local agencies must file with the clerk of the circuit court a list of all guardians more than ninety days delinquent in filing an annual report.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 37.1-137.2

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 1-1-2004 through 3-31-2004
Comment:

State/Local Hospitalization Program Eligibility

SHHR.DSS068

Local social services agencies are required to determine eligibility upon application by local residents for assistance from the State/Local Hospitalization Program administered by the Department of Medical Assistance Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia § 32.1-347

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 2-1-2004 through 4-30-2004
Comment:

Child Support Income Withholding

SHHR.DSS069

Local governments must comply with court or administrative orders, including those from other states, for income withholding for their employees obligated to pay child support. Dependents of such employees must be enrolled in a health coverage plan and required premiums deducted from the employee's pay. Upon hiring an individual local governments must request that the individual disclose whether a child support obligation with an income order exists. Such income withholdings must be submitted to the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authorization: Code of Virginia §§ 20-79.1, 20-79.2, 20-79.3, 62.2-114.1, 63.2-1923, 63.2-1924; Uniform Interstate Family Support Act (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period: 6-1-2004 through 9-30-2004
Comment:

Arrest Report

SPS.VSP001

Local law enforcement agencies are required to submit an arrest report for any jailable offense to the Central Criminal Records Exchange (CCRE). The report must contain such information as is required by the CCRE and shall be accompanied by fingerprints of the individual arrested.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authorization: Code of Virginia § 19.2-390; Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Crime Control Act of 1973 (Fed.)

Last Assessment Period: 4-1-2003 through 6-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Vehicle Inspection Station Standards

SPS.VSP002

Local governments that operate motor vehicle inspection stations must comply with Department of State Police regulations governing such operation.

Type: Regulation of Optional Activity

Agency: **Department of State Police**

Secretariat: Public Safety

Authorization: Code of Virginia § 46.2-1163

Last Assessment Period: 6-1-2003 through 8-31-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Criminal Information Network

SPS.VSP003

Local law enforcement agencies that join the Virginia Criminal Information Network must comply with Department of State Police regulations governing its operation, including mandated training of operators, and must bear a portion of the cost of establishing, operating, and maintaining such systems.

Type: Regulation of Optional Activity
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 19.2-389, 52-12, 52-14, 52-15; 28 USC 20 (Fed.); 28 USC 534 (Fed.); P.L. 101-647 (Fed.)

Last Assessment Period: 8-1-2003 through 10-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Uniform Crime Reporting System

SPS.VSP005

Local law enforcement agencies must report certain crimes and offenses to the Department of State Police for statewide crime reporting and for transmittal to the Federal Bureau of Investigation Uniform Crime Reporting System.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 52-25, 52-28; Virginia UCR Guide Manual; 28 USC 534 (Fed.)

Last Assessment Period: 6-1-2000 through 8-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Missing Children Information Clearinghouse

SPS.VSP006

Local law enforcement agencies must forward reports of missing children to a Missing Children Information Clearinghouse maintained by the Department of State Police.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 52-31 through 52-34

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Terrorist Acts Report

SPS.VSP007

Local law enforcement agencies are required to report all terroristic acts occurring in their jurisdiction to the Department of State Police.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 52-8.5 and 52-30; 28 USC 534 (Fed.); 28 CFR Part 20 (Fed.)

Last Assessment Period: 2-1-1999 through 4-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 2-1-2004 through 4-30-2004
Comment:

Criminal Firearms Clearinghouse

SPS.VSP008

Local law enforcement agencies must report information on all firearms that come into their possession which are believed to have been used in the commission of a crime to the Criminal Firearms Clearinghouse maintained by the Department of State Police.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 52-25.1

Last Assessment Period: 3-1-2002 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Sex Offender and Crimes Against Minors Registry

SPS.VSP009

Local law enforcement agencies are required to submit fingerprints, a photograph, and other information on sex offenders to the State Police within seven days of sentencing. Clerks of the Circuit Court must report such convictions within the same period for entry into the Sex Offender Registry.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 9.1-900 through 9.1-918; Violent Crime Control and Law Enforcement Act of 1994 as amended by the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Fed.)

Last Assessment Period: 2-1-2000 through 4-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Youth Gangs Reporting

SPS.VSP010

Local law enforcement agencies are required to enter the names of juveniles who have been arrested or determined to be a member of a youth gang into the Virginia Criminal Information Network.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 16.1-299.2

Last Assessment Period: 5-1-2000 through 7-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Concealed Handgun Authorization/Permit

SPS.VSP011

Local law enforcement agencies are required to submit a copy of a favorable review consultation and the Clerk of the Court must submit a copy of the concealed handgun permit to the Department of State Police for entry into the Virginia Criminal Information Network.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 18.2-308

Last Assessment Period: 2-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Unserved Felony Warrants or Capias Reporting

SPS.VSP012

Local law enforcement agencies are required to enter unserved felony warrants and capias information into the Virginia Criminal Information Network and the National Crime Information Center within 72 hours of receipt.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 19.2-390

Last Assessment Period: 8-1-2000 10-31-2000
Last Assessment Finding:
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Registration of Machine Guns

SPS.VSP013

Local law enforcement agencies are required to register their department's machine guns with the Department of State Police within 24 hours of acquisition.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia § 18.2-295

Last Assessment Period: 1-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Protective Order Reporting

SPS.VSP015

Local law enforcement agencies are required to enter valid protective order information into the Virginia Criminal Information Network upon receipt.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authorization: Code of Virginia §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8 through 19.2-152.10, 20-103

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not previously reported by administering agency. Not currently scheduled for assessment.

Banks' Returns on Net Capital

SFIN.TAX001

Commissioners of revenue are required to certify copies of banks' returns on net capital and schedules and transmit certified copies to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia § 58.1-1207

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Taxpayer Assistance

SFIN.TAX002

Commissioners of revenue must provide taxpayer assistance necessary for the preparation of any return required to be filed with his or her office or as directed by the State tax commissioner.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-202, 58.1-3108

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Annual Assessment Sales Ratio Study

SFIN.TAX003

The clerk of the circuit court for each jurisdiction must forward the recordation receipts for all property conveyances for each month to the Department of Taxation. In addition, local assessing officers must make available to the State Tax Commissioner data necessary to conduct an annual assessment sales ratio study. Upon publication of the study, the local assessing officer must post a copy of the study in his or her office.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-207, 58.1-208, 58.1-2604, 58.1-3201, 58.1-3259, 58.1-3303; 49 USC 11503 (Fed.)

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Income and Fiduciary Tax Returns

SFIN.TAX004

Cities and counties must obtain income and fiduciary tax returns, audit the returns, make any necessary assessments, deposit any tax due payments, and forward the returns to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-305, 58.1-307, 58.1-382, 58.1-3107

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Estimated Tax Payment

SFIN.TAX005

Certain individuals, trusts, and estates must file a declaration of estimated tax with the commissioner of the revenue and make necessary payments to the treasurer. The commissioner of the revenue and treasurer are required to record the payment information daily and submit the information to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-490 et seq.

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Recordation and Will Taxes

SFIN.TAX006

Clerks of the circuit court for each city and county must collect and deposit recordation taxes and taxes on wills.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-800 through 807, 58.1-809 through 811, 58.1-1711 through 1714, 58.1-1718, 58.1-3801

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Real Estate Reassessment Standards

SFIN.TAX007

Local governments must reassess real estate at certain intervals. The intervals are determined by the locality type and the population of the locality. Local governments must assess real estate at 100 percent fair market value.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-3201, 58.1-3250 through 3254

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Tax-Exempt Real Property Inventory

SFIN.TAX008

Local assessing officers must assess tax exempt real estate at its fair market value and maintain an inventory of tax exempt and tax immune real estate. A total of assessed valuations and a computation of the percentage of the exempt and immune property to all property assessed must be published annually and a copy must be filed with the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia § 58.1-3604

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Business, Professional, and Occupational License Tax Administrative Appeals Process

SFIN.TAX009

Local governments that levy a local BPOL tax must implement an administrative appeals process that permits taxpayers to appeal license tax assessments resulting from an audit.

Type: Regulation of Optional Activity
Agency: **Department of Taxation**
Secretariat: Finance
Authorization: Code of Virginia §§ 58.1-3703.1 A (5), 58.1-1822, 58.1-3984

Last Assessment Period: 8-1-2000 through 10-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Metropolitan Transportation Planning

STO.VDOT001

Local governments in urbanized areas that receive federal capital or operating financial assistance through the Federal Aid Highway Act and the Urban Mass Transportation Act must have a comprehensive, cooperative, and continuing transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area. These plans and programs support transportation improvements and subsequent project development activities in the area.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: 23 USC 134 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 2-1-1999 through 3-31-99
Last Assessment Finding: Retain.
Current Assessment Period: 4-1-2003 through 6-30-2003
Comment: Current assessment finding is pending.

Statewide Transportation Planning Assistance

STO.VDOT002

The Department of Transportation provides funds to 20 of the 21 planning district commissions in the State to conduct transportation planning assistance to local governments that are not members of a metropolitan planning organization. Localities participating in this program are required to provide 20% of the costs.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: 23 USC 135 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 2-1-1999 through 3-31-99
Last Assessment Finding: Retain.
Current Assessment Period: 9-1-2003 through 11-30-2003
Comment:

VDOT Revenue Sharing Program

STO.VDOT003

Counties participating in the Department of Transportation's Revenue Sharing Program must provide matching funds up to $500,000 for approved transportation projects. Such projects include (1) maintaining, improving, or constructing primary or secondary roads; or (2) bringing subdivision streets up to standards sufficient to qualify for State maintenance.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-75.1

Last Assessment Period: 3-1-1999 through 5-31-99
Last Assessment Finding: Retain.
Current Assessment Period: 7-1-2003 through 9-30-2003
Comment: Current assessment finding is pending.

Sidewalk and Storm Sewer Cost-Sharing

STO.VDOT004

Local governments desiring to include new sidewalk and storm sewer facilities as components of secondary system improvement projects are required to participate in the costs of those facilities if such are determined by the Commonwealth Transportation Board to be nonessential to the projects.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia §§ 33.1-67, 33.1-79, 33.1-82

Last Assessment Period: 3-1-1999 through 5-31-99
Last Assessment Finding: Retain.
Current Assessment Period: 4-1-2003 through 6-30-2003
Comment: Current assessment finding is pending.

Residential Cut-Through Traffic Policy

STO.VDOT005

Local governments (except Arlington and Henrico Counties) must hold public hearings and make formal requests to the Department of Transportation before cut-through traffic restrictions are implemented on secondary highways.

Type: Regulation of Optional Activity
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 46.2-809.1, Commonwealth Transportation Board Resolution dated May 9, 1996.

Last Assessment Period: 2-1-1999 through 4-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 9-1-2003 through 11-30-2003
Comment:

Industrial Access Road

STO.VDOT006

Local governments participating in the Department of Transportation's Industrial Access Roads Program must request funds by resolution of the governing body, provide right of way at no cost to the program, and provide matching funds up to $150,000 for allocations over $300,000.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-221

Last Assessment Period: 7-1-1999 through 9-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 7-1-2003 through 9-30-2003
Comment: Current assessment finding is pending.

Airport Access Road

STO.VDOT007

Local governments participating in the Department of Transportation's Airport Access Roads Program for publicly owned airports must request funds by resolution of the governing body, provide right-of-way at no cost to the program, and provide matching funds up to $150,000 for allocations over $300,000.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-221

Last Assessment Period: 7-1-1999 through 9-30-1999
Last Assessment Finding: Retain.
Current Assessment Period: 7-1-2003 through 9-30-2003
Comment: Current assessment finding is pending.

Recreational Access Road

STO.VDOT008

Local governments participating in the Department of Transportation's Recreational Access Program must request funds by resolution of the governing body, provide right of way at no cost to the program, provide matching funds up to $100,000 for allocations over $250,000 for a road and up to $15,000 for a bikeway; adopt a zoning ordinance prior to requesting funds for a bikeway; and designate the road as a scenic highway or byway.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-223

Last Assessment Period: 7-1-1999 through 9-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 7-1-2003 through 9-30-2003
Comment: Current assessment finding is pending.

Subdivision Street Development Control

STO.VDOT009

Localities must adopt a subdivision ordinance requiring subdivision streets to meet Virginia Department of Transportation standards as prerequisite to the State's acceptance of those streets into the secondary system for maintenance and improvement.

Type: Condition of Financial Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authorization: Code of Virginia §§ 15.2-2240, 33.1-12, 33.1-69, 33.1-72.1, 33.1-229; Department of Transportation Subdivision Street Requirements

Last Assessment Period: 7-1-1999 through 9-30-99

Last Assessment Finding: Retain.

Current Assessment Period: 7-1-2003 through 9-30-2003

Comment: Current assessment finding is pending.

Urban Street Construction

STO.VDOT010

Cities and towns with a population over 3,500 (and certain towns under 3,500) must contribute 2% of the cost of any project to construct, reconstruct, or improve streets and highways within their jurisdiction. For towns with a population under 3,500 and which maintain their own streets, the State will pay 100% of such projects.

Type: Condition of Financial Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authorization: Code of Virginia §§ 33.1-23.1 and 23.3, 33.1-44; P.L. 102-240 (Intermodal Transportation Efficiency Act of 1991) (Fed.)

Last Assessment Period: 2-1-1999 through 3-31-99

Last Assessment Finding: Retain.

Current Assessment Period: 4-1-2003 through 6-30-2003

Comment: Current assessment finding is pending.

Urban Street Payments

STO.VDOT011

Cities and towns above 3,500 population (and certain towns under 3,500) that maintain their own streets are eligible to receive State financial assistance for maintenance, construction, or reconstruction of streets. To be eligible, the streets must meet established pavement and right of way widths and established maintenance standards. The municipality must provide annual certification that none of the money has been expended for anything other than maintenance, construction, or reconstruction of eligible streets.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-41.1

Last Assessment Period: 2-1-1999 through 3-31-99
Last Assessment Finding: Alter.
Current Assessment Period: 4-1-2003 through 6-30-2003
Comment: Current assessment finding is pending.

Entrance to State Highway Standards

STO.VDOT012

All entrances to State highways must be in accordance with Virginia Department of Transportation's "Minimum Standards of Entrances to State Highways."

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia §§ 33.1-197, 33.1-198

Last Assessment Period: 1-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Traffic Signs, Signals, and Markings

STO.VDOT013

Traffic signs, signals, and markings placed or erected by local governments must conform in size, design, and color to those erected for the same purpose by the Department of Transportation.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 46.2-1312

Last Assessment Period: 1-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Maintenance and Construction Operations

STO.VDOT014

Local governments performing construction and maintenance operations on streets and highways in the State must comply with the guidelines and uniform traffic control contained in Part VI of the Virginia Supplement to the Manual on Uniform Traffic Control Devices.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 46.2-1312

Last Assessment Period: 1-1-2000 through 3-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Removal of Outdoor Advertising

STO.VDOT015

Local governments that remove, under local ordinances, lawfully erected and maintained outdoor advertising signs visible from interstate and federal primary highways and the national highway system must compensate the owners of the signs and the owners of the property for their removal.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-370 (E) and (F); 23 USC 131 (b) and (g) (Fed.)

Last Assessment Period: 4-1-1999 through 4-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 9-1-2003 through 11-30-2003
Comment:

Transportation Enhancement Program

STO.VDOT016

The Department of Transportation is required to reserve 10% of the Surface Transportation Program funds it receives under the Intermodal Surface Transportation Efficiency Act of 1991 for transportation enhancement activities that go beyond the normal elements of a transportation improvement project. Such activities must relate to the intermodal transportation system in function, proximity, or impact, and the activities should increase the value or worth of a project or make it more esthetically pleasing. Local governments receiving funds for such activities are required to provide a 20% match. In addition, the grantee must also comply with various other federal laws and regulations.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: 23 USC 133(d)(2) (Fed.)

Last Assessment Period: 2-1-2000 through 2-29-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Road and Bridge Standards

STO.VDOT017

Local governments requiring curbs along their streets that incorporate accessible pedestrian routes must also require that curb ramps be constructed at intersections for use by persons with mobility impairments. Additionally, local governments must incorporate raised truncated domes as detectable warnings for determining the boundary between sidewalks and streets by persons with visual disabilities. Such ramps and detectable warning must comply with Virginia Department of Transportation Road and Bridge Standards.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authorization: Code of Virginia § 15.2-2021; 42 USC 12101 et seq. (Americans With Disabilities Act) (Fed.); 28 CFR 35 (Fed.); 49 CFR Parts 27, 37, 38 (Fed.)

Last Assessment Period: 2-1-2001 through 4-30-2001

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Bridge Safety Inspection Standards

STO.VDOT018

Local governments must have all bridges and culverts on public roads inspected at regular intervals according to National Bridge Inspection Standards.

Type: Condition of Financial Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authorization: Code of Virginia § 33.1-12; 23 CFR 650, Subpart C (Fed.); National Bridge Inspection Standards (Fed.)

Last Assessment Period: 2-1-2000 through 4-30-2000

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Use of Transportation Funds

STO.VDOT022

If a local government wants to use transportation funds to construct transportation facilities or requests the Department of Transportation to administer a contract using its funds for the construction of such facilities, the contracting process and quality control processes must comply with applicable State procurement statutes and Department of Transportation policies and procedures.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia Title 33.1, §11-7

Last Assessment Period: 2-1-2000 through 4-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Six-Year Secondary Improvement Plan

STO.VDOT023

The governing body of each county in the secondary highway system and the City of Suffolk must, in cooperation with a designated representative of the Department of Transportation, adopt a six-year secondary road improvement plan. This plan must be officially updated at least once every two years.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-70.01

Last Assessment Period: 7-1-2000 through 9-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Annual Mileage Report

STO.VDOT025

The Department of Transportation requires counties not in the State secondary road system (Arlington and Henrico Counties) to report annually the additional mileage added to local road systems in order to calculate payments for the maintenance of their local roads.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-23.5:1

Last Assessment Period: 7-1-1999 through 9-30-99
Last Assessment Finding: Retain.
Current Assessment Period: 4-1-2003 through 6-30-2003
Comment: Current assessment finding is pending.

Americans With Disabilities Act

STO.VDOT027

Local governments receiving State and federal financial assistance for transportation programs must comply with the provision of the Americans with Disabilities Act.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 51.5-40; P.L. 101-336 (Fed.); Department of Transportation Act Section 5 (49 USC 1654 et. seq.) (Fed.)

Last Assessment Period: 1-1-2001 through 4-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Transportation Improvement District

STO.VDOT028

Adjoining counties wishing to create a transportation improvement district must adhere to a petition, notification, hearing, and resolution process set forth in statute.

Type: Regulation of Optional Activity
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: Code of Virginia § 33.1-409 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Highway Safety Improvement Program (HSIP)

STO.VDOT029

The Department of Transportation is required to reserve 10% of the Surface Transportation Funds it receives under the The Transportation Efficiency Act of 1998 to improve areas where there is an abnormally high incidence of accidents or to reduce the occurrence and potential of railroad grade crossing accidents. Local governments receiving funds for such projects are required to provide a 10% match. In addition, grantees must also comply with various federal regulations concerning personnel matters, purchasing, etc.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authorization: 23 USC 152 (Fed.); The Transportation Efficiency Act of 1998 (Fed.)

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Tax Law Compliance for Bond Sale to Virginia Public School Authority

SFIN.TD002

Local governments that issue general obligation school bonds and sell such bonds to the Virginia Public School Authority are required to adhere to all applicable requirements of the Internal Revenue Code of 1986, as amended, and any regulations issued by the U.S. Treasury Department.

Type: Regulation of Optional Activity

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Internal Revenue Code §§ 1.103, 1.144 through 1.149 (Fed.); U.S. Treasury Regulations (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Investment of Virginia Public School Authority Bond Proceeds

SFIN.TD003

Local governments participating in any Virginia Public School Authority pooled financing are required to invest the proceeds from the sale of their local school bonds in the Virginia State Non-Arbitrage Program.

Type: Regulation of Optional Activity

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Virginia Public School Authority General Pooled Bond Policy § 11; Internal Revenue Code §§ 1.103 and 1.148 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Virginia Public Building Authority Jail Construction Reimbursement Program

SFIN.TD004

Local governments seeking reimbursement from the Commonwealth for a portion of the capital costs and financing costs or interest costs of constructing a jail facility must apply for reimbursement through the Department of the Treasury.

Type: Regulation of Optional Activity

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Code of Virginia §§ 53.1-82.2, 53.1-82.3; Virginia Public Building Authority Guidelines

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Depositing Requirements for State Funds

SFIN.TD006

Each treasurer shall deposit all State moneys collected or received from all sources directly into the account of the State treasury without any deduction and make a statement of all State revenue collected since the last report to the comptroller.

Type: Compulsory Order

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Code of Virginia §§ 2.2-806, 58.1-3168

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Exception Reporting by Public Depositor

SFIN.TD007

Pursuant to the Virginia Security for Public Deposits Act and related regulations, public depositors must notify the State Treasurer of any discrepancy between the public depositor's records and the information provided by the depository.

Type: Compulsory Order
Agency: **Department of the Treasury**
Secretariat: Finance
Authorization: Code of Virginia §§ 2.2-4400 through 2.2-4411; Department of the Treasury Regulation 1 VAC 75-20-10 et seq.

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Uniform Disposition of Unclaimed Property

SFIN.TD008

The Uniform Disposition of Unclaimed Property Act requires the State Treasurer to identify, collect, and return property that has been held for specified dormancy periods to rightful owners. Local treasurers, directors of finance, clerks of court, general receivers, or any other local government entity holding property more than one year for owners who can not be located are required to report and remit this property by November 1 of each year.

Type: Compulsory Order
Agency: **Department of the Treasury**
Secretariat: Finance
Authorization: Code of Virginia §§ 55-210.1 through 55-210.30

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Abandoned Real Property

SFIN.TD009

Local treasurers or other designated local officials are required to report to the appointed escheator and State Treasurer by May 31 of each year real property that appears to meet the criteria for escheat on his or her records as of the end of the prior calendar year. The report shall be certified as to its accuracy by the commissioner of revenue or designated local official prior to the submission date. Following the auction of the property, the local treasurer or designated local official is required to request the delinquent taxes on each parcel sold. In the instance of improper escheat, the commissioner of revenue or other designated local official is required to certify this fact.

Type: Compulsory Order

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Code of Virginia §§ 55-168 through 55-201.1

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Blanket Fidelity Bond Program

SFIN.TD010

Constitutional officers, general receivers, and clerks are required to participate in the blanket fidelity bond program established and administered by the Department of the Treasury, Division of Risk Management.

Type: Compulsory Order

Agency: **Department of the Treasury**

Secretariat: Finance

Authorization: Code of Virginia §§ 2.2-1840, 2.2-1841, 8.01-588.1, 15.2-1527 through 15.2-1533

Last Assessment Period: 7-1-2003 through 9-30-2003

Last Assessment Finding: Retain.

Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Information Technology Access for the Visually Impaired

SOTECH.VITA001

Local governments that use funds provided by the Commonwealth to purchase information technology for use by employees, program participants, or the public are required to ensure that such technology is adaptable for access by individuals who are visually impaired, provided that the essential elements of the technology are not visual or that nonvisual equivalence is unavailable.

Type: Compulsory Order
Agency: **Virginia Information Technologies Agency**
Secretariat: Technology
Authorization: Code of Virginia §§ 2.1-807 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Internet Privacy Policy

SOTECH.VITA002

Local governments having an Internet web site must develop an Internet privacy policy and an Internet privacy statement explaining the policy to the public. The policy must be consistent with requirements set out in the Code of Virginia. The policy must be developed by December 1, 2000 and the policy statement must be displayed on the web site by January 1, 2001.

Type: Compulsory Order
Agency: **Virginia Information Technologies Agency**
Secretariat: Technology
Authorization: Code of Virginia § 2.1-380

Last Assessment Period: 8-1-2003 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Last assessed as SOTECH.DTP002. Not currently scheduled for reassessment.

Implementation of E-911 Services

SOTECH.VITA003

Local governments are required to operate a landline E-911 system by July 1, 2003. If a locality is capable of answering wireless E-911 calls, it is required to do so by July 1, 2003.

Type:	Compulsory Order
Agency:	**Virginia Information Technologies Agency**
Secretariat:	Technology
Authorization:	Code of Virginia 56-484.16

Last Assessment Period:	8-1-2003 through 8-31-2003
Last Assessment Finding:	Retain.
Current Assessment Period:	
Comment:	Not currently scheduled for reassessment.

Part B

Mandates Administered by Nonexecutive Agencies and Mandates without State Oversight

Part B lists those mandates not subject to assessment, either because they are administered by nonexecutive branch agencies or because there is no State oversight of the required action. The format for mandates listed in Part B includes the same general information as that used in Part A, but in this section references to the secretariat, assessment schedule, and findings have been omitted.

Annual Financial Report

LEG.APA001

Local governments must submit a standardized financial report with the Auditor of Public Accounts annually. Towns having a population of fewer than 3,500 are excluded unless they maintain a separate school division.

Type: Compulsory Order
Agency: **Auditor of Public Accounts**
Secretariat:
Authorization: Code of Virginia § 15.2-2510

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Annual Audit

LEG.APA002

Local governments must have an annual audit performed on all accounts and records by an independent certified public accountant. Towns having a population of less than 3,500 are excluded unless they maintain a separate school division.

Type: Compulsory Order
Agency: **Auditor of Public Accounts**
Secretariat:
Authorization: Code of Virginia § 15.2-2511

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Employee Retirement System

IND.VRS001

Local governments with a population of 5,000 or more must provide a retirement system for eligible employees either by participating directly in the Virginia Retirement System (VRS) or by establishing a local retirement system which provides a service retirement allowance that equals or exceeds two-thirds of the service retirement allowance at age 65 or older to which the employee would have been entitled had the allowance been computed under the provisions of the VRS. Localities will forfeit Alcoholic Beverage Control profits if they fail to comply with the set standards.

Type: Compulsory Order

Agency: **Virginia Retirement System**

Secretariat:

Authorization: Code of Virginia § 51.1-800

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

Support for Courts and Magistrates

JUD.SUPCT001

Localities must provide quarters, equipment, furniture, and other necessary support for courts and magistrates.

Type: Compulsory Order

Agency: **Supreme Court of Virginia**

Secretariat:

Authorization: Code of Virginia §§ 15.2-1656, 15.2-1638, 16.1-69.50, 16.1-69.51:1, 16.1-234, 17.1-118, 17.1-212, 17.1-241, 17.1-246, 19.2-48.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

Indigent Representation

JUD.SUPCT002

Localities must provide representation for indigents charged with local offenses that might result in imprisonment.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authorization: Code of Virginia § 19.2-163

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Office Space for Constitutional Officers

JUD.SUPCT003

The governing body of each county and city is required to provide offices for the treasurer, attorney for the Commonwealth, sheriff, commissioner of revenue, commissioner of accounts, and division superintendent of schools for such county or city.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authorization: Code of Virginia § 15.2-1639

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Virginia Freedom of Information Act

JUD.SUPCT004

Local governments must comply with the Virginia Freedom of Information Act by providing ready public access to records in the custody of public officials and by allowing free entry to meetings of public bodies where public business is being conducted.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authorization: Code of Virginia § 2.2-3700 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Juror Costs

JUD.SUPCT005

Localities must provide reimbursement for jurors in all civil cases and in the trial of misdemeanor cases when the defendant is charged on a local warrant or summons.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authorization: Code of Virginia § 17.1-619

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Virginia Alcohol Safety Action Program

IND.VASAP001

Local governments that establish a Virginia Alcohol Safety Action Program must provide assessment, education, and treatment of persons arrested and convicted of driving under the influence of alcohol or other self administered substances. Participating local governments must comply with the minimum standards and criteria for the implementation and operation of this program.

Type: Regulation of Optional Activity

Agency: **Commission on the Virginia Alcohol Safety Action Program**

Secretariat:

Authorization: Code of Virginia §§ 18.2-271.1, 18.2-271.2; Virginia Alcohol Safety Action Program Regulation 24 VAC 35-20-10 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

Virginia Workers' Compensation Act

IND.VWC001

Local governments must provide benefits to workers under the Virginia Workers' Compensation Act for injuries or occupational diseases that are the result of employment.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Secretariat:

Authorization: Code of Virginia § 65.2-100 et seq.; Rules of the Workers' Compensation Commission Rules 6 and 7

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

Workers' Compensation Information

IND.VWC002

Local government officials who license employers to conduct business under Chapter 37 of Title 58.1 must provide employers requesting such licenses with information concerning the statutory workers' compensation insurance requirements. The information to be distributed by the local government officials is supplied by the Virginia Workers' Compensation Commission.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Secretariat:

Authorization: Code of Virginia § 65.2-800

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

Notification of Rights for Victim of Crime

IND.VWC003

Local law enforcement officers in counties, cities, and towns must make reasonable efforts, where practicable, to notify victims of crime of their rights by distributing notices to each victim.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Secretariat:

Authorization: Code of Virginia § 19.2-368.17

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No executive agency oversight.

National Affordable Housing Act Program

NSO.001

Local governments that wish to receive federal funding from State housing programs through the 1990 National Affordable Housing Act must develop a five-year comprehensive housing affordability strategy.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: 24 CFR 91

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Vehicle Inspection Sticker

NSO.002

Vehicles found to be free of defects in inspections conducted by local law enforcement officers in a selected set of cities and counties who are certified to conduct such safety inspections must be issued 90-day stickers.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 46.2-1001

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Noise Abatement

NSO.003

On nonfederal aid highway projects, the Department of Transportation will construct and maintain reasonable and feasible noise abatement measures, provided; (1) the local jurisdiction through which the project traverses agrees to assume 50 percent of the cost of the abatement measure and (2) the local jurisdiction has an ordinance requiring developers to provide noise abatement for all new residential and other noise sensitive developments adjacent to existing or approved future highway corridors.

Type: Condition of Financial Aid

Agency: **Not applicable**

Secretariat:

Authorization: Department of Transportation Regulation 24 VAC 30-80-10 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Multi-County Transportation Improvement District

NSO.004

Adjoining counties wishing to create a primary highway transportation improvement district must adhere to a petition, notification, hearing, and resolution process set forth in statute. No district is allowed to be created under Code of Virginia § 15.1-1372.1 et seq. after June 30, 1993.

Type: Regulation of Optional Activity

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia § 15.2-4600 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Preparation of Local Plan by Licensed or Certified Professional

NSO.005

Local governments must establish a procedure to ensure that plans, specifications, or calculations prepared in connection with improvements to real property be prepared by a licensed or certified architect, professional engineer, land surveyor, or landscape architect.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia § 54.1-410

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Local Planning Commission

NSO.006

Local governments must create a local planning commission to promote the orderly development of the locality and its environs.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia § 15.2-2210

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Comprehensive Plan Adoption

NSO.007

Local governments must adopt comprehensive plans for land use development. In preparing the plan, the local planning commission shall survey and study such matters as set forth in statute. At least once every five years the comprehensive plan shall be reviewed by the local commission to determine whether it should be amended.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia §§ 15.2-2223, 15.2-2224, 15.2-2230, 15.2-2232

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Subdivision Ordinance Adoption

NSO.008

Local governments must adopt ordinances regulating the subdivision of land and its development.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-2240

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Board of Zoning Appeals

NSO.009

Local governments enacting zoning ordinances are required to establish a board of zoning appeals to hear appeals on specific sections of the ordinances that create undue hardships on the public.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-2308

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Affordable Housing Promotion

NSO.010

Local governments must promote the construction and maintenance of affordable housing sufficient to meet current and future needs of residents at all levels of income in the locality.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-2223

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Local Government Grievance Procedure Adoption

NSO.011

Local governments having more than fifteen employees are required to establish a grievance procedure that conforms to the State grievance procedure; otherwise the State's grievance procedures will apply. Local government grievance procedures must be certified as conforming, and a copy of the certification must be filed with the director of the Department of Employee Relations Counselors.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia §§ 15.2-1506, 15.2-1507

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Local Government Grievance Procedure Filing

NSO.012

Local governments are required to submit a copy of their grievance procedure to the Department of Employee Relations Counselors.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia §§ 15.2-1506, 15.2-1507

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Local Government Personnel Classification and Pay Plan

NSO.013

Local governments having more than fifteen employees must adopt a personnel classification plan for service and a uniform pay plan.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia §§ 15.2-1506

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Anti-Discrimination Policy

NSO.014

Local governments must comply with federal anti-discrimination policy.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Civil Rights Act of 1964

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Constitutional Officer Personnel Benefits

NSO.015

Every county and city shall annually provide for each employee of constitutional officers at least two weeks paid vacation, at least seven paid sick days, and such holidays as are prescribed by State law. If any such employee or deputy is required to work on a legal holiday, he or she will be provided with an equal amount of paid compensatory time in the same calendar year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-1605

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Paid Leave for Military Duty

NSO.016

Local governments must provide all officers and employees of local governments with paid leave of absence for military duty, not to exceed 15 workdays per federal fiscal year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 44-204

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Uniform Fiscal Year

NSO.017

Local governments must use a uniform fiscal year that begins on July 1 and ends on June 30. Towns having a population of less than 3,500 are excluded, but any school district they operate must use this fiscal year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-2500

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Standards for Local Budget

NSO.018

Local governments must follow a budget process that complies with State requirements for content, form, publication, and public hearings. These requirements are optional for localities that have a charter or special law containing budget provisions.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 15.2-2503 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Virginia Public Procurement Act

NSO.019

Local governments must do their purchasing of goods and services, including professional services, in accordance with the Virginia Public Procurement Act or adopt alternative provisions based on competitive principles. Towns having a population of fewer than 3,500 are exempt from most provisions of the Act.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 11-35 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Real Estate Reassessment Notification

NSO.020

Local governments must provide notice by mail to each property owner of any reassessment of real estate, or of any change in the assessed value of any real estate.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 58.1-3330 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Contractors License Required for Building Permit

NSO.021

Local government building officials are required to ascertain that contractors hold valid State contractors licenses prior to issuing building permits.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia § 54.1-1111

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Community Oriented Policing Services Grant (COPS)

NSO.022

Local governments receiving Community Oriented Policing Services (COPS) grant funds must hire and train new police officers or rehire officers that have been laid off due to budgetary reductions. In addition, some grant funds will be available for activities that increase the number of officers deployed in community-oriented policing. Localities receiving funds for such activities are required to provide a 25% match.

Type: Condition of Financial Aid

Agency: **Not applicable**

Secretariat:

Authorization: Violent Crime Control and Law Enforcement Act of 1994

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Family and Medical Leave

NSO.023

Local governments having more than 50 employees must provide up to 12 weeks of unpaid, job-protected leave per year, with health insurance, for the birth or adoption of a child or the serious illness of the employee or an immediate family member.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P.L. 103-3 (Family and Medical Leave Act) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Lobbying Disclosure

NSO.024

Local governments seeking federal funds are required to submit a lobbying disclosure form.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 101-121 (Fed.); 15 CFR 28 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Crosscutting requirement that applies to many or all federal assistance programs.
Not subject to review: No State oversight.

Homeownership and Opportunity for People Everywhere Program (HOPE)

NSO.025

Local governments receiving federal funding through the Homeownership and Opportunity for People Everywhere Programs must comply with program requirements. The program provides grants for public and Indian housing homeownership in order to expand the number of tenants in such housing who can purchase their units.

Type: Condition of Financial Aid

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 101-625 (Title IV, Subtitle B) (Fed.)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Head Start Program

NSO.026

Local governments participating in the Head Start Program must comply with certain federal program requirements. The program's objectives are to provide comprehensive health, educational, nutritional, social, and other services primarily to preschool economically disadvantaged children.

Type: Regulation of Optional Activity

Agency: **Not applicable**

Secretariat:

Authorization: P.L. 97-35 (Fed.); Omnibus Budget Reconciliation Act of 1981 (Fed.)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Summer Food Service Program

NSO.027

Local governments participating in the Summer Food Service Program for children must comply with the program requirements. This provides nonprofit food service programs for needy children during the summer months and at other approved times, when area schools are closed for vacation.

Type: Regulation of Optional Activity

Agency: **Not applicable**

Secretariat:

Authorization: P.L. 79-396 (Fed.); 7 CFR 225 (Fed.)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Mandatory Arrest in Family Violence Cases

NSO.028

Local law enforcement officers are required to arrest the primary physical aggressor in cases of family violence, or to file reports setting out special circumstances for not making an arrest. Local police departments are required to establish arrest policy and procedures that meet minimum statutory standards.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: Code of Virginia §§ 19.2-81.3 and 19.2-81.4

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Police Misconduct

NSO.029

Local governments with ten or more law enforcement officers are required to establish procedures allowing citizens to register complaints about police misconduct.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: Code of Virginia § 2.1-116.9:6

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Labor Standards

NSO.030

Local governments receiving federal mass transit grants must follow federal labor standards.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: Federal Transit Act of 1964, as amended, § 13(c) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Crosscutting requirement that applies to many or all federal assistance programs.
Not subject to review: No State oversight.

Single Audit

NSO.031

The federal Office of Management and Budget (OMB) has established specific audit requirements for local governments that receive federal financial assistance. The OMB has also defined federal government responsibilities for implementing and monitoring the requirements.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: Office of Management and Budget Circular A-128 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Crosscutting requirement that applies to many or all federal assistance programs.
Not subject to review: No State oversight.

Age Discrimination Act of 1975

NSO.032

Prohibits discrimination based on age in programs receiving federal financial assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 94-135; 95-478

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Age Discrimination in Employment Act Amendments of 1986

NSO.033

Prohibits mandatory retirement at age 70, with a seven-year delay in coverage for police, fire fighters, and college professors. Also, prevents discrimination on the basis of age in local government employment. These requirements were enacted as part of the amendments to the Age Discrimination in Employment Act of 1967.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 90-202; P. L. 93-259; P. L. 99-592

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Architectural Barriers Act

NSO.034

Requires federally funded buildings, facilities, and public conveyances to be accessible to the physically handicapped.

Type: Condition of Financial Aid

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 90-480

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Base Closure and Community Redevelopment Act of 1994

NSO.035

Requires local governments to submit to the U. S. Department of Housing and Urban Development their plans for reuse of closed military bases which balances the needs of the homeless against the economic and redevelopment needs of the community.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 103-421

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Cable Communications Policy Act of 1984

NSO.036

Preemption of local regulation of basic cable rates by the Federal Communications Commission.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 98-549

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Child Nutrition Act of 1966

NSO.037

Prohibits local sales taxes on food purchases made with funds from the Special Supplemental Nutrition Program for Women, Infants, and Children.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 99-591

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Act of 1964

NSO.038

Prohibits employment discrimination against any person under any local program or activity receiving federal financial assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 88-352; P. L. 90-202; P. L. 92-318; P. L. 97-424

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Act of 1968

NSO.039

Prohibits discrimination against any person in the sale or rental of federally assisted housing.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 90-284

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Restoration Act of 1987

NSO.040

Expands institutional coverage of laws prohibiting racial, gender, handicapped, and age discrimination by recipients of federal assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-259

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Clean Air Act

NSO.041

Requires local governments to participate in state plans to implement regulations and statutes governing air emissions from stationary and mobile sources. For those localities in non-attainment areas the statute requires that a number of corrective activities be undertaken.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 91-604; P. L. 95-95

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Clean Water Act

NSO.042

Requires local government facilities discharging into public water to meet certain regulations. Those regulations also set standards for improving and maintaining water quality and requires permitting of point source discharges.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 92-500; P. L. 95-217; P. L. 96-88; P. L. 100-1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Consolidated Omnibus Budget Reconciliation Act of 1985

NSO.043

Extends Medicare hospital insurance taxes and coverage to all new local government employees.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 99-509

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Davis-Bacon Act

NSO.044

Requires that locally prevailing wages are paid to construction workers employed under federal contracts and assistance programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 74-403

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Drug-Free Schools and Community Act

NSO.045

School divisions receiving federal funds are required to adopt a school drug-free policy.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 101-226

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Drug-Free Workplace Act of 1988

NSO.046

Requires certification by all federal grantees and contractors of a drug-free workplace and creation of employee awareness, sanctions, and treatment programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-690

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Education Amendments of 1972

NSO.047

Prohibits discrimination on the basis of sex in federally assisted education programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 92-318

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Individuals with Disabilities Education Act

NSO.048

Provides a free appropriate education to all children with disabilities.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: 20 USC 1400 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Endangered Species Act of 1973

NSO.049

Provides for the conservation, protection, restoration, and propagation of species of fish, wildlife, and plants facing extinction. Various federal agencies work to implement the Act by monitoring potential destruction of natural habitats by local government construction projects. This mandate was amended further by the Endangered Species Act of 1982 (P. L. 97-304).

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 93-205

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Equal Access Act

NSO.050

Requires public secondary schools to allow student religious groups to meet at the school under certain conditions.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 98-377

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Equal Employment Opportunity Act of 1972

NSO.051

Prohibits discrimination on the basis of race, color, religion, sex, or national origin in local government employment.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 92-261

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Fair Housing Act Amendments of 1988

NSO.052

Prohibits discrimination in housing and extends *Civil Rights Act of 1968* to cover the handicapped and families with children.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-430

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Fair Labor Standards Act Amendments of 1974

NSO.053

Extends federal minimum wage and overtime pay protection to local government employees.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 75-718; 93-259

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Water Pollution Control Act

NSO.054

Requires local governments undertaking construction projects which necessitate the dredging and filling of wetlands and land adjacent to other water bodies to obtain a permit from the U. S. Army Corps of Engineers. Also establishes federal effluent limitations to control the discharge of pollutants from public treatment facilities.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 92-500; P. L. 95-217; P. L. 100-4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Flood Disaster Protection Act of 1973

NSO.055

Requires local governments to participate in the National Flood Insurance Program and to adopt land use regulations for their flood plain which meet the federal criteria before federal assistance can be granted for the acquisition or construction of property in identified flood hazard areas.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 93-234

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Food Stamp Act of 1977

NSO.056

Prohibits local sales taxes on purchases made with Food Stamps.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 99-198

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Housing and Community Development Act of 1974

NSO.057

Prohibits discrimination based on race, color, national origin, sex, age, or handicap.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 97-35

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

ICC Termination Act of 1995

NSO.058

Prohibits local governments from discriminating against railroads when imposing local taxes.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 104-88

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Immigration Reform and Control Act of 1986

NSO.059

Requires local governments to use the Systematic Alien Verification for Entitlement (SAVE) program to verify the immigration status of alien applicants for certain state administered federal programs. Local government employers are also prohibited from discrimination against job applicants on the basis of their national origin or citizenship status.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 99-603

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Juvenile Justice and Delinquency Prevention Act of 1974

NSO.060

Requires local governments to provide separate facilities for juveniles in detention centers that hold both juveniles and adults.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 102-586

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Lead Containment Control Act of 1988

NSO.061

Requires local and private nonprofit elementary and secondary school and day care centers to test drinking water coolers to test and remedy lead contamination problems. This requirement is a component of the Safe Drinking Water Act Amendments.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-572

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Multiethnic Placement Act

NSO.062

Prohibits an agency or entity that receives federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 103-382

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Apprenticeship Act of 1937

NSO.063

Requires local governments offering apprenticeship related programs registered with the U. S. Department of Labor to comply with equal opportunity and affirmative action regulations.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 75-308

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Environmental Policy Act of 1969

NSO.064

Local governments undertaking construction projects using federal funds may be required to prepare an environmental impact statement.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 91-190; 94-52; 94-83

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Historic Preservation Act of 1966

NSO.065

Requires local governments undertaking projects with federal funds to take into account the effect such actions might have on properties listed or eligible for listing on the National Register of Historic Places.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 89-665

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Ocean Dumping Ban Act

NSO.066

Prohibits ocean dumping of sludge from local government sewage treatment facilities.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-688

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Older Worker's Benefit Protection Act

NSO.067

Requires public employee benefit programs to be adjusted in order to provide equal benefits to older and younger workers.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 101-433

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Omnibus Budget Reconciliation Act of 1990

NSO.068

Requires mandatory Social Security coverage to all local government employees not otherwise covered by a public employee retirement system.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 101-508

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Public Health Service Act

NSO.069

Requires local governments to expand community health services to the mentally ill, drug users, substance abusers, pregnant women, and other persons enumerated in the Act.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 102-321

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Rehabilitation Act of 1973

NSO.070

Prohibits discrimination on the basis of physical or mental handicap in federally assisted programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 93-112

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Residential Lead-Based Paint Hazard Reduction Act of 1992

NSO.071

Requires local governments responsible for federally assisted housing to assess, inspect, reduce, or abate lead hazards in such housing. This requirement is found in Title X of the Housing and Community Development Act of 1992.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 102-550

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Social Security Amendments of 1983

NSO.072

Prohibits local governments from withdrawing from Social Security coverage, and accelerates scheduled increases in payroll taxes and payment of payroll taxes by local governments.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 98-21

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Soldiers' and Sailors' Civil Relief Act Amendments of 1991

NSO.073

Requires local governments to reemploy veterans returning from leave of absence at the seniority and rate of pay commensurate with continuous service.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 101-353

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Stewart B. McKinney Homeless Assistance Act

NSO.074

Requires local governments to provide community mental health services for the homeless.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-77

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Tax Reform Act of 1986

NSO.075

Requires issuers of tax-exempt bonds (e.g., local governments) to rebate excess arbitrage profits to the United States. Requires that an information statement, Form 8038, be filed with the Internal Revenue Service for all governmental bond issues.

Type: Regulation of Optional Activity

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 99-514

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Uniform Relocation and Real Properties Acquisition Policies Act of 1970

NSO.076

Establishes federal policies and reimbursement procedures for property acquisition under federally assisted programs.

Type: Condition of Financial Aid

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 91-646

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

Urban Mass Transportation Act of 1964

NSO.077

Requires local governments receiving loans or grants for urban mass transportation systems to comply with the standards of the Davis-Bacon Act.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 88-365

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Voting Rights Language Assistance Act

NSO.078

Requires local governments to provide bilingual assistance to voters if a locality has more than 10,000 citizens who share a minority or if more than 5% of the voting-age citizens are members of a language minority.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 89-110; 97-205; 102-344

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Water Quality Act of 1987

NSO.079

Requires local governments to comply with requirements for identifying and controlling nonpoint pollution. Establishes new requirements for testing and permitting discharges from storm sewers owned by local governments. Directs the Environmental Protection Agency to develop regulations governing toxic wastes in sewage sludge.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authorization: P. L. 100-4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Water Resources Development Act of 1986

NSO.080

Requires local governments that participate in federal water resources projects to share the costs of such projects.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authorization: Water Resources Development Act of 1986

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Health Insurance Portability and Accountability Act of 1996

NSO.081

Requires local governments to provide documentation of prior health coverage to persons leaving their employ. Further, local governments employing persons possessing documentation of prior health coverage must credit such coverage against the preexisting health condition requirements of their health care plans.

Type: Compulsory Order

Agency: **Not applicable**

Secretariat:

Authorization: P. L. 104-191

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period:

Comment: Not subject to review: No State oversight.

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Appendices

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Appendix A

Executive Memorandum 1-98

Establishment of Schedule and Format for Agency Assessment of Mandates on Local Government

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COMMONWEALTH OF VIRGINIA

OFFICE OF THE GOVERNOR

Executive Memorandum 1-98

Establishment of Schedule and Format for Agency Assessment of Mandates on Local Government

Purpose

To establish a process, pursuant to the provisions of Section 2.1-7.1 and Section 15.2-2903(6) of the Code of Virginia, by which the executive agencies of the Commonwealth shall critically assess and periodically reassess all the state and/or federal mandates which they administer for the purpose of determining which mandates, if any, may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety, and welfare of the residents of Virginia.

Mandates Defined

(a) For purposes of implementing Section 15.2-2903(6) of the Code of Virginia, a mandate shall be defined as a constitutional, statutory, or administrative measure or action that places a requirement on local governments.

(b) Mandates placing requirements on local governments shall be classified as compulsory orders, conditions of financial aid, or the regulation of optional activities. These classifications shall be defined as follows:

(i) Compulsory Orders are measures or actions that impose requirements with which localities must comply in the performance of their prescribed responsibilities.

(ii) Conditions of Financial Aid are requirements, which are imposed as a condition of receiving state and/or federal financial aid.

(iii) Regulation of Optional Activities are measures which impose state and/or federal government requirements relative to the performance of activities that are not mandated but are subject to such regulations if performed.

Requirements

1. Assessment of Current Mandates

The executive agencies of the Commonwealth shall assess all local government mandates, which they currently administer, as determined by the Commission on Local Government and specified in the most recent edition of the *Catalog of State and Federal Mandates on Local Governments*, as follows:

(a) All assessments performed by agencies pursuant to Section 2.1-7.1 and Section 15.2-2903(6) of the Code of Virginia shall be conducted consistent with the standardized assessment form appended to this Memorandum.

(b) Agencies shall solicit in the conduct of each assessment evaluative comment from affected local governments on the mandate in question and shall report and respond to such comment as thy deem appropriate in their assessment statements.

(c) Agencies shall complete the assessment of all mandates within the scheduled assessment period established by the Commission pursuant to the provisions of this Memorandum.

(d) Agencies shall submit their assessments with recommendations to the appropriate Cabinet Secretary for endorsement or amendment.

(e) Agency assessments and Secretary review shall be initiated, conducted, and completed within the scheduled assessment period.

(f) Completed assessments, signed by the Agency Head and approved by the Cabinet Secretary, shall be submitted by the agency to the Commission on Local Government no later than the terminal date of the scheduled assessment period.

(g) The Commission on Local Government shall distribute copies of all completed assessments received from state agencies to the Governor, the Secretary of Administration, the Clerks of the House of Delegates and Senate, the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), and to other interested parties upon request.

2. Annual Specification of Scheduled Assessment Period

(a) Agencies shall submit to the Commission on Local Government by October 15 of each year a proposed schedule establishing specific dates for the assessment period for new or newly identified mandates, as specified in Section 4 of this Memorandum, or for the reassessment of existing mandates as may be appropriate pursuant to Section 5 of this Memorandum.

(b) The Commission on Local Government shall, in November of each year, adopt the schedule for assessment periods proposed by the agencies unless in its judgment substantial reason exists for modification.

(c) The Commission on Local Government shall submit to the Secretary of Administration and the Governor for their review and approval the schedule, which it has adopted in December of each year.

(d) Subsequent to the approval of the schedule of assessment periods by the Secretary of Administration and the Governor, the Commission shall forward copies of the adopted schedule to the affected agencies.

(e) The Commission on Local Government shall file with the Clerks of the House of Delegates and the Senate copies of all scheduled mandates assessment periods and any modifications thereof following their approval by the Secretary of Administration and the Governor. The Commission shall also file copies of the schedule and any modifications with VACo, VML, and with the Registrar of Regulations for appropriate publication in The Virginia Register.

3. Modification of Scheduled Assessment Period

(a) With due notice and sufficient cause, approved agency assessment periods may be subsequently modified by the Commission upon request of the administering agency, affected local governments, VACo, VML, or upon its own initiative.

(b) All modifications in agency assessment periods approved by the Commission shall be subject to the concurrence of the Secretary of Administration.

4. New and Newly Identified Mandates

(a) Each year the Commission on Local Government shall endeavor to identify for inclusion in the subsequent annual catalog of state and federal mandates, as prescribed by Section 15.2-2903(7) of the Code of Virginia, all local government mandates not previously cataloged.

(b) Executive agencies are directed to assist the Commission on Local Government in identifying new mandates, which they will administer and any currently administered mandates not previously identified.

(c) Executive agencies administering such mandates shall be responsible for their assessment consistent with relevant sections of this Memorandum.

(d) No mandate shall be subject to assessment by any agency until it has been in effect for a minimum of 24 months.

5. Reassessment of Mandates

(a) Pursuant to Section 15.2-2903(6) of the Code of Virginia, the Commission on Local Government shall at its discretion, after consultation with the affected agencies, periodically call for scheduling the reassessment of mandates.

(b) No mandate shall be subject to assessment more than once in any four-year period unless it has been subject to modification so substantial as to have created, in essence, a new mandate.

(c) All reassessments shall be scheduled and conducted consistent with relevant sections of this Memorandum.

Effective Date

This Executive Memorandum supercedes Executive Memorandum 5-94 issued by Governor Allen on April 22, 1994. It shall become effective on October 13, 1998, and shall remain in force and effect until superseded or rescinded by further Executive Memorandum or by Executive Order.

James S. Gilmore

October 29, 1998

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FORMAT
FOR
ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)

_____ _____
(Administering Agency) (Date of Submission)

[Instructions: Please type your assessment on separate paper following the headings provided below.]

A. Short Title of Mandate (5 words or less):

B. Specific Provisions of Mandate (10 lines or less):

C. Source/Authority:

1. Specify Each Applicable (with citations):

a) Federal Statute:

b) Federal Regulation:

c) State Statute:

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 or details prescribed by State authority.)

D. Method by Which Agency Oversees Implementation of Mandate:

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

2. Funding of Mandate:

a) Funding Formula:

(Indicate separately both State and federal contributions to cost of mandate in dollar amount and as a percentage of total cost of implementation.)

b) Estimated Range of Costs to Localities:

(Give the range of costs of compliance for localities and indicate specific factors affecting local impact.)

c) Explanation of Estimation Methodology:

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

(Explain briefly the overall objective this mandate is intended to accomplish.)

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.)

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

2. Fiscal Impact of Alternative Approaches:

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

(Give the anticipated change in range of costs of compliance for localities and indicate specific factors affecting the variation in local impact.)

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

c) Explanation of Estimation Methodologies:

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency:

2. Rationale:

I. Agency Contact re Assessment:

1. Name/Title:

2. Address/Telephone:

_____
(Signature of Agency Head)

Approval of Assessment:

_____
(Signature of Cabinet Secretary)

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Appendix B

Schedule of Assessment Periods

For the Executive Agency Assessment of Cataloged Mandates

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS

Approved Schedule of Assessment Periods - February 2004 through April 2005
For Executive Agency Assessment of Cataloged Mandates

AGENCY	MANDATE SHORT TITLE	CATALOG NUMBER	ASSESSMENT PERIOD
Education	Commercial, Promotional, and Corporate Partnership Policy	SOE.DOE114	4/1/04 to 5/31/04
	Optional K-5 Education Programs	SOE.DOE116	4/1/04 to 5/31/04
	Teacher Intervention/Remediation Training	SOE.DOE117	4/1/04 to 5/31/04
Employment Commission	Virginia Workforce Development Program	SCT.VEC002	4/1/04 to 6/30/04
Environmental Quality	Water Withdrawal Report	SNR.DEQ001	8/1/04 to 9/30/04
Social Services	Child Support Income Withholding	SHHR.DSS069	6/1/04 to 9/30/04

Appendix C

Changes in Mandates Since Issuance of the 2003 Catalog of State and Federal Mandates on Local Governments

Appendix C: Changes in Mandates Since Issuance of the 2003 Catalog of State and Federal Mandates on Local Governments

Appendix C offers a condensed listing, for ease of reference, of new mandates on local governments, newly identified mandates not previously reported, significantly modified (expanded) existing mandates, mandates that have been eliminated, and other changes reflected in this 2004 edition of the catalog.

Except those mandates that were eliminated since the publication of the 2003 catalog, each mandate identified in this section has a complete entry in the body of the catalog. Mandates listed in Appendix C are grouped according to administering agency with the citations containing the short title, identification number, and the number of the page in the catalog on which the relevant entry is found.

Changes in Mandates
Since the Publication of the 2003 Edition of the Catalog

NEW MANDATES	Catalog Number	Page Number
Education, Department of		
Scoliosis Screening	SOE.DOE120	117
Environmental Quality, Department of		
Transportation of Waste on State Waters	SNR.DEQ034	137
Library of Virginia, The		
Protection from Identity Theft	SOE.LVA007	174
NEWLY IDENTIFIED MANDATES		
Motor Vehicles, Department of		
Local Vehicle Registration Program	STO.DMV005	186
State Police, Department of		
Protective Order Reporting	SPS.VSP015	228
EXPANDED MANDATES		
Environmental Quality, Department of		
Solid Waste Management Facility Compliance Notification	SNR.DEQ013	128
Housing and Community Development, Department of		
Uniform Statewide Building Code	SCT.DHCD001	158
Statewide Fire Prevention Code	SCT.DHCD002	159
Local Government, Commission on		
Disclosure of Proffered Cash Payments and Expenditures	SCT.CLG001	174

ELIMINATED MANDATES

Education, Department of

Literacy Passport Tests (SOE.DOE060): Action by the 2003 General Assembly (Chapter 1042, Item 138 G.2, 2003 Virginia Acts of Assembly) eliminated the use of the Literacy Passport Tests.

Social Services, Department of

Court-Ordered Evaluation for Guardianship (SHHR.DSS034): Action by the 1997 General Assembly (Chapter 921, 1997 Virginia Acts of Assembly) eliminated the Department's role. Not previously reported by administering agency.

OTHER CHANGES

Criminal Justice Services, Department of

Motor Carrier Safety Training (SPS.DCJS027) was formerly Motor Carrier Safety Training (SPS.VSP014) and was administered by the Department of State Police. This change effected by action of the 2003 General Assembly (Chapter 82, 2003 Virginia Acts of Assembly).

Education, Department of

Elementary and Secondary Education Act Title V Regulations (SOE.DOE031) and Improving Basic Programs (ESEA) (SOE.DOE101) have been merged. The programs addressed the same requirements and were duplicative; SOE.DOE101 has been removed from the catalog. This change effected at the request of the administering agency.

Drugs and Drug Abuse Instruction (SOE.DOE047) and Instruction in Alcohol Abuse and Drunk Driving (SOE.DOE115) have been merged. The programs addressed the same requirements and were duplicative; SOE.DOE115 has been removed from the catalog. This change effected at the request of the administering agency.

Career and Technical Education Program (SOE.DOE056), Competency-Based Career and Technical Education Program (SOE.DOE62), Competency-Based Career and Technical Education Standards (SOE.DOE65), and Career and Technical Education Program Plan (SOE.DOE068) have been merged. The programs addressed the same requirements and were duplicative; SOE.DOE056, SOE.DOE065, and SOE.DOE068 have been removed from the catalog. This change effected at the request of the administering agency.

OTHER CHANGES (continued)

Local Government, Commission on

Disclosure of Proffered Cash Payments and Expenditures (SOA.CLG001): Action by the 2003 General Assembly (Chapter 197, 2003 Virginia Acts of Assembly) merged the Commission on Local Government with the Department of Housing and Community Development in the Commerce and Trade Secretariat, while preserving the structure and activities of the Commission. This program is now cataloged as Disclosure of Proffered Cash Payments and Expenditures (SCT.CLG001).

State Police, Department of

Motor Carrier Safety Training (SPS.VSP014) is now Motor Carrier Safety Training (SPS.DCJS027) administered by the Department of Criminal Justice Services. This change effected by action of the 2003 General Assembly (Chapter 82, 2003 Virginia Acts of Assembly).

Technology Planning, Department of

The Department of Technology Planning is now known as the Virginia Information Technologies Agency (VITA). Mandate abstracts formerly cataloged as SOTECH.DTP001, SOTECH.DTP002, and SOTECH.DTP003 are now cataloged as SOTECH.VITA001, SOTECH.VITA002, and SOTECH.VITA003, respectively.

Transportation, Department of

Regulation of Truck Traffic (STO.VDOT024) has been removed from the catalog. This program has been deemed by the Commission on Local Government and the Department of Transportation not to be a mandate on local government.

Virginia Information Technologies Agency

The Virginia Information Technologies Agency was formerly known as the Department of Technology Planning. Mandate abstracts formerly cataloged as SOTECH.DTP001, SOTECH.DTP002, and SOTECH.DTP003 are now cataloged as SOTECH.VITA001, SOTECH.VITA002, and SOTECH.VITA003, respectively.

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Appendix D

Principal Federal Mandates Affecting Virginia Localities

Appendix D: Principal Federal Mandates Affecting Virginia Localities

Appendix C provides a separate listing, for convenient reference and added comment, of the principal federal mandates that affect localities in Virginia. Whereas Parts A and B of this catalog include State mandates, federal mandates, and mandates based on both State and federal sources of authority, this section lists only federal mandates. The source of authority for a particular mandate may seem inconsequential from the standpoint of a locality endeavoring to comply with numerous intergovernmental mandates, but distinguishing between federal and State mandates is important, since it is the first step in determining accountability. However, federal mandates on local governments can be difficult to identify.

First, although the federal government may impose mandates on local governments directly (e.g., the Americans with Disabilities Act), it may also do so indirectly. For example, it may require the State to impose certain mandates on localities, to be administered according to federal guidelines by State agencies as pass-through mandates (e.g., Temporary Assistance to Needy Families Program). The federal government may also require the State to administer certain programs according to State regulations, provided the State adopts the federal standards or more stringent standards of its own (e.g., the Clean Water Act). Similarly, some federal mandates direct the State to meet the requirements of one program or risk termination or reduction of assistance in another program (e.g., the Urban Mass Transportation Act of 1964). In each of these cases, an essentially federal mandate is ultimately implemented on the basis of both federal and State law.

Second, federal mandates often operate differently from State-imposed actions, and with different effects. For example, unlike State grants, federal grants to localities often include not only individual program requirements but also a variety of unrelated national policy requirements affecting civil rights, environmental protection, occupational health and safety, fair employment standards, and the like. The merit of such policies aside, compliance with these additional "cross-cutting" mandates may increase a locality's administrative burdens and costs, as well as the opportunity costs of subordinated local priorities. Yet the federal nature of these grants-in-aid may not be apparent, if the grant programs or the associated cross-cutting mandates are administered by State agencies.

Examples of all of these types of federal mandates are found in Parts A and B of this catalog with full entries. The list provided in Appendix C, while not an exhaustive inventory of all federal mandates that affect localities, serves to identify the principal ones. Entries in this section include a short title, a brief description, and source of authority.

Short Title: **Age Discrimination Act of 1975**

Description: Prohibits discrimination based on age in programs receiving federal financial assistance.

Authorization: P. L. 94-135; 95-478

Comment:

Short Title: **Age Discrimination in Employment Act Amendments of 1986**

Description: Prohibits mandatory retirement at age 70, with a seven-year delay in coverage for police, fire fighters, and college professors. Also, prevents discrimination on the basis of age in local government employment. These requirements were enacted as part of the amendments to the Age Discrimination in Employment Act of 1967.

Authorization: P. L. 90-202; P. L. 93-259; P. L. 99-592

Comment:

Short Title: **Americans With Disabilities Act**

Description: Prohibits discrimination on the basis of disability in local government employment and services. Requires that local governments not discriminate against people with disabilities in the operation of public transportation programs. Buildings and facilities constructed or altered by state or local governments are required to be designed in compliance with federal standards to ensure that they are accessible and usable by people with disabilities.

Authorization: P. L. 101-336

Comment:

Short Title: **Architectural Barriers Act**

Description: Requires federally funded buildings, facilities, and public conveyances to be accessible to the physically handicapped.

Authorization: P. L. 90-480

Comment:

Short Title: **Asbestos Hazard Emergency Response Act of 1986**

Description: Requires all schools to conduct inspections for asbestos-containing materials and development management plans; schools must implement their management plans within two years and eight months. States must review and approve local management plans. Also establishes requirements for handling asbestos-containing materials in properties or buildings undergoing rehabilitation or demolition.

Authorization: P. L. 99-519

Comment:

Short Title: **Base Closure and Community Redevelopment Act of 1994**

Description: Requires local governments to submit to the U. S. Department of Housing and Urban Development their plans for reuse of closed military bases which balances the needs of the homeless against the economic and redevelopment needs of the community.

Authorization: P. L. 103-421

Comment:

Short Title: **Cable Communications Policy Act of 1984**

Description: Preemption of local regulation of basic cable rates by the Federal Communications Commission.

Authorization: P. L. 98-549

Comment:

Short Title: **Child Nutrition Act of 1966**

Description: Prohibits local sales taxes on food purchases made with funds from the Special Supplemental Nutrition Program for Women, Infants, and Children.

Authorization: P. L. 99-591

Comment:

Short Title: **Civil Rights Act of 1964**

Description: Prohibits employment discrimination against any person under any local program or activity receiving federal financial assistance.

Authorization: P. L. 88-352; P. L. 90-202; P. L. 92-318; P. L. 97-424

Comment:

Short Title: **Civil Rights Act of 1968**

Description: Prohibits discrimination against any person in the sale or rental of federally assisted housing.

Authorization: P. L. 90-284

Comment:

Short Title: **Civil Rights Restoration Act of 1987**

Description: Expands institutional coverage of laws prohibiting racial, gender, handicapped, and age discrimination by recipients of federal assistance.

Authorization: P. L. 100-259

Comment:

Short Title: **Clean Air Act**

Description: Requires local governments to participate in state plans to implement regulations and statutes governing air emissions from stationary and mobile sources. For those localities in non-attainment areas the statute requires that a number of corrective activities be undertaken.

Authorization: P. L. 91-604; P. L. 95-95

Comment:

Short Title: **Clean Air Act Amendments of 1990**

Description: Imposes strict new deadlines and requirements dealing with urban smog, municipal incinerators and power plants, and toxic emissions; enacted new programs to control acid rain.

Authorization: P. L. 101-549

Comment:

Short Title: **Clean Water Act**

Description: Requires local government facilities discharging into public water to meet certain regulations. Those regulations also set standards for improving and maintaining water quality and requires permitting of point source discharges.

Authorization: P. L. 92-500; P. L. 95-217; P. L. 96-88; P. L. 100-1

Comment:

Short Title: **Comprehensive Environmental Response Compensation and Liability Act**

Description: Requires local governments to identify hazardous substances they use; to notify potentially affected parties; to make plans for dealing with spills, pollution, and abandoned hazardous waste disposal sites; and to clean up contamination.

Authorization: P. L. 99-499

Comment:

Short Title: **Consolidated Omnibus Budget Reconciliation Act of 1985**

Description: Extends Medicare hospital insurance taxes and coverage to all new local government employees.

Authorization: P. L. 99-509

Comment:

Short Title: **Davis-Bacon Act**

Description: Requires that locally prevailing wages are paid to construction workers employed under federal contracts and assistance programs.

Authorization: P. L. 74-403

Comment:

Short Title: **Drug-Free Schools and Community Act**

Description: Requires school divisions receiving federal funds to adopt a school drug-free policy.

Authorization: P. L. 101-226

Comment:

Short Title: **Drug-Free Workplace Act of 1988**

Description: Requires certification by all federal grantees and contractors of a drug-free workplace and creation of employee awareness, sanctions, and treatment programs.

Authorization: P. L. 100-690

Comment:

Short Title: **Education Amendments of 1972**

Description: Prohibits discrimination on the basis of sex in federally assisted education programs.

Authorization: P. L. 92-318

Comment:

Short Title: **Emergency Planning and Community Right-to-Know Act of 1986**

Description: Establishes community right-to-know programs requiring local notification of potential hazards and dissemination of information to public; expands local emergency response planning. This requirement was enacted as an amendment to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).

Authorization: P. L. 99-499

Comment:

Short Title: **Endangered Species Act of 1973**

Description: Provides for the conservation, protection, restoration, and propagation of species of fish, wildlife, and plants facing extinction. Various federal agencies work to implement the Act by monitoring potential destruction of natural habitats by local government construction projects. This mandate was amended further by the Endangered Species Act of 1982 (P. L. 97-304).

Authorization: P. L. 93-205

Comment:

Short Title: **Equal Access Act**

Description: Requires public secondary schools to allow student religious groups to meet at the school under certain conditions.

Authorization: P. L. 98-377

Comment:

Short Title: **Equal Employment Opportunity Act of 1972**

Description: Prohibits discrimination on the basis of race, color, religion, sex, or national origin in local government employment.

Authorization: P. L. 92-261

Comment:

Short Title: **Fair Housing Act Amendments of 1988**

Description: Prohibits discrimination in housing and extends *Civil Rights Act of 1968* to cover the handicapped and families with children.

Authorization: P. L. 100-430

Comment:

Short Title: **Fair Labor Standards Act Amendments of 1974**

Description: Extends federal minimum wage and overtime pay protection to local government employees.

Authorization: P. L. 75-718; 93-259

Comment:

Short Title: **Family and Medical Leave Act**

Description: Requires local governments having more than 50 employees to provide up to 12 weeks of unpaid, job-protected leave per year, with health insurance, for the birth or adoption of a child or the serious illness of the employee or an immediate family member.

Authorization: P. L. 103-3

Comment:

Short Title: **Family Educational Rights and Privacy Act of 1974**

Description: Requires local school division to provide student and parental access to educational records while restricting access by others.

Authorization: P. L. 93-380

Comment:

Short Title: **Federal Water Pollution Control Act**

Description: Requires local governments undertaking construction projects which necessitate the dredging and filling of wetlands and land adjacent to other water bodies to obtain a permit from the U. S. Army Corps of Engineers. Also establishes federal effluent limitations to control the discharge of pollutants from public treatment facilities.

Authorization: P. L. 92-500; P. L. 95-217; P. L. 100-4

Comment:

Short Title: **Flood Disaster Protection Act of 1973**

Description: Requires local governments to participate in the National Flood Insurance Program and to adopt land use regulations for their flood plain which meet the federal criteria before federal assistance can be granted for the acquisition or construction of property in identified flood hazard areas.

Authorization: P. L. 93-234

Comment:

Short Title: **Food Stamp Act of 1977**

Description: Prohibits local sales taxes on purchases made with Food Stamps.

Authorization: P. L. 99-198

Comment:

Short Title: **Health Insurance Portability and Accountability Act of 1996**

Description: Requires local governments to provide documentation of prior health coverage to persons leaving their employ. Further, local governments employing persons possessing documentation of prior health coverage must credit such coverage against the preexisting health condition requirements of their health care plans.

Authorization: P. L. 104-191

Comment:

Short Title: **Housing and Community Development Act of 1974**

Description: Prohibits discrimination based on race, color, national origin, sex, age, or handicap.

Authorization: P. L. 97-35

Comment:

Short Title: **ICC Termination Act of 1995**

Description: Prohibits local governments from discriminating against railroads when imposing local taxes.

Authorization: P. L. 104-88

Comment:

Short Title: **Immigration Reform and Control Act of 1986**

Description: Requires local governments to use the Systematic Alien Verification for Entitlement (SAVE) program to verify the immigration status of alien applicants for certain state administered federal programs. Local government employers are also prohibited from discrimination against job applicants on the basis of their national origin or citizenship status.

Authorization: P. L. 99-603

Comment:

Short Title: **Individuals with Disabilities Education Act**

Description: Provides a free appropriate education to all children with disabilities

Authorization: 20 USC 1400 et seq.

Comment:

Short Title: **Job Training Partnership Act**

Description: Requires local governments participating in the Job Training Partnership Act via a private industry council to comply with the regulations governing this act, such as submitting annual job training plans and meeting job training performance standards. In addition, discrimination in the provision of services under this Act is prohibited.

Authorization: P. L. 97-300

Comment:

Short Title: **Juvenile Accountability Incentive Block Grant**

Description: Requires local governments receiving Juvenile Accountability Incentive Block Grants to form a Juvenile Crime Enforcement Coalition.

Authorization: P. L. 105-119

Comment:

Short Title: **Juvenile Justice and Delinquency Prevention Act of 1974**

Description: Requires local governments to provide separate facilities for juveniles in detention centers that hold both juveniles and adults.

Authorization: P. L. 102-586

Comment:

Short Title: **Lead Containment Control Act of 1988**

Description: Requires local and private nonprofit elementary and secondary school and day care centers to test drinking water coolers to test and remedy lead contamination problems. This requirement is a component of the Safe Drinking Water Act Amendments.

Authorization: P. L. 100-572

Comment:

Short Title: **Multiethnic Placement Act**

Description: Prohibits an agency or entity that receives federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved.

Authorization: P. L. 103-382

Comment:

Short Title: **National Apprenticeship Act of 1937**

Description: Requires local governments offering apprenticeship related programs registered with the U. S. Department of Labor to comply with equal opportunity and affirmative action regulations.

Authorization: P. L. 75-308

Comment:

Short Title: **National Dam Safety Act**

Description: Requires local governments building dams to build and maintain them in accordance with federal standards.

Authorization: P. L. 92-367

Comment:

Short Title: **National Environmental Policy Act of 1969**

Description: Local governments undertaking construction projects using federal funds may be required to prepare an environmental impact statement.

Authorization: P. L. 91-190; 94-52; 94-83

Comment:

Short Title: **National Historic Preservation Act of 1966**

Description: Requires local governments undertaking projects with federal funds to take into account the effect such actions might have on properties listed or eligible for listing on the National Register of Historic Places.

Authorization: P. L. 89-665

Comment:

Short Title: **National School Lunch Act**

Description: Requires local school divisions participating in the National School Lunch Program to comply with federal regulations guiding program administration, preparation and service of nutritious lunches, use of program funds, and record keeping and reporting.

Authorization: P. L. 104-149

Comment:

Short Title: **Occupational Safety and Health Act of 1970**

Description: Requires local governments to meet federal safety standards for employees.

Authorization: P. L. 91-596

Comment:

Short Title: **Ocean Dumping Ban Act**

Description: Prohibits ocean dumping of sludge from local government sewage treatment facilities.

Authorization: P. L. 100-688

Comment:

Short Title: **Older Worker's Benefit Protection Act**

Description: Requires public employee benefit programs to be adjusted in order to provide equal benefits to older and younger workers.

Authorization: P. L. 101-433

Comment:

Short Title: **Omnibus Budget Reconciliation Act of 1990**

Description: Requires mandatory Social Security coverage to all local government employees not otherwise covered by a public employee retirement system.

Authorization: P. L. 101-508

Comment:

Short Title: **Omnibus Transportation Employee Testing Act of 1991**

Description: Requires local governments to conduct mandatory drug testing for all employees operating specified vehicle types under specified conditions, and to test for drugs and alcohol for any employee performing safety-sensitive activities for federally funded transit systems.

Authorization: P. L. 102-143

Comment:

Short Title: **Perkins Vocational and Applied Technology Education Act**

Description: Requires local school divisions receiving federal funds for vocational education to comply with standards concerning competency-based secondary and post-secondary vocational education, vocational student organizations, and the elimination of sex-bias in vocational programs.

Authorization: P. L. 101-392

Comment:

Short Title: **Public Health Service Act**

Description: Requires local governments to expand community health services to the mentally ill, drug users, substance abusers, pregnant women, and other persons enumerated in the Act.

Authorization: P. L. 102-321

Comment:

Short Title: **Rehabilitation Act of 1973**

Description: Prohibits discrimination on the basis of physical or mental handicap in federally assisted programs.

Authorization: P. L. 93-112

Comment:

Short Title: **Residential Lead-Based Paint Hazard Reduction Act of 1992**

Description: Requires local governments responsible for federally assisted housing to assess, inspect, reduce, or abate lead hazards in such housing. This requirement is found in Title X of the Housing and Community Development Act of 1992.

Authorization: P. L. 102-550

Comment:

Short Title: **Resource Conservation and Recovery Act Amendments of 1984**

Description: Requires locally operated hazardous wastes sites to be inspected by the Environmental Protection Agency (EPA). Authorizes EPA to establish criteria for local government solid waste disposal facilities. Requires local governments that own and operate underground tanks that store petroleum and hazardous substances to comply with regulations concerning the prevention, detection, and correction of damage done by leaks and spills.

Authorization: P. L. 94-580; P. L. 98-616

Comment:

Short Title: **Safe Drinking Water Act**

Description: Requires local governments to comply with federal standards regulating drinking water. Those standards include maximum levels for contaminants which are known to occur in public water systems, appropriate analytical and treatment techniques, and public notification procedures., among other activities. Prohibits the use of lead in any pipes used to install or repair plumbing in public water systems.

Authorization: P. L. 93-523; P. L. 99-399

Comment:

Short Title: **Social Security Amendments of 1983**

Description: Prohibits local governments from withdrawing from Social Security coverage, and accelerates scheduled increases in payroll taxes and payment of payroll taxes by local governments.

Authorization: P. L. 98-21

Comment:

Short Title: **Soldiers' and Sailors' Civil Relief Act Amendments of 1991**

Description: Requires local governments to reemploy veterans returning from leave of absence at the seniority and rate of pay commensurate with continuous service.

Authorization: P. L. 101-353

Comment:

Short Title: **Stewart B. McKinney Homeless Assistance Act**

Description: Requires local governments to provide community mental health services for the homeless.

Authorization: P. L. 100-77

Comment:

Short Title: **Surface Transportation and Uniform Relocation Assistance Act of 1987**

Description: Requires local transit agencies buying buses with federal funds to comply with federal inspection, testing, and procurement requirements.

Authorization: P. L. 97-424; P. L. 100-17

Comment:

Short Title: **Tax Reform Act of 1986**

Description: Requires issuers of tax-exempt bonds (e.g., local governments) to rebate excess arbitrage profits to the United States. Requires that an information statement, Form 8038, be filed with the Internal Revenue Service for all governmental bond issues.

Authorization: P. L. 99-514

Comment:

Short Title: **Uniform Relocation and Real Properties Acquisition Policies Act of 1970**

Description: Establishes federal policies and reimbursement procedures for property acquisition under federally assisted programs.

Authorization: P. L. 91-646

Comment:

Short Title: **Urban Mass Transportation Act of 1964**

Description: Requires local governments receiving loans or grants for urban mass transportation systems to comply with the standards of the Davis-Bacon Act.

Authorization: P. L. 88-365

Comment:

Short Title: **Violent Crime Control and Law Enforcement Act of 1994**

Description: Requires local governments receiving Community Oriented Policing Services grant funds to hire and train new police officers or rehire officers that have been laid off due to budgetary reductions. Localities receiving funds for such activities are also required to provide a 25% match.

Authorization: P. L. 103-322

Comment:

Short Title: **Voter Accessibility for the Elderly and Handicapped Act**

Description: Requires local governments to assure all polling places used in federal elections are accessible to individuals with disabilities, and that a reasonable number of accessible voter registration sites be provided.

Authorization: P. L. 98-435

Comment:

Short Title: **Voting Rights Language Assistance Act**

Description: Requires local governments to provide bilingual assistance to voters if a locality has more than 10,000 citizens who share a minority or if more than 5% of the voting-age citizens are members of a language minority.

Authorization: P. L. 89-110; 97-205; 102-344

Comment:

Short Title: **Water Quality Act of 1987**

Description: Requires local governments to comply with requirements for identifying and controlling nonpoint pollution. Establishes new requirements for testing and permitting discharges from storm sewers owned by local governments. Directs the Environmental Protection Agency to develop regulations governing toxic wastes in sewage sludge.

Authorization: P. L. 100-4

Comment:

Short Title: **Water Resources Development Act of 1986**

Description: Requires local governments that participate in federal water resources projects to share the costs of such projects.

Authorization: Water Resources Development Act of 1986

Comment:

Appendix E

Summary of State and Federal Mandates by Secretariat, Agency, and Type

Mandates on Local Governments by Secretariat, Agency, and Type

SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	TOTAL
ADMINISTRATION				
Compensation Board	6	0	0	6
Elections, State Board of	3	0	0	3
General Services, Department of	0	0	1	1
Human Resource Management, Department of	0	0	1	1
Total	9	0	2	11
COMMERCE AND TRADE				
Agriculture and Consumer Services, Department of	2	2	1	5
Employment Commission, Virginia	0	1	0	1
Forestry, Department of	0	4	0	4
Housing and Community Development, Department of	1	8	2	11
Labor and Industry, Department of	3	0	2	5
Local Government, Commission on	1	0	0	1
Mines, Minerals, and Energy, Department of	0	0	2	2
Professional and Occupational Regulation, Department of	0	0	2	2
Total	7	15	9	31
EDUCATION				
Arts, Virginia Commission for the	0	2	0	2
Community College System, Virginia	0	0	1	1
Education, Department of	82	14	6	102
Library of Virginia, The	2	3	2	7
Total	84	19	9	112

Mandates on Local Governments by Secretariat, Agency, and Type

SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	TOTAL
FINANCE				
Taxation, Department of	8	0	1	9
Treasury, Department of the	5	0	3	8
Total	13	0	4	17
HEALTH AND HUMAN RESOURCES				
Aging, Department for the	0	1	0	1
Blind and Vision Impaired, Department for the	1	1	0	2
Health, Department of	10	2	14	26
Medical Assistance Services, Department of	1	0	0	1
Mental Health, Mental Retardation, and Substance Abuse, Department of	12	0	1	13
People with Disabilities, Virginia Board for	0	1	0	1
Rehabilitative Services, Department of	1	0	0	1
Social Services, Department of	42	5	4	51
Total	67	10	19	96
NATURAL RESOURCES				
Chesapeake Bay Local Assistance Department	7	0	0	7
Conservation and Recreation, Department of	0	8	4	12
Environmental Quality, Department of	7	5	17	29
Game and Inland Fisheries, Department of	0	0	5	5
Historic Resources, Department of	0	3	0	3
Marine Resources Commission	0	0	2	2
Total	14	16	28	58

Mandates on Local Governments by Secretariat, Agency, and Type

SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	TOTAL
PUBLIC SAFETY				
Corrections, Department of	0	1	3	4
Criminal Justice Services, Department of	4	13	5	22
Emergency Management, Department of	5	3	0	8
Fire Programs, Department of	0	1	1	2
Juvenile Justice, Department of	3	2	3	8
State Police, Department of	11	0	2	13
Total	23	20	14	57
TECHNOLOGY				
Virginia Information Technologies Agency	3	0	0	3
Total	3	0	0	3
TRANSPORTATION				
Aviation, Department of	1	2	5	8
Motor Vehicles, Department of	0	1	4	5
Port Authority, Virginia	0	1	0	1
Rail and Public Transportation, Department of	1	13	1	15
Transportation, Department of	5	17	2	24
Total	7	34	12	53
STATE EXECUTIVE COUNCIL				
Office of Comprehensive Services	0	1	0	1
Total	0	1	0	1

Mandates on Local Governments by Secretariat, Agency, and Type

SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	TOTAL
UNREVIEWABLE MANDATES				
No Executive Agency Oversight	11	0	1	12
No State Oversight	47	25	9	81
Total	58	25	10	93
TOTAL REVIEWABLE MANDATES	**227**	**115**	**97**	**439**
TOTAL MANDATES	285	140	107	532

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Appendix F

Virginia Statutes Affecting Mandates on Local Governments

Virginia Statutes Affecting Mandates on Local Governments

The Code of Virginia has several provisions relating to State and federal mandates imposed on local governments. Those provisions are summarized below:

AGENCY ASSESSMENT

Each State executive agency is required to assess the mandates it administers to determine which mandates, if any, may be altered or eliminated. (Code of Virginia § 2.2-613)

GUBERNATORIAL SUSPENSION OF MANDATES

The Governor may suspend for up to one year any administrative mandate imposed on a local government, except for those administered by the Department of Education, if the local government faces fiscal stress and the Governor determines that the suspension of the mandate would help alleviate the fiscal hardship faced by the local government. Before the mandate is suspended, information regarding the request for a suspension must be published in the Virginia Register. The Governor also must report annually to the General Assembly on any local requests for a mandate suspension and his response to the request. (Code of Virginia § 2.2-113)

REVIEW OF COST ESTIMATES OF MANDATES

The Virginia Advisory Commission on Intergovernmental Relations, upon request of the Virginia Association of Counties, the Virginia Municipal League, or any local government, may review the cost estimates prepared by the Commission on Local Government pursuant to § 30-19.03 or executive agency assessments of mandates pursuant to § 2.2-613. The Commission shall report its findings to the Governor and General Assembly on or before the first calendar day of any regular legislative session. (Code of Virginia § 2.2-2507)

FEDERAL MANDATES

The Implementation of Federal Mandates Act establishes a procedure by which the Governor and General Assembly will critically review all State agency budgetary requests resulting from federal mandates to ensure that federally mandated programs are properly based on federal constitutional and statutory authority and are implemented in the most cost effective manner possible. State agencies are directed to report to the Department of Planning and Budget any monetary savings and reduced regulatory burdens that could be effected by alternative strategies for implementation of federal mandates designed to meet the intent of federal statutes without having to follow all applicable federal guidelines. (Code of Virginia §§ 2.2-618 and 2.2-619)

PILOT PROGRAM FOR REGULATIONS

An agency proposing a regulation imposing a statewide mandate shall consider, where appropriate, implementing the mandate on a limited basis with a representative number of localities. Such a pilot program may be used to determine the effectiveness or impact of proposed regulations prior to statewide adoption. (Code of Virginia § 2.2-4010)

ASSESSMENT SCHEDULE AND CATALOG

The Commission on Local Government is required to coordinate the assessment of mandates which agencies must conduct. The Commission must establish a schedule for the assessment of mandates and advise the Governor and the General Assembly as to which mandates, according to the assessments, can be altered or eliminated without interruption of local service delivery or undue threat to the health, safety, and welfare of residents. No assessment shall be required to be performed more than once every four years. The Commission is also required to prepare, and annually update, a catalog of State and federal mandates imposed on local governments, including, where available, a summary of the fiscal impact of new mandates. (Code of Virginia § 15.2-2903)

FISCAL IMPACT STATEMENTS

The Commission on Local Government is required to prepare a fiscal impact statement on legislation which may require local governments to render a new service or expand any existing service, or which may require a net reduction in revenues by any county, city, or town. The Division of Legislative Services is directed to refer any legislation appearing to meet that criterion to the Commission for the preparation of the fiscal impact statement. No bill that mandates a net additional expenditure for a locality may be considered by the General Assembly unless filed on or before the first calendar day of the session or unless otherwise specifically exempted. (Code of Virginia §§ 30-19.03, 30-19.03:1, and 30-19.03:1.1)

AGENCY ASSESSMENT

§ 2.2-613. Agency mandates on localities; assessment. - Pursuant to § 15.2-2903, all agencies, as defined in § 2.2-128, shall conduct an assessment of all mandates imposed on local governments administered by the agency to determine which mandates, if any, may be altered or eliminated.

GUBERNATORIAL SUSPENSION OF MANDATES

§ 2.2-113. Temporary suspension of state mandates. - A. The Governor may suspend, temporarily and for a period not to exceed one year, any mandate, or portion thereof, prescribed by any unit of the executive branch of state government on a county, city, town, or other unit of local government upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship.

B. No application shall be made by the locality until approved by resolution of the governing body.

C. At the time of application, the following information shall be published in the Virginia Register: (i) the name of the petitioning locality, (ii) the mandate or portion thereof requested to be suspended, (iii) the impact of the suspension of the mandate on the ability of the local government to deliver services, (iv) the estimated reduction in current budget from the suspension, and (v) the time period requested for suspension. Publication in the Virginia Register shall occur at least 20 days in advance of any suspension by the Governor.

D. No later than January 1 of each year, the Governor shall submit to the General Assembly a report that identifies each petitioning locality, the mandate or portion thereof for which suspension was sought, and the response provided to the locality.

E. Nothing in this section shall apply to the Department of Education.

In making a determination of fiscal stress, the Governor may consider, but is not limited to, the following factors: any changes in anticipated revenue, income distribution of residents, revenue effort, revenue capacity, and changes in local population and employment levels.

REVIEW OF COST ESTIMATES OF MANDATES

§ 2.2-2507. Duties of Commission. - A. The Commission shall have the following duties:

1. Act as a forum for identifying areas of mutual concern to local and state officials, discussing and offering recommendations on issues affecting local governments and, in particular, those issues affecting the relationship of the Commonwealth with its various local governments.

2. Advise on state and federal programs and policies;

3. Identify, discuss, and bring into focus statewide opportunities and issues regarding local government;

4. Arrange conferences between officials of local governments and state agencies, when appropriate;

5. Formalize proposals for coordination and cooperation between the Commonwealth and its local governments;

6. Discuss state assistance to local governments, including financial, technical, and policy issues;

7. Review services and shared programs between state and local governments, such as constitutional officers, health, welfare and corrections; and

8. Provide information on and assist in soliciting federal grants.

B. The Commission, upon the request of the Virginia Association of Counties, the Virginia Municipal League, or any local governing body, may review the cost estimates prepared by the Commission on Local Government pursuant to § 30-19.03 or executive agency assessments of mandates pursuant to § 2.2-613.

STATE PROGRAMS TO IMPLEMENT FEDERAL STATUTES

§ 2.2-618. State programs to implement federal statutes. - Any agency of the executive branch of state government that is authorized to develop a state program to implement any mandates contained in a federal statute shall develop the state program and adopt any necessary regulations using the following criteria:

1. State programs shall be developed by the agency to meet the requirements of federal statutes in good faith with a critical view toward any federal regulations, guidelines, or policies.

2. State programs shall be developed with due consideration of the financial restraints of the Commonwealth, local governments, and the citizens of Virginia.

3. Any state program that implements the goals of the federal statute shall use the most efficient method possible with careful consideration given to cost of the program and the impact of the program on Virginia citizens and local governments, and the long-range public health, safety, and welfare of citizens of the Commonwealth.

§ 2.2-619. Governor to report to the General Assembly. - A. The Governor shall report to the General Assembly regarding the proposed implementation of this section.

B. If any state program is authorized or mandated by a federal statute, no state funds for the program shall be appropriated unless:

1. The state program is necessary to protect the public health, safety, and welfare;

2. The state program is necessary to implement the federal statute;

3. The operation of the state program benefits the state by providing a cost-effective implementation of the federal statute by the Commonwealth, local government, and business; or

4. The state program benefits the Commonwealth, local government, and business by providing a cost-effective means to meet a higher public health, safety, and welfare standard established under state law.

C. Each agency making a budget request for state appropriations for a state program authorized or mandated by federal statute shall include in its budget request citations to the federal constitutional provisions and the state constitutional or statutory provisions that authorize the state program. The Governor shall review the budget request and determine whether additional state statutory authority is required in order to implement the state program and shall make recommendations to the General Assembly.

D. The General Assembly, after receiving a recommendation from the Governor, shall determine whether a state program is necessary and whether federal constitutional authority and state constitutional or statutory authority exist. The General Assembly shall

review toward the interpretation of the federal statute found in federal regulations, guidelines, or policies. Appropriation of state funds for a state program shall constitute the General Assembly's determination that the state program is necessary and that federal constitutional authority and state constitutional or statutory authority exist. State appropriations may not be based solely on requirements found in regulations, guidelines, or policies of a federal agency.

E. Prior to recommending to the General Assembly any budget for an agency that is charged with implementing federal mandates, the Governor shall request that the agency provide information to the Department of Planning and Budget regarding any monetary savings for the state and any reduction in regulatory burdens on the public and on local governments that could be or have been achieved through the development of state policies that meet the intent of the federal statute but do not necessarily follow all applicable federal regulations, guidelines, or policies. The agency shall also provide advice to the Department of Planning and Budget regarding any changes in law that are necessary to provide the agency with the authority to implement state policies in such a way as to create additional savings or greater reductions in regulatory burdens. The Department of Planning and Budget shall review and compile the information received from agencies pursuant to this section and shall include recommendations in the executive budget.

F. For purposes of this section, "state program" shall not include any portion of a program that is funded with nontax or nonfee revenue, or both, which state authorities are required to administer in a trusteeship or custodial capacity and that are not subject to appropriation by the General Assembly.

PILOT PROGRAM FOR REGULATIONS

§ 2.2-4010. Pilot programs for regulations imposing local government mandates. - Where an agency proposes to consider the exercise of authority to promulgate a regulation that will impose a statewide mandate on the Commonwealth's localities, the agency shall consider, where appropriate, implementing the regulation on a limited basis with a representative number of localities. An agency may use such a pilot program to determine the effectiveness or impact of proposed regulations prior to statewide adoption.

ASSESSMENT SCHEDULE AND CATALOG

§ 15.2-2903. General powers and duties of Commission. - The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;
2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;
3. To serve as a mediator between localities;
4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:

a. To annex territory,

b. To have an area declared immune from annexation,

c. To establish a town or independent city,

d. To settle or adjust boundaries between localities,

e. To make a transition from city status to town status,

f. To make a transition from a county to a city,

g. To consolidate two or more localities, at least one of which is a county, into a city, or

h. To enter into economic growth-sharing agreements among localities;

5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;

6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Administration, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;

7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog; and

8. To perform such other duties as may be imposed upon it, from time to time, by law.

FISCAL IMPACT STATEMENTS

§ 30-19.03. Estimates to be prepared for legislation affecting local government expenditures and revenues. - Whenever any bill requiring a net additional expenditure by any county, city, or town, as defined in § 30-19.03:1, or whenever any bill requiring a net reduction of revenues by any county, city, or town, as defined in § 30-19.03:1.1, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such legislation. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local Government those bills requiring the preparation of fiscal estimates pursuant to this section.

As soon thereafter as may be practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth are directed to make available such

information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

§ 30-19.03:1. Bills requiring net additional expenditures by local governments to be filed by first calendar day of session. - No bill which mandates a net additional expenditure by any county, city, or town shall be considered by the General Assembly at a regular session unless the bill has been filed on or before the first calendar day of any session of the General Assembly, unless requested by the Governor or is filed in accordance with the rules of the General Assembly. A bill shall be deemed to mandate an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

The provisions of this section shall not apply to a program or service that is required or arises from a court order or judgment, nor to a program or service that is provided at the option of the county, city, or town under a law that is permissive rather than mandatory.

The enactment of any statute that mandates a net additional expenditure by any county, city or town shall be conclusive proof that the procedural requirements of this section have been satisfied or waived.

§ 30-19.03:1.1. Bills requiring net reduced revenues by local governments to be filed by first calendar day of session. - No bill which mandates a net reduction of revenues collected by any county, city, or town shall be considered by the General Assembly at a regular session unless the bill has been filed on or before the first calendar day of any session of the General Assembly, unless requested by the Governor or filed in accordance with the rules of the General Assembly. A bill shall be deemed to mandate a net reduction of revenues if it has the effect of requiring any county, city, or town to (i) relinquish an existing or potential source of local revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue by classification or exclusion.

For the purposes of this section, "net reduction of revenues" means the reduction anticipated in local revenues, including, but not limited to, general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606 and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

The provisions of this section shall not apply to a reduction in local revenues that is required or arises from a court order or judgment, nor to a revenue reduction that is

adopted at the option of any county, city, or town under a law that is permissive rather than mandatory, nor to a revenue reduction which is the result of a measure providing tax relief on a statewide basis. Further, and notwithstanding any other law, the General Assembly may consider tax relief measures at any time in which the Assembly is in regular or special session.

The enactment of any statute that mandates a net reduction of revenues for any county, city, or town shall be conclusive proof that the procedural requirements of this section have been satisfied or waived.

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