2011
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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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 2011 edition of the catalog published by the Commission on Local Government includes mandates identified as of August 2011.[2] The Commission examined all legislation passed by the 2011 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) and reconfirmed in Executive Order 58 (2007), 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 the four types of mandates classified in Executive Order 58: compulsory orders, conditions of financial aid, regulation of optional activities, and state fiscal preemption. Under this classification scheme, "compulsory orders" require local government compliance regardless of receipt of aid or other circumstances. Mandates termed "conditions of

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[1] Sec. 15.2-2903(7), Code of Va.

[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).

[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.

financial aid" require compliance only if the locality accepts the State or Federal assistance in question. Mandates classified as "regulation of optional activities" result from State or Federal regulation of activities that local governments undertake voluntarily. Finally, mandates termed "state fiscal preemption" involve measures that result in a net reduction of revenues collected by a locality or a restriction on the locality's authority to collect such revenues. This last type of mandate was introduced by Executive Order 58 and was not considered for inclusion in the catalog prior to the 2008 edition.

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 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 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 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 mandates that they administer on local governments, 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] The Commission is

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

[5] Sec. 30-19.03, Code of Va.

[6] Sec. 2.2-613 and Sec. 15.2-2903(6), Code of Va.

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 Order 58 that took effect in October 2007, superseding Executive Memorandum 1-98, which had guided the assessment process since October 1998.[7] Executive Order 58 eliminated the previous requirement to periodically reassess all mandates in the catalog, and limited assessment activities to four types of mandates: (1) new mandates; (2) newly identified mandates; (3) mandates that have been so substantially modified as to create a new mandate; and (4) mandates that the Commission, after duly considering input from local governments, state agencies, interest groups, and the public, has determined should be reassessed. In any case, no such mandate becomes subject to assessment until it has been in effect for at least twenty-four months, and no mandate can be reassessed more than once every four years unless it has been so substantially modified as to create a new mandate. The Commission annually establishes a schedule that state agencies must follow in assessing the types of mandates described above.

ORGANIZATION OF THE CATALOG

Generally

The 2011 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 August 2011. 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 are administered by nonexecutive agencies or exist without State

[7] EM 98-1 required periodic reassessments of every state agency mandate listed in the Catalog, but no more frequently than once every four years. Executive Order 58 (2007) revised the process so that assessment is limited only to mandates that are (1) new or previously unreported, (2) have been so revised that they constitute new mandates, or (3) that the Commission deems to be worthy of reassessment based on input from the public and interested groups.

administrative oversight. In all, 616 mandates are included in the catalog. Of the total, 478 mandates subject to critical review by executive agencies are included, as opposed to 470 mandates listed in the 2010 edition. [8]

Part A

Part A of the catalog lists those mandates administered by executive branch agencies and subject to assessment pursuant to the provisions of EO 58 (2007). 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.[9]

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 that in Part A, but in this section

[8] See Appendix C, Changes in Mandates since Issuance of 2010 Catalog of State and Federal Mandates on Local Governments.

[9] 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.

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 EO 58 (2007) which governs the mandates assessment process and contains a sample of the standardized format that 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 previous edition: (1) new mandates, (2) newly identified mandates, (3) those mandates which have been expanded, (4) mandates which have been eliminated, mandates which have been removed from the catalog, and (6) other changes.[10] 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 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.

Subject Index

An index is provided to help the reader find information easily. It lists each mandate by administering agency, short title, and page number.

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

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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 Executive Order 58 (2007). 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.

Volunteer Fire Assistance Program Grant

SAF.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: Non-Discretionary Condition of Aid

Agency: **Department of Forestry**

Secretariat: Agriculture and Forestry

Authority: P.L. 95-313-1978 (Fed.)

Last Assessment Period: 5/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Forest Protection Reimbursement

SAF.DOF003

Counties, and cities entering into a contract for services with the Department of Forestry, must reimburse the Department for expenditures for forest protection, forest fire detection, forest fire prevention, and forest fire suppression. Such amount shall not exceed, in any one year, an amount equal to seven cents per acre of privately owned woodland beginning July 1, 2008, and nine cents per acre beginning July 1, 2009.

Type: Compulsory Order

Agency: **Department of Forestry**

Secretariat: Agriculture and Forestry

Authority: Code of Virginia § 10.1-1124

Last Assessment Period: 5/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Urban and Community Forestry Assistance Program

SAF.DOF004

Local governments applying for grant funds via the Cooperative Forestry Assistance Grant Program for urban and community forestry program development and/or projects that involve tree management, ecosystem management, or land-use planning, are required to provide a minimum 50% cash and/or in-kind match and comply with all requirements of the project contract.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Forestry**

Secretariat: Agriculture and Forestry

Authority: Forestry Title of the Farm Bill (Fed.); U&CF Assistance §1219

Last Assessment Period: 5/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Dry Fire Hydrant Grant Program

SAF.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: Non-Discretionary Condition of Aid

Agency: **Department of Forestry**

Secretariat: Agriculture and Forestry

Authority: Code of Virginia § 38.2-401; Item 390, Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Enforcement of Comprehensive Animal Care Laws

SAF.VDACS002

Cities and counties shall, and towns may, appoint an animal control officer who shall enforce the comprehensive animal care laws of the Commonwealth. Animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such shall be carried out by any law enforcement officer as defined in 9.1-101. Local law enforcement officers have the duty to enforce the comprehensive animal care laws to the same extent as other laws in the Commonwealth are enforced.

Type: Compulsory Order

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia § 3.2-6555, 3.2-6567

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

USDA Food Program Participation Requirements

SAF.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: Agriculture and Forestry

Authority: 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Public Animal Holding Facility

SAF.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: Agriculture and Forestry

Authority: Code of Virginia § 3.2-6546; 2 VAC 5-110-10 et seq.

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Cooperative Gypsy Moth Suppression Program

SAF.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: Non-Discretionary Condition of Aid

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia §§ 3.2-700 through 3.2-713; P. L. 95-313 (Fed.)

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Plastic Pesticide Container Recycling Grant

SAF.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 including the establishment of a secure, covered recycling site, and the employment, training and supervision of container inspectors.

Type: Non-Discretionary Condition of Aid

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia §§ 3.2-3904, 3.2-3906

Last Assessment Period: 2/1/2006 to 4/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Training Standards for Animal Control Officers

SAF.VDACS008

Local animal control officers are required to meet entry level training requirements approved by the State Veterinarian within two years of date of employment, with retraining required every three years thereafter. Every locality employing local animal control officers shall submit to the State Veterinarian information on their employment and training status.

Type: Compulsory Order

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia §§ 3.2-6555, 3.2-6556

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment: This program was previously administered and assessed by the Department of Criminal Justice Services. Action by the 2004 General Assembly (Chapter 181, 2004 Virginia Acts of Assembly) placed the program under the State Veterinarian.

Control of Dangerous and Vicious Dogs

SAF.VDACS009

Local animal control officers or other local law enforcement officers who believe that a dog is dangerous or vicious shall apply to a magistrate to issue a summons requiring the owner to appear before a general district court. If the court finds the dog to be vicious as defined in the statute, the court shall order the dog to be euthanized. If the court finds the dog to be dangerous as defined in the statute, it shall require the owner to obtain a dangerous dog registration certificate from the local animal control officer or treasurer. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian, who shall list the pertinent information in the Virginia Dangerous Dog Registry.

Type: Compulsory Order

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia § 3.2-6540

Last Assessment Period: 8/1/2009 to 10/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment: Registry became operational July 1, 2007.

Inspection of Commercial Dog Breeding Locations

SAF.VDACS010

Local animal control officers shall inspect commercial dog breeding locations at least twice annually, and additionally upon receipt of a complaint or their own motion, to ensure compliance with state animal care laws and regulations.

Type: Compulsory Order

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

Secretariat: Agriculture and Forestry

Authority: Code of Virginia §3.2-6500 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 8/1/2011 to 10/31/2011

Comment: Scheduled for FY12 assessment.

Uniform Statewide Building Code (USBC) 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

Authority: Code of Virginia §§ 36-97 et seq.; Department of Housing and Community Development Regulations 13 VAC 5-63-10 et seq.

Last Assessment Period: 5/1/1994 to 11/30/1994

Last Assessment Finding: Retain

Current Assessment Period

Comment: Program updated by regulatory action of the Board of Housing and Community Development to incorporate the latest International Code Council model building code.

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

Authority: Code of Virginia §§ 27-94 et seq.; Department of Housing and Community Development Regulations 13 VAC 5-51-11et seq.

Last Assessment Period: 3/1/2000 to 5/31/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment: Program updated by regulatory action of the Board of Housing and Community Development to incorporate the latest International Code Council model building code.

Community Development Block Grant Program SCT.DHCD004

Local governments participating in the Community Development Block Grant Program must comply with State and federal requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Title I of the Housing & Community Development Act, as amended (Fed.); 24 CFR 570 Subpart I (Fed.)

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Appalachian Regional Commission (ARC) Program Participation SCT.DHCD005

Western and Southwestern Virginia localities participating in the Appalachian Regional Commission Program are required to comply with federal and State guidelines and requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Code of Virginia § 36-139; Appalachian Regional Development Act of 1965, as amended (Fed.); Appalachian Regional Commission Code (Fed.)

Last Assessment Period: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: 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: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Enterprise Zone Grant Program 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

Authority: Code of Virginia §§ 59.1-279 et seq. (Enterprise Zone Act); § 59.1-538 et seq. (Enterprise Zone Grant Act); Department of Housing and Community Development Regulations 13 VAC 5-112-10 et seq.

Last Assessment Period: 9/1/2000 to 11/30/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: 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 to 8/31/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment: This program is not currently funded. In FY2007-2008, the annual report of the Virginia Economic Development Partnership recommended restoring funding.

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: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Code of Virginia §§ 36-152 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Item 100 (M), Chapter 890, 2011 Acts of Assembly stated that funds shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization. See SCT.DHCD015.

Housing Revitalization Zone Fund Grants

SCT.DHCD013

Local governments receiving grants or other forms of financial aid from the Housing Revitalization Zone Fund must comply with program requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: 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.

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: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Item 107 H., Chapter 1073, 2000 Virginia Acts of Assembly

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Language included in Item 100 (M), Chapter 890, 2011 Acts of Assembly stated that funds shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization. See SCT.DHCD012.

Neighborhood Stabilization Program (NSP 1 & 3)

SCT.DHCD016

Local governments receiving financial aid from the Neighborhood Stabilization Program (NSP 1 & 3) must comply with program application requirements, recordkeeping requirements and established deadlines. There are requirements for an audit for entities that expend financial assistance of $500,000 or more in federal awards.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Title III, Section 2301, Housing and Economic Recovery Act of 2008, P.L. 110-289; Section 1497, Dodd–Frank Wall Street Reform and Consumer Protection Act, P.L. 111-203.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Homeless Prevention and Rapid Re-Housing Program

SCT.DHCD017

Metropolitan cities and urban areas receiving financial aid from the Homeless Prevention and Rapid Re-Housing Program must comply with program application, certification, recordkeeping and reporting requirements. There are requirements for an audit for entities that expend financial assistance of $500,000 or more in federal awards.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: American Recovery and Reinvestment Act of 2009, Public Law 111-5

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: All available funding for this program is expected to have been deployed by October 2011. No additional funding from this source is available.

Disclosure of Proffered Cash Payments and Expenditures SCT.DHCD018

Local governments with populations over 3,500 that accept cash proffers on new developments 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 of such expenditures.

Type: Compulsory Order

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Code of Virginia § 15.2-2303.2

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 7/1/2011 to 9/30/2011

Comment: Scheduled for FY12 assessment.

Urban Development Area Reporting SCT.DHCD019

All localities that adopt Urban Development Areas (UDAs), shall provide the Commission on Local Government documents describing all UDAs, as well as a resolution certifying compliance with the UDA requirements, together with associated written policies, zoning provisions and other ordinances, and the capital improvement program. This information must be provided to the Commission within 90 days of the adoption or amendment of comprehensive plans, written policies, zoning provisions, and other ordinances.

Type: Compulsory Order

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Code of Virginia § 15.2-2223.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: The UDA requirements are described in more detail in NSO.085

Virginia Defective Drywall Correction and Restoration Assistance Fund SCT.DHCD020

Grants and loans to local governments may be approved to promote the restoration of properties that have been affected by the installation of defective drywall products, subject to terms and conditions deemed appropriate and as provided in guidelines to be developed by the Department.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Housing and Community Development**

Secretariat: Commerce and Trade

Authority: Code of Virginia § 36-156.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Newly Identified.

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

Authority: Code of Virginia §§ 45.1-229, 45.1-234, 45.1-259; Department of Mines, Minerals, and Energy Regulations 4 VAC 25-130.700.1 et seq.; P.L. 95-87 (Fed.); 30 CFR 700 - 999 (Fed.)

Last Assessment Period: 5/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 45.1-197; Department of Mines, Minerals, and Energy Regulation 4 VAC 25-31-10 et seq.

Last Assessment Period: 5/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Renewable Energy Generation Facility Ordinances

SCT.DMME003

Local ordinances that address the siting of renewable energy facilities that utilize solar or wind resources shall be consistent with the Commonwealth Energy Policy, provide reasonable criteria for the protection of the locality and include reasonable provisions establishing setbacks, noise limitations, buffer requirements, and standards for the decommissioning of the facility.

Type: Regulation of Optional Activity

Agency: **Department of Mines, Minerals and Energy**

Secretariat: Commerce and Trade

Authority: Code of Virginia §§ 67-102 and 67-103.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 40.1-51.5 et seq.; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-50-10 et seq.

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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) (Fed.)

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 5/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Waste Management Facility Operators License

SCT.DPOR003

Local government employees who are in charge of the actual, on-site operation of a waste management facility during any period of operation 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

Authority: Code of Virginia § 54.1-2212; Department of Professional and Occupational Regulations 18 VAC 155-20-10 et seq.

Last Assessment Period: 7/1/2010 to 9/30/2010

Last Assessment Finding: Eliminate

Current Assessment Period

Comment: The 2011 assessment specifically stated that the mandate should be eliminated; however, the rationale provided for its elimination was that this same requirement is imposed on the population at-large, and is not specific to local governments. The Commission is retaining this listing because the mandate applies to a core service of local government. The assessment made no recommendation as to whether the program itself should be retained, altered, or eliminated.

Bank Franchise Tax

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

Authority: Code of Virginia § 58.1-1207

Last Assessment Period: 6/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 Tax Commissioner, unless the commissioner of the revenue has requested that the Department of Taxation direct taxpayers to file such returns with the Department.

Type: Compulsory Order

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia §§ 58.1-202, 58.1-306, 58.1-3108

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 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

Authority: 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 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, unless the commissioner of the revenue has requested that the Department of Taxation direct taxpayers to file such returns with the Department.

Type: Compulsory Order

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia §§ 58.1-305 et seq., 58.1-382, 58.1-3107

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, unless the commissioner has requested that the Department of Taxation direct taxpayers to file such returns with the Department. 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

Authority: Code of Virginia §§ 58.1-306, 58.1-490 et seq.

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. All supervisors, assessors, and appraisers hired or contracted by a locality to perform real property assessments must hold a valid certification issued by the Department of Taxation.

Type: Compulsory Order

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia §§ 58.1-3201, 58.1-3250 through 3258.2, 58.1-3271, 58.1-3275, 58.1-3276

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 58.1-3604

Last Assessment Period: 6/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Local Tax Administrative Appeals Process

SFIN.TAX010

Local governments that levy merchants' capital, machinery and tools, tangible personal property taxes or a business, professional and occupational license tax must implement an administrative appeals process that permits taxpayers to appeal certain tax assessments.

Type: Regulation of Optional Activity

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia §§ 58.1-3703.1 A (5), 58.1-1822, 58.1-3984, 58.1-3983.1

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Board of Equalization Appeals Process

SFIN.TAX011

Local governments must allow taxpayers to make fair market value appeals of real estate assessments to the local board of equalization.

Type: Compulsory Order

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia §§ 58.1-3256, 58.1-3331, 58.1-3378 - 58.1-3380, 58.1-3384, 58.1-3984

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Affordable Housing Real Estate Assessments

SFIN.TAX012

Upon request of the owner, local real estate assessors must take into account any restrictions on the use of affordable rental housing properties when determining the fair market value of such properties. Further, the income approach to valuation shall be used in assessing these properties.

Type: Compulsory Order

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia § 58.1-3295

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Formerly part of NSO.010. Effective with the tax year beginning January 1, 2011.

Real Property Tax Exemption for Disabled Veterans SFIN.TAX013

Localities must exempt from real property taxation, a principal residence and up to one acre of land (or more land, at the localities discretion), that is owned by a veteran with a service-connected, permanent, and total disability. This exemption extends to surviving spouses provided that they do not remarry and that they continue to occupy the property as their principal place of residence.

Type: State Fiscal Preemption

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia § 58.1-3219.5; Constitution of Virginia, Article X, Section 6A

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Tax Exemption for Certified Pollution Control Equipment and Facilities SFIN.TAX014

Certified pollution control equipment and facilities shall be exempt from local property taxation. This exemption does not include the land on which such equipment or facility is located.

Type: State Fiscal Preemption

Agency: **Department of Taxation**

Secretariat: Finance

Authority: Code of Virginia § 58.1-3660; Constitution of Virginia, Article X, Section 6(d)

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Effective for tax years beginning on or after January 1, 2011.

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

Authority: Internal Revenue Code §§ 1.103, 1.144 through 1.149 (Fed.); U.S. Treasury Regulations (Fed.)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Virginia Public School Authority General Pooled Bond Policy § 6; Internal Revenue Code §§ 1.103 and 1.148 (Fed.)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Public Building Authority Regional and Local 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

Authority: Code of Virginia §§ 53.1-82.2, 53.1-82.3; Virginia Public Building Authority Guidelines

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 2.2-806, 58.1-3168

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 unresolved discrepancy between the public depositor's records and the quarterly public depositor report provided by the depository in accordance with Department of Treasury regulations.

Type: Compulsory Order

Agency: **Department of the Treasury**

Secretariat: Finance

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Any government entity that has a report with twenty-five (25) owners or more must file in an electronic format as prescribed by the administrator.

Type: Compulsory Order

Agency: **Department of the Treasury**

Secretariat: Finance

Authority: Code of Virginia §§ 55-210.1 through 55-210.30

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 submission. 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

Authority: Code of Virginia §§ 55-168 through 55-201.1

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Comprehensive Services for At-Risk Youth and Families

SHHR.CSA001

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: Non-Discretionary Condition of Aid

Agency: **Comprehensive Services for At-Risk Youth and Families**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 2.2-2648, 2.2-2649, 2.2-5201 et seq.; Item 274, Chapter 890, 2011 Virginia Acts of Assembly; P.L. 94-142 (Fed.); P. L. 96- 272 (Fed.); 20 USC 1400 through 1485; (Fed.); 34 CFR 300 (Fed.); 45 CFR 1355 through 57 (Fed.)

Last Assessment Period: 12/1/2005 to 1/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment: This mandate is administered by the Office of Comprehensive Services which also staffs the State Executive Council, a supervisory body that includes representatives of several secretariats, the Supreme Court of Virginia, private service providers, parents and local governments.

Community Services Board Participation in Community Medicaid Initiative

SHHR.DBHDS002

All community services boards must participate in Medicaid-covered services and meet all requirements for provider participation.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Item 305, Paragraph E, 2011 Virginia Acts of Assembly, Chapter 890

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Establishment of Community Services Board

SHHR.DBHDS003

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 identified consumers or former consumers, and family members of consumers or former consumers, at least one of whom shall be receiving services.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-500, 37.2-501, 37.2-601

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Community Services Board Licensing

SHHR.DBHDS004

Community services boards providing services to individuals with mental illness, intellectual disability (mental retardation) or substance abuse disorder are required to be licensed by the Department of Behavioral Health and Developmental Services.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-203, 37.2-403, 37.2-405; Department of Behavioral Health and Developmental Services Regulation 12 VAC 35-105-10 et seq

Last Assessment Period: 9/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Community Services Board Emergency Services

SHHR.DBHDS005

Community services boards and behavioral health authorities must provide emergency services, pre-admission screening, case management, and predischarge planning services for individuals with mental illness, intellectual disability (mental retardation) or substance abuse disorders.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-500, 37.2-505, 37.2-601, 37.2-606

Last Assessment Period: 12/1/2005 to 2/28/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Support Services for Community Services Board

SHHR.DBHDS006

The city or county or any combination of cities and counties that establishes an operating or administrative policy community service board (CSB) shall receive an independent audit of the total revenues and expenditures of that CSB and designate an official of one member city or county to act as the fiscal agent for the CSB. The city or county whose designated official serves as the fiscal agent in the case of multijurisdictional CSBs, shall receive and act on the audit. Local governments are also required to arrange for legal services to the CSBs they establish.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-501;37.2-602; P.L. 98-502 (Fed.)

Last Assessment Period: 2/1/2006 to 4/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Human Research

SHHR.DBHDS008

Community services boards seeking to conduct or sponsor human research must be certified by the Department of Behavioral Health and Developmental Services.

Type: Regulation of Optional Activity

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 37.2-402; Department of Behavioral Health and Developmental Services Regulation 12 VAC 35-180-10 et seq.

Last Assessment Period: 2/1/2003 to 4/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Development of the Comprehensive State Plan

SHHR.DBHDS009

Community service boards and behavioral health authorities must develop and submit to the Department of Behavioral Health and Developmental Services information for the preparation of the Comprehensive State Plan for mental health, developmental (mental retardation), and substance use disorder services.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 5/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Involvement of Consumers and Family Members

SHHR.DBHDS010

Community service 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 services planning, delivery, and evaluation.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 12/1/2001 to 1/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Discharge Planning

SHHR.DBHDS011

Community services boards (CSBs) and behavioral health authorities (BHAs) are required to complete a discharge plan for any person who is to be discharged from a state hospital or training center to a locality served by the CSB or BHA.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§37.2-505, 37.2-606

Last Assessment Period: 7/1/2001 to 9/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Annual Performance Contract

SHHR.DBHDS012

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. In addition, localities are required to provide at least 10% matching funds to receive state funds.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-508, 37.2-509, 37.2-608

Last Assessment Period: 10/1/2001 to 11/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Dispute Resolution

SHHR.DBHDS013

Community services boards (CSBs) and behavioral health authorities (BHAs) must institute dispute resolution mechanisms, either singly or in combination with other CSBs or BHAs, and must be approved by the Department of Behavioral Health and Developmental Services.

Type: Compulsory Order

Agency: **Department of Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 2/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Chief Administrative Officer

SHHR.DBHDS014

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 Behavioral Health and Developmental Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 10/1/2006 to 12/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Teachers for the Visually Impaired Partial Salary Reimbursement

SHHR.DBVI002

School divisions that receive a partial salary reimbursement for teachers of visually disabled 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 textbooks on loan from the Department.

Type: Non-Discretionary Condition of Aid

Agency: **Department for the Blind and Vision Impaired**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 22.1-217

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment: The 2009 Session of the Virginia General Assembly, in the FY 2010 budget, determined not to fund the SLH Program. Specifically stated in Chapter 781, Item 309, Paragraph E: Notwithstanding the provisions of Title 32.1, Chapter 12 of the Code of Virginia, or paragraph A. of this Item, during fiscal year 2010, the Department of Medical Assistance Services shall not collect from localities or pay to health care providers any amounts that would otherwise be due to or from the State and Local Hospitalization Program. The Appropriations Act for the 2011-2012 biennium did not reinstate the program.

Energy Assistance Program

SHHR.DSS001

Local social services agencies must accept applications and determine the eligibility of clients for the energy assistance programs (i.e., Fuel, Crisis, and Cooling Assistance) in accordance with federal law and 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

Authority: 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: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-100, 63.2-326; 5 CFR 900.603 (Fed.)

Last Assessment Period: 2/1/2006 to 4/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-205, 63.2-315

Last Assessment Period: 2/1/2002 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Social Services Administration/Record Retention and Reporting SHHR.DSS008

Local departments of social services must report to the Department of Social Services in a form prescribed by the Commissioner the costs of administration in conjunction with annually allocated programmatic and administrative budgets, in order to receive financial reimbursement.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-205, 63.2-315; Finance Guidelines Manual for Local Departments of Social Services, Sections 3.0 – Reimbursement and 4.0 – LASER.

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Annual Budget Required SHHR.DSS009

Local departments of social services are required to maintain, in a form prescribed by the Commissioner, local budgets by activity/budget line, including administration, for review by the Commissioner or his designee.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 63.2-400; Finance Guidelines Manual for Local Departments of Social Services, Section 2.0 - Budget

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-102, 63.2-104, 63.2-105; Finance Guidelines Manual for Local Departments of Social Services Section 5.15 – Records Management; Human Resources Manual for Local Departments of Social Services, Chapter 8, Personnel Records, 45 CFR Part 205.50 (Fed.)

Last Assessment Period: 9/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-1503; 22 VAC 40-730-130; 22 VAC 40-670-10 et seq.

Last Assessment Period: 7/1/2002 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 32.1-330, 63.2-1602(1); Department of Social Services Adult Services Manual, Ch. D

Last Assessment Period: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 63.2-401; Finance Guidelines Manual for Local Departments of Social Services Section 3.20 – Rent/Facility Costs

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Eliminate

Current Assessment Period

Comment: Chapter 43, 2011 Acts of Assembly required the Department of Social Services (DSS) to eliminate this mandate. However, the relevant Code of Virginia statute was not revised at that time, and according to DSS, cannot be revised without jeopardizing the federal portion of reimbursement of local facility costs. In the 2011 edition of the Catalog, the mandate type was amended to reflect that this is a Non-discretionary Condition of Financial Aid, rather than a Compulsory Order.

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

Authority: Code of Virginia § 63.2-800; Department of Social Services Auxiliary Grant Eligibility Manual Volume II, Parts I - III; Social Security Act §§1616, 1618 (Fed.); 20 CFR 416.2099, 416.2095 - 416.2099 (Fed.)

Last Assessment Period: 7/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Supplemental Nutrition Assistance Program (SNAP)

SHHR.DSS016

Local governments must determine eligibility for the Supplemental Nutrition Assistance Program, provide ongoing case management and administer the program in accordance with state and federal laws and regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-801; Department of Social Services SNAP Manual Volume V;7 CFR 271 through 282 (Fed.); Food and Nutrition Act, P.L. 110-246 Sec. 2013 (Fed.)

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment: This program was formerly known as the Food Stamp Program.

General Relief Program Standards

SHHR.DSS018

Local governments electing to provide the General Relief program must adhere to State regulations.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-100, 63.2-401, 63.2-802

Last Assessment Period: 12/1/2001 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Refugee Resettlement Administration and Eligibility Determination SHHR.DSS020

Local social services agencies must determine the eligibility of clients for the refugee cash assistance and refugee medical assistance programs in compliance with procedures as established by the Department of Social Services in accordance with the federal regulations issued by the Office of Refugee Resettlement.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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 Virginia Refugee Resettlement Program Manual, Sections V and VI

Last Assessment Period: 1/1/2002 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Temporary Assistance for Repatriates Program SHHR.DSS021

Local social services agencies must provide services to individuals repatriated by the U. S. State Department under the Temporary Assistance for Repatriates Program.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 63.2-217; 42 USC 1313; 24 USC 321 et seq.; 45 CFR 211 et seq.; Executive Order 12565 as amended (Fed.)

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Medicaid Administration and Eligibility Determination SHHR.DSS022

Local social services agencies must determine the eligibility for the Medicaid program, provide ongoing case management, and must follow State and federal laws and regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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' Medicaid Eligibility 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 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Eligibility for the Aid to Families with Dependent Children - Foster Care Program (Title IV-E)

SHHR.DSS023

Local social services agencies must determine if children taken into the custody of a local department of social services meet the eligibility criteria for the Aid to Families with Dependent Children program (as in effect July 16, 1996) in the month of removal from their home to determine if they qualify for the Title IV-E Foster Care Program.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-312 and 63.2-516

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-319, 63.2-900; Department of Social Services Regulation 22 VAC 40-800-10 et seq.

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-319, 63.2-900, 63.2-903, 63.2-905, 63.2-1105; Department of Social Services Foster Care Manual; 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 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-1503; 22 VAC 40-700; 22 VAC 40-705; 22 VAC 40-720; 22 VAC 40-730; Department of Social Services Program Manual Volume VII §III, Ch. A; P.L. 104-235 as reauthorized and amended by P.L. 108-36 (Fed.)

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 inter-country placement of children. The local social services agency shall determine whether a child has a relative who is eligible to become a kinship foster parent.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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, 63.2-900.1, 63.2-902, 63.2-903, 63.2-905, 63.2-907, 63.2-908, 63.2-1100, 63.2-1104, 63.2-1105; 22 VAC 40-210-10 et seq.; Department of Social Services Service Foster Care Program Manual; Social Security Act, Title IV-E §§ 470 through 472 (Fed.); 45 CFR 1355-57 (Fed.)

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period 9/1/2011 to 10/31/2011

Comment: Scheduled for FY12 assessment.

Adoption and Other Services

SHHR.DSS033

Local social services agencies are required to provide adoption services and to administer the program in accordance with Federal statutes and interpretations and State regulations, laws and policies.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 16.1-283, 63.2-100, 63.2-319, 63.2-900, 63.2-1200 – 1253, 63.2-1300-1304; 22 VAC 40-220-10 et seq.; Department of Social Services Adoption Manual, Ch. C, D; Social Security Act, Title IV-B § 421 and Title IV-E § 473 (Fed.)

Last Assessment Period: 2/1/2004 to 4/30/2004

Last Assessment Finding: Retain

Current Assessment Period

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

Authority: 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 to 3/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-1603 through 63.2-1610; Department of Social Services Adult Services Manual

Last Assessment Period: 1/1/2003 to 3/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Adult Foster Care Program Requirements

SHHR.DSS038

Local social services agencies that provide adult foster care services, which may include recruitment, approval, and supervision, must comply with State rules and regulations.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 63.2-1601; Department of Social Services Adult Services Manual, Ch. D

Last Assessment Period: 10/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-1602(4); Department of Social Services Adult Services Manual, Ch. A through D

Last Assessment Period: 1/1/2003 to 3/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-1600; State Board of Social Services Policy, January 1975; and Department of Social Services Adult Services Manual, Ch. C and D.

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Long-Term and Transitional Child 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), participants in the Supplemental Nutritional Assistance Program (SNAP) Employment and Training Program, and eligible Head Start families. In addition, local social service agencies must provide on a sliding fee scale basis transitional child care services to eligible, employed former recipients of TANF.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 58.1-615, 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 and Development Block Grant), The Child Care and Development Block Grant Act of 1990 (42 USC 9801 et seq.), as amended by the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) and the Balanced Budget Act of 1997, as implemented in regulation at 45 CFR Parts 98 and 99, (Fed.); Food Stamp Act of 1997, as amended (Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Supplemental Nutrition Assistance Program Employment and Training SHHR.DSS043

Local social services agencies not meeting the federal waiver criteria for high unemployment or labor surplus area must provide employment services to recipients of the Supplemental Nutrition Assistance Program (SNAP) 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

Authority: Code of Virginia § 63.2-801; Supplemental Nutrition Assistance Program 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 to 4/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment: This program applies to a selected group of 22 local social services agencies serving 25 localities.

Purchase of Child Care Services SHHR.DSS045

Local social services agencies must purchase child 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 child care program) and to support those employed (Fee System At-Risk child care programs). Eligible clients contribute to the cost of care in accordance with a sliding fee scale.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: P.L. 101-508 (Fed.); The Child Care and Development Block Grant Act of 1990 (42USC 9801 et seq.), as amended by the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) and the Balanced Budget Act of 1997, as implemented in regulation at 45 CFR Parts 98 and 99, Omnibus Budget Reconciliation Act of 1990 §§ 5081, 5082 (Fed.)

Last Assessment Period: 1/1/2003 to 3/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 pre-discharge planning for clients referred to community services boards.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 37.2-504 (12), 37.2-605 (14), 37.2-837, 37.2-505 and 63.2-1602 (4); Department of Social Services Adult Services Manual, Ch. D

Last Assessment Period: 10/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Intake Services

SHHR.DSS047

Local social services agencies are required to provide intake services including: accepting and processing service applications; and periodic screening, diagnosis, and treatment for children.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 63.2-217; Department of Social Services Foster Care Manual

Last Assessment Period: 5/1/2002 to 7/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-905, 63.2-907, 63.2-1302, 63.2-1503, 63.2-1601, 63.2-1602, 63.2-1605; 22 VAC 40-780-10 et seq.

Last Assessment Period: 1/1/2003 to 3/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-100, 63.2-904; 22 VAC 40-221-10 et seq., 22 VAC 40-771-10 et seq.

Last Assessment Period: 10/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 unless they meet one of the exemptions to licensure outlined in §63.3-1715..

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-102 and 63.2-105; 22 VAC 40 910-10 et seq.; Department of Social Services Local Administrative Manual, Ch. C

Last Assessment Period: 7/1/2002 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Adult Day Care Centers and Adult Homes Licensing

SHHR.DSS053

Local governments that operate adult day care centers for profit or assisted living facilities must be licensed by the Department of Social Services.

Type: Regulation of Optional Activity

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: 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 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 24% to 50% and to comply with other program requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: National and Community Trust Act of 1993, 45 CFR 2520-2550

Last Assessment Period: 2/1/2004 to 4/30/2004

Last Assessment Finding: Eliminate

Current Assessment Period

Comment:

Domestic Violence Prevention and Services Program Grant

SHHR.DSS058

Local governments receiving Domestic Violence Prevention Program grant funds must develop programs to initiate and strengthen basic community services for victims of domestic violence; expand community education on domestic violence issues; and increase outreach services, support, and advocacy for victims of domestic violence and their children. Localities receiving funds for such activities are required to provide a 20% to 35% match and to comply with other program requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-1502(3), 63.2-1614, 63.2-1615; Family Violence Prevention and Services Act, 42 USC 10401 § 309 as amended (Fed.), Victims of Crime Act, 42 USC 10601 et seq. (Fed.)

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Child Abuse and Neglect Prevention Program Grant

SHHR.DSS059

Local governments receiving Child Abuse and Neglect Prevention Program grants must establish programs aimed at discovering and preventing the factors causing child abuse and neglect. Localities receiving funds for such activities are required to provide a 25% cash or in-kind match and to comply with other program requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-1502(3); Child Abuse Prevention and Treatment Act (Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Child Abuse and Neglect Treatment Program 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% cash, or an in-kind match, and to comply with other program requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-1502(3); Victims of Crime Act, 42 USC 10601, CFDA #16575 (Fed.)

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-300, 63.2-324

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 63.2-1602(2), 63.2-1804; 22 VAC 40-745-10 et seq.

Last Assessment Period: 2/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Temporary Assistance for Needy Families (TANF)

SHHR.DSS063

Local social services agencies must determine eligibility for the Temporary Assistance for Needy Families Program (TANF), provide ongoing case management, and administer the program in accordance with State and federal laws and regulations.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-600 et seq., §§ 63.2-612 et seq.; P.L. 104-193 (Fed.); 45 CFR, Part 260, TANF Program Guidance Manual

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 for 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

Authority: Code of Virginia §§ 63.2-608 et seq., §63.2-615; P.L. 104-193 (Fed.); 45 CFR, Part 260, TANF Program Guidance Manual

Last Assessment Period: 4/1/2006 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-1946

Last Assessment Period: 10/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 63.2-526

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 37.2-1021

Last Assessment Period: 1/1/2004 to 3/31/2004

Last Assessment Finding: Retain

Current Assessment Period

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

Authority: Code of Virginia § 32.1-347

Last Assessment Period: 2/1/2004 to 4/30/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment: The 2009 General Assembly did not allocate funding for the program, so it has been suspended. Local social services agencies are not required to determine eligibility for the program until funding is restored. The Code of Virginia retains language at 32.1-374 authorizing the program.

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

Authority: Code of Virginia §§ 20-79.1, 20-79.2, 20-79.3, 60.2-114.1, 63.2-1923, 63.2-1924; Uniform Interstate Family Support Act (Fed.)

Last Assessment Period: 6/1/2004 to 9/30/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Family Access to Medical Insurance Security (FAMIS)

SHHR.DSS070

Local social service agencies must provide and accept applications for the Family Access to Medical Insurance Security Plan and assist families in the completion of the applications.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 32.1-351

Last Assessment Period: 7/1/2008 to 9/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Medicare Part D Extra Help

SHHR.DSS071

Local social service agencies are required to provide assistance to individuals applying for Medicare Part D Extra Help, must accept applications for the program, and must provide on-going case management at the applicant's request in accordance with federal law and regulation.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: P. L. 108-773 (Medicare Prescription Drug, Improvement, and Modernization Act) (Fed.)

Last Assessment Period: 2/1/2009 to 4/30/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Criminal History and Central Registry Check for Placements of Children

SHHR.DSS072

Local social service agencies shall obtain, in accordance with state regulations, criminal history record information and the results of a search of the child abuse and neglect central registry for any individual with whom the agency is considering placing a child on an emergency, temporary, or permanent basis. Agencies may also obtain such background checks on all adult household members residing in the home of the individual. The agency must pay for fingerprinting the individual, if a fee is charged, or may require the individual to pay the cost. The Virginia Department of Social Services pays the fees to conduct the actual national fingerprint criminal history record check investigations or may require the individual to pay the cost. There is no fee for agencies for central registry searches. Agencies shall not approve individuals with a founded complaint of child abuse as foster or adoptive parents. Agencies shall not approve a foster or adoptive home if any individual has a record of certain barrier crimes defined in §63.2-1719 or a founded complaint of abuse or neglect as maintained in state and federal registries.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 63.2-901.1, 63.2-1515; 22 VAC 40-221-10 et seq.; P.L. 104-235 (Child Abuse and Prevention Treatment Act of 1996), P. L. 109-248 (Adam Walsh Child Protection and Safety Act of 2006), P.L. 108-36 (Keeping Children and Families Safe Act of 2003) (Fed.)

Last Assessment Period: 3/1/2010 to 5/31/2010

Last Assessment Finding: Retain

Current Assessment Period

Comment: Program effective 2002; amended 2006, 2007.

Child Abuse Records Retention

SHHR.DSS073

Local social service departments shall retain the records of all reports or complaints regarding child abuse and neglect in accordance with regulations adopted by the State Board of Social Services. All records related to founded cases of child sexual abuse involving injuries or conditions, real or threatened, that result in or were likely to have resulted in serious harm to a child shall be maintained by the local department for a period of 25 years from the date of the complaint.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia §63.2-1514

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Social Worker Degree Requirements

SHHR.DSS074

Local departments of social services shall not employ any person in any social work position that provides direct client services unless that person holds at least a baccalaureate degree. This requirement may be waived only with respect to a person who was employed prior to January 1, 1999, by DSS or its local boards or departments in a social work position that provides direct client services.

Type: Compulsory Order

Agency: **Department of Social Services**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 54.1-3709, 63.2-219; 22 VAC 40-670-10 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Developmental Disabilities Grant

SHHR.VBPD001

Local governments receiving competitive Developmental Disabilities grant funds must establish programs that accomplish one or more objectives of the Board's 2012-16 State Plan towards system improvement, sustainable system change and service capacity building for community inclusion of people with developmental disabilities. The minimum match requirement for grant recipients is 25% of the total project costs, except in designated poverty areas where localities are required to provide a match of 10% of total project costs. The match can be in cash or in-kind, and must be non-federal funds, such as state, local, or private funds.

Type: Non-Discretionary Condition of Aid

Agency: **Virginia Board for People with Disabilities**

Secretariat: Health and Human Resources

Authority: 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 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Area Plan for Aging Services

SHHR.VDA001

Local governments may be designated as area agencies on aging. If so, they must prepare and implement an area plan for aging services that describes the scope of activities to be conducted with federal and state funds received from the Department for the Aging.

Type: Non-Discretionary Condition of Aid

Agency: **Department for the Aging**

Secretariat: Health and Human Resources

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

Last Assessment Period: 11/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 32.1-30 through 32.1-34.1

Last Assessment Period: 9/1/2003 to 11/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Communicable Disease Services

SHHR.VDH002

Local health departments must provide communicable disease services including surveillance and investigation of reportable diseases, control of communicable disease patient and his/her contacts, management of outbreaks and epidemics, isolation and quarantine where necessary, childhood immunizations, sexually transmitted disease screening, diagnosis, and treatment; human immunodeficiency virus testing and counseling and oversight of the clinical management of patients with tuberculosis, and community education related to communicable disease prevention.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 32.1-11.3, 32.1-39, 32.1-44, 32.1-48 through 32.1-48.017, 32.1-46, 32.1-50, 32.1-54, 32.1-57; Department of Health Agreement With Local Government

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Child Health Services Program

SHHR.VDH003

Local health departments are required to provide child health services including services for children with special health care needs; 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

Authority: Code of Virginia §§ 22.1-270, 32.1-11.3, 32.1-65 through 32.1-69, 32.1-77; Department of Health Agreement with Local Government; Social Security Act, Title V (Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§32.1-11.3, 32.1-77; Department of Health Agreement with Local Government; Social Security Act, Title V (Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

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, including abstinence education.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

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

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

Environmental Health Services Program

SHHR.VDH006

Local health departments are required to provide environmental health services including investigation of communicable diseases; rabies control; regulating the sanitation of restaurants, hotels, public swimming pools, marinas and other places boats are moored, migrant labor camps, milk, plants, on-site sewage disposal, sewage treatment plants serving single-family homes with discharges of less than 1,000 gallons per day, water supply facilities, summer camps, campgrounds; regulating the location and construction of private wells, and restaurants.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia §§ 3.2-6521, 3.2-6525, 28.2-800 et seq., 32.1-30 through 32.1-32, 32.1-39, 32.1-48 through 32.1-48.4, 32.1-163 et seq., 35.1-1 et seq., 62.1-44.18, 62.1-44.19; Department of Health Agreement with Local Government; P.L. 92-500 (Clean Water Act)(Fed.), P.L. 93-523 (Safe Drinking Water Act)(Fed.), P.L. 95-217 (Clean Water Act)(Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

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 as defined in the Board of Pharmacy regulations as Alternative Drug Delivery sites; 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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Department of Health Agreement with Local Government

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 5-31 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment: Expanded 12/13/06. Not since reassessed.

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

Authority: 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 5-381-10 et seq., 12 VAC 5-391-10 et seq., and 12 VAC 5-410-10 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 Office of Licensure and Certification acts on behalf of the federal government in connection with the survey and certification of such facilities.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Health**

Secretariat: Health and Human Resources

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

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Restaurant, Hotel, Summer Camp or Campground Licensing

SHHR.VDH017

Local governments that operate a restaurant, hotel, summer camp or campground 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

Authority: 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 5-421-10 et seq., 12 VAC 5-431-10 et seq., 12 VAC 5-440-10 et seq., and 12 VAC 5-450-10 et seq.

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 and shall appoint one or more deputies in the county or city health department. 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

Authority: Code of Virginia § 32.1-254 et seq.

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Community public water suppliers are also required to develop and maintain an emergency management plan for the provision of pure water during any extended power outage.

Type: Regulation of Optional Activity

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: 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 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 32.1-246; Department of Health Regulation 12 VAC 5-570-10 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 35.1-1, 53.1-68, and 53.1-127

Last Assessment Period: 2/1/2004 to 4/30/2004

Last Assessment Finding: Retain

Current Assessment Period

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

Authority: Code of Virginia §§ 32.1-102.1 through 32.1-102.12; Certificate of Public Need Program 12VAC5-220-10 et seq.and the State Medical Facilities Plan 12 VAC 5-230-10 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Local Clinical Laboratory Facility Requirements SHHR.VDH024

Local governments that provide clinical laboratory services 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

Authority: 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 (Fed.)

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 46.2-694

Last Assessment Period: 4/1/2001 to 6/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Rescue Squad Assistance Fund

SHHR.VDH026

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

Type: Non-Discretionary Condition of Aid

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 32.1-111.12; Department of Health Regulation 12 VAC 5-31 et seq.

Last Assessment Period: 4/1/2001 to 6/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Variances and Exemptions for Rescue Squads

SHHR.VDH027

Prior to submission of an application to the Department of Health for a variance or an exemption from any EMS regulations, the application shall be reviewed by the governing body or chief executive officer of the jurisdiction in which the principal office of the agency or governmental entity licensed or certified by the Office of Emergency Medical services is located. The locality's recommendation shall then be submitted with the application.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 32.1-111.9; Department of Health Regulation 12 VAC 5-30-10 et seq.

Last Assessment Period: 4/1/2001 to 6/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Maintenance of Emergency Medical Services

SHHR.VDH028

Each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 15.2-955

Last Assessment Period: 7/1/2008 to 9/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective 2005.

Virginia Indoor Clean Air Act

SHHR.VDH029

Local health departments must inspect restaurants for compliance with the Virginia Indoor Clean Air Act in the course of conducting regular environmental health inspections of restaurants.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 15.2-2825, 35.1-5 and 35.1-14.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Disposition of Dead Bodies

SHHR.VDH030

In instances where (1) a dead body is unclaimed and not accepted by the Virginia Department of Health for scientific research, or (2) a body is claimed, but the claimant is unable to pay for proper disposition, the expenses for the disposition of the body shall be paid by the city or county where the death occurred or if the deceased was a Virginia resident, the city or county of residence. This does not apply to unclaimed bodies that were under the custody of the Department of Corrections or the Department of Behavioral Health and Developmental Services.

Type: Compulsory Order

Agency: **Department of Health**

Secretariat: Health and Human Resources

Authority: Code of Virginia § 32.1-288.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Newly Identified.

Virginia Outdoors Fund - State/Federal Grants Program

SNR.DCR001

Local governments receiving grants from the Virginia Outdoors Fund for parks and open spaces must agree to maintain those facilities for outdoor recreation in perpetuity. The program requires continuous inspections by the State to effect the program mandate. Local governments are required to provide, at a minimum, a 50 percent match.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia § 58.1-344.3; 16 USC 460l-4 et seq. (Land and Water Conservation Fund Act of 1965), 43 CFR 12 (Fed.)

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Dam Safety, Flood Prevention and Protection Assistance Fund

SNR.DCR003

Local governments receiving money from the Dam Safety 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. Under certain circumstances, localities must remit to the Fund any payments contributed by developers or subdividers of lands within dam break inundation zones for their portion of the spillway upgrades required.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-603.18 et seq., 15.2-2243.1

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period 10/1/2011 to 12/31/2011

Comment: Scheduled for FY12 assessment.

Perpetual Conservation Easement

SNR.DCR004

Local governments 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 land use value.

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-1009 et seq., § 10.1-1700 et seq., §§ 58.1-3230 - 58.1-3232; 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: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Impounding Structure Regulations

SNR.DCR005

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

Type: Regulation of Optional Activity

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-604 et seq.; Virginia Soil and Water Conservation Board Regulations 4 VAC 50-20-10 et seq.

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Stormwater Management Programs by Localities

SNR.DCR006

Local governments that own and operate a separate storm sewer system must adopt a comprehensive Stormwater Management Program that incorporates both structural and nonstructural measures to control the discharge of pollutants, to the maximum extent possible, from the system. Additionally, any locality located within Tidewater Virginia as defined by the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.), or any locality that is partially or wholly designated as a Municipal Separate Storm Sewer System under the provisions of the federal Clean Water Act, is required to adopt a local stormwater management program for land disturbing activities consistent with the Stormwater Management Law according to a schedule set by the Board but no sooner than 15 months and not more than 21 months following the effective date of the regulation that establishes local program criteria and delegation procedures, unless the Board provides an extension up to an additional 12 months. Any locality not specified above may elect to adopt and administer a local stormwater management program for land disturbing activities pursuant to the Stormwater Management Law. In the absence of the delegation of a stormwater management program to a locality, the Department of Conservation and Recreation will administer the responsibilities of Stormwater Management Law within the given jurisdiction. Localities administering their own programs and operating a stormwater utility must provide full or partial waivers from stormwater utility charges for properties that reduce post-development stormwater flows.

Type: Compulsory Order

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-603.3 et seq., 15.2-2114; Virginia Soil and Water Conservation Board Regulations 4 VAC 50-60 et seq.; Federal Clean Water Act and attendant regulations

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment: Chapter 137, 2010 Virginia Acts of Assembly, extends the effective date of the stormwater regulations from July 1, 2010 to within 280 days after the establishment by the U.S. EPA of a Chesapeake Bay-wide Total Maximum Daily Load (TMDL), but in any event no later than December 1, 2011. The extended regulatory effective date also extends the date of implementation of this measure.

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: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-709, 711; Board on Conservation and Recreation Regulation 4 VAC 45-10-20

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Trails must be available and open for public use.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: P L 109-59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005)

Last Assessment Period: 6/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

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

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

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

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Land Conservation Foundation Grants

SNR.DCR012

Local governments receiving grants from the Virginia Land Conservation Foundation must provide a 50 percent (1:1) match.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-1017 et seq.

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Chesapeake Bay Preservation Area Designation

SNR.DCR013

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

Type: Compulsory Order

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-2109.A; Chesapeake Bay Local Assistance Board Regulations 9 VAC 10-20-30, 9 VAC 10-20-60, 9 VAC 10-20-231; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Land Development and Ordinance Requirements in Tidewater SNR.DCR019

Local governments in Tidewater Virginia are required to incorporate and employ through local comprehensive plans, ordinances, policies, and procedures, 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: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-2109.A-D, 10.12111; Chesapeake Bay Local Assistance Department Board Regulations 9 VAC 10-20-30, 9 VAC 10-20-60, 9 VAC 10-20-231 et seq.; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Dam Safety and Flood Prevention Planning SNR.DCR020

Localities must consider dam break inundation zones and potential impacts to downstream lives and properties when preparing their comprehensive plans, and must include provisions relating to impounding structure failure and impacts within dam break inundation zones in their subdivision ordinances. For any development proposed in such zones, localities must forward the subdivision plan to the Department of Conservation and Recreation (Department) with a request to determine the development's potential impacts on the spillway design flood standards required of the dam. If the Department determines that the subdivision plan would change such standards, the locality shall require the developer to submit an engineering study in conformance with 10.1-604 et seq. and 4 VAC 50-20 to the Department. The locality shall not permit the development unless the developer agrees to either alter the plan to avoid impacts or upgrade the dam. If the developer elects to upgrade the dam, the locality must require the developer to deposit with the locality or the Virginia Dam Safety, Flood Prevention and Protection Fund 50% of contract-ready costs to upgrade the dam, plus administrative fees.

Type: Compulsory Order

Agency: **Department of Conservation and Recreation**

Secretariat: Natural Resources

Authority: Code of Virginia §§10.1-606.3, 15.2-2224, 15.2-2241, 15.2-2243.1, 15.2-2258

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 10/1/2011 to 12/31/2011

Comment: Scheduled for FY12 assessment.

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: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

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

Last Assessment Period: 8/1/2004 to 9/30/2004

Last Assessment Finding: Retain

Current Assessment Period

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: Non-Discretionary Condition of Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: 40 CFR Ch. 1, Subpart B (Fed.)

Last Assessment Period: 9/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Coastal Zone Management Program

SNR.DEQ003

Local governments receiving federal funding through the Virginia Coastal Zone 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: Non-Discretionary Condition of Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: 40 CFR Ch. 1, Subpart B (Fed.)

Last Assessment Period: 9/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 sitting, 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

Authority: 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 20-81-10 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: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Vegetative Waste Management and Yardwaste Composting SNR.DEQ009

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

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-1408.1; Virginia Waste Management Board Regulation 9 VAC 20-81-10 et seq.; 42 USC 6901 et seq. (Fed.); 40 CFR 257, 258 (Fed.)

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Litter Control and Recycling Grant

SNR.DEQ010

Local governments receiving annual litter control and recycling grants must follow guidelines established by the Litter Control and Recycling Fund Advisory Board. New grant applications are due by June 30 annually, with the Performance Report and Accounting Report for the previous grant cycle due by August 1 annually.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

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

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 10.1-1419; Virginia Waste Management Board Regulation 9 VAC 20-190

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Annual fees are required for the operation of specified waste management facilities.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-1402.1:1; Virginia Waste Management Board Regulation 9 VAC 20-90-10 et seq.

Last Assessment Period: 9/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Additionally, local governments that host, but do not own or operate, a new or expanding municipal solid waste landfill must 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.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-1408.1; Virginia Waste Management Board Regulation 9 VAC 20-81-10 et seq.

Last Assessment Period: 4/1/2000 to 6/30/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Recycling Program and Annual Recycling Rate Report

SNR.DEQ015

Solid Waste Planning Units (individual local governments or regional authorities) must develop and implement recycling programs to maintain a mandated recycling rate of 15% or 25%. Solid Waste Planning Units with population densities less than 100 persons per square mile or with a civilian unemployment level more than 50% above the statewide average qualify for the 15% level, while all others must meet the 25% mandate. Plans for achieving this rate must be included in the solid waste management plans on file with DEQ. Data to document recycling rates for the preceding calendar year must be reported by April 30 of each year to DEQ.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

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

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 9/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

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

Last Assessment Period: 10/1/2006 to 12/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §10.1-1450; Regulations Governing the Transportation of Hazardous Materials, 9 VAC 20-110; and 9 USC §5101 et seq.

Last Assessment Period: 10/1/2006 to 12/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Underground Storage Tank SNR.DEQ019

Local governments that have underground storage tanks are required to have non-corrodible tanks and piping, overfill and spill prevention devices and leak detection. Leaks require further investigation and, if necessary, clean-up.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: 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: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Title 62.1, Chapter 3.1, §§ 62.1-44.2 et seq. of the Code of Virginia; 9 VAC 25-20-10 et seq., 9 VAC 25-31-10 et seq., 9 VAC 25-40-10 et seq.; 9 VAC 25-260-10 et seq.; 9 VAC 25-720-10 et seq.; 9 VAC 25-790-10 et seq.; 9 VAC 25-820-10 et seq.; 33 USC 1251 et seq.; § 402 of the Clean Water Act; 40 CFR Parts 122 – 124.

Last Assessment Period: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Water Protection Permit

SNR.DEQ021

Local governments that intend to conduct activities in surface waters, including wetlands, must obtain the necessary federal and State permit, authorization, or certification to ensure that the activity will not result in a net loss of wetland acreage or function nor violate the State's water quality standards. The certification, permit, or authorization applies to numerous types of activities, regardless of federal permit requirements, such as dredging, filling non-tidal wetlands, developing water intakes for water withdrawals, 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

Authority: Code of Virginia §§ 62.1-44.15:5 et seq.; Virginia State Water Control Board Regulation 9 VAC 25-20-10 et seq., 9 VAC 25-210-10 et seq., 9 VAC 25-660 et seq.; 9 VAC 25-670 et seq.; 9 VAC 25-680 et seq.; 9 VAC 25-690 et seq.; 33 USC 1341 (Fed.); 40 CFR 121 (Fed.)

Last Assessment Period: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 62.1-44.15 et seq., 62.1-44.18; 62.1-44.19:3Virginia Water Control Board Regulation 9 VAC 25-20-10 et seq., 9 VAC 25-32-10 et seq; 33 USC 1251 et seq. (Fed.); Clean Water Act § 402 (Fed.); 40 CFR 122 - 124 (Fed.)

Last Assessment Period: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Ground Water Withdrawal Permit

SNR.DEQ023

Local governments that withdraw ground water for any purpose in amounts of 300,000 gallons or more 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

Authority: Code of Virginia §§ 62.1-254 et seq., 62.1-44.15:6; Virginia Water Control Board Regulation 9 VAC 25-20-10 et seq., 9 VAC 25-610-10 et seq.

Last Assessment Period: 8/1/2006 to 10/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Surface Water Management Area 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

Authority: Code of Virginia §§ 62.1-242 et seq., 62.1-44.15:6; Virginia State Water Control Board Regulation 9 VAC 25-20-10 et seq., 9 VAC 25-220-10 et seq.

Last Assessment Period: 8/1/2006 to 10/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Above-Ground Storage Tank

SNR.DEQ025

Local governments owning an above-ground oil storage tank with a capacity of 25,000 gallons or more are required to meet pollution prevention requirements and 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

Authority: Code of Virginia § 62.1-44.34:15; State Water Control Board Regulation 9 VAC 25-91-10 et seq.

Last Assessment Period: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Waste Tire End User Reimbursement Program

SNR.DEQ027

Localities that beneficially use at least 50 tons of Virginia-generated waste tire material are eligible to receive End User Reimbursement payments to offset the costs of using such material. End User Reimbursement Applications are filed with DEQ documenting the amount of Virginia waste tire material used, the specific use of the material, the site of use, as well as the cost of use.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-1422.1 through 10.1-1422.4; Virginia Waste Management Board Regulation 9 VAC 20-150

Last Assessment Period: 6/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 10.1-1413.1; Virginia Waste Management Board Regulation 9 VAC 20-81

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

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

Last Assessment Period: 9/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 and permitting requirements.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-1308, 10.1-1314, 10.1-1322; Regulations for the Control and Abatement of Air Pollution (9 VAC 5-10 through 9 VAC 5-85, 9 VAC 5-130, 9 VAC 5-170-150; Federal Clean Air Act §§ 110, 111, 112, 123, 129, 171, 172, 173, 182, 501 - 506 (Fed.); 40 CFR 51, 60, 61, 63 (Fed.)

Last Assessment Period: 9/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Landfill Closure

SNR.DEQ032

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

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-1413.2

Last Assessment Period: 9/1/2003 to 10/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 9/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 9/1/2008 to 11/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective July 1, 2004.

Sewage Collection and Treatment Regulation

SNR.DEQ035

Owners of 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. The owner must provide certification from a licensed Virginia professional engineer that the design and construction of the facility are in compliance with the design standards of the Sewage Collection and Treatment Regulations. For projects funded by WQIF, the owner must submit documents to DEQ for a technical evaluation for the funded portions of the project. These regulations also address operation and maintenance of facilities and requirements for operation and maintenance manuals. Localities must generally design new plants, expansions, and upgrades so that the facility has the capacity to treat septage from all onsite sewage disposal systems within the facility’s service area.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 32.1-164, 62.1-44.3, 62.1-44.18, 62.1-44.190, 15.2-2123

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period 8/1/2011 to 10/31/2011

Comment: Mandate last assessed by the Department of Health. Oversight transferred to Department of Environmental Quality by action of the 2003 General Assembly (Chapter 614, 2003 Virginia Acts of Assembly). Scheduled for FY12 assessment.

Motor Vehicle Emissions Control Program

SNR.DEQ036

Local governments must obtain an emissions inspection of motor vehicles that they own or lease and comply with tailpipe emission limits.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 46.2-1177 et seq.; 9 VAC 5 Chapter 91; Federal Clean Air Act §§ 110, 182 (Fed.); 40 CFR 51 (Fed.)

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Applies to Counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford; and to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

Local and Regional Water Supply Plans

SNR.DEQ037

Local governments, either individually or jointly as a region, are required to submit water supply plans to the Department of Environmental Quality (DEQ). These plans are due to be submitted between 2008 and 2011, depending on the population of the region or jurisdiction. The DEQ will review the plans to determine compliance with regulations and consistency with the State Water Resources Plan. After the plans are approved, DEQ will re-review them every five years.

Type: Compulsory Order

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia § 62.1-44.38:1; State Water Control Board Regulations 9 VAC 25-780 et seq.

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Environmental Impact Reports for Local Road Projects

SNR.DEQ038

Any local government that undertakes highway construction, reconstruction, or an improvement project affecting highways or roads with a cost of $500,000 or more must prepare an environmental impact report.

Type: Regulation of Optional Activity

Agency: **Department of Environmental Quality**

Secretariat: Natural Resources

Authority: Code of Virginia §10.1-1188

Last Assessment Period: 9/1/2009 to 11/30/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 15.2-915.2, 29.1-526

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 29.1-358

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 29.1-526

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 29.1-744, 29.1-744.4

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 29.1-528; 4 VAC 15-270-90

Last Assessment Period: 6/1/2005 to 8/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Model Ordinances for Hunting with Bow and Arrow

SNR.DGIF006

Local governments that are experiencing an overabundance of the deer population, which is creating conflicts between humans and deer, including safety hazards to motorists, may adopt an ordinance (based on a model ordinance developed by the Board of Game and Inland Fisheries) regulating hunting with bow and arrow and crossbow, placing time limitations on such, and a limit on the number of deer that can be taken, based upon analysis by the Department of Game and Inland Fisheries. The locality must notify the Department of the adoption of such ordinance 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

Authority: Code of Virginia § 29.1-528.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Restrictions on Feeding Waterfowl

SNR.DGIF007

Any locality may prohibit by ordinance the feeding of migratory and nonmigratory waterfowl in any subdivision or other area of such locality which, in the opinion of the governing body, is so heavily populated as to make the feeding if such waterfowl a threat to public health or the environment. The locality shall post appropriate signage to designate areas where the ordinance is applicable and shall be solely responsible for the enforcement of the ordinance. The locality must notify the Department of Game and Inland Fisheries of the adoption of such ordinance.

Type: Regulation of Optional Activity

Agency: **Department of Game and Inland Fisheries**

Secretariat: Natural Resources

Authority: Code of Virginia § 29.1-527.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 9/1/2011 to 10/31/2011

Comment: Scheduled for FY12 assessment.

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, meet historic preservation standards, and comply with applicable sections of the Virginia Public Procurement Act.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Historic Resources**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-2202, 10.1-2208, 10.1-2213, 2.2-4343A

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Grants to Certified Local Governments

SNR.DHR002

Local governments certified by the federal government that receive project grants survey or protect historic resources, to educate the public concerning those resources, or to rehabilitate historic properties must provide matching funds equal to 40% to 50% of a project's cost and comply with State and federal requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Historic Resources**

Secretariat: Natural Resources

Authority: Code of Virginia § 10.1-2202; National Historic Preservation Act (1980 amendments) (Fed.); 36 CFR 61 (Fed.)

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Historic Resources**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 10.1-2202, 15.2-2223

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Chapter 13 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Coastal Primary Sand Dune Zoning Ordinance

SNR.MRC002

Tidewater localities 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

Authority: Chapter 14 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Comprehensive Plan to Include Coastal Resource Management

SNR.MRC003

Beginning in 2013, Tidewater localities shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to § 28.2-1100 (9) into the next scheduled comprehensive plan review. This guidance is intended to foster the sustainability of shoreline resources, identify preferred options for shoreline management, and consider the future condition of the Commonwealth's shoreline with respect to potential sea-level rise.

Type: Compulsory Order

Agency: **Marine Resources Commission**

Secretariat: Natural Resources

Authority: Code of Virginia §§ 15.2-2223.2 and 28.2-1100 (9).

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§15.2-1606, 15.2-1636.14, 15.2-1711

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 15.2-1600, 15.2-1636.7, 15.2-1636.18

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 15.2-1636.13, 15.2-1636.14, 17.1-287

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Jail Inmate Reporting

SOA.CB004

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

Type: Compulsory Order

Agency: **Compensation Board**

Secretariat: Administration

Authority: Code of Virginia §§ 53.1-115.1 and 53.1-121

Last Assessment Period: 2/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Jail Revenues and Expenditures Reporting

SOA.CB005

Local and 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 prescribed in a manner prescribed by the Board.

Type: Compulsory Order

Agency: **Compensation Board**

Secretariat: Administration

Authority: Item 67.90.K., Chapter 890, 2011 Virginia Acts of Assembly

Last Assessment Period: 2/1/2006 to 3/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Standardization of Police Equipment

SOA.DGS005

Equipment or electrical devices used in law enforcement to monitor the speed of any vehicle or to determine the decibel level of sound must meet or exceed the standards created by the Department of General Services.

Type: Compulsory Order

Agency: **Department of General Services**

Secretariat: Administration

Authority: Code of Virginia §§ 2.2-112, 19.2-270, 46.2-882; Department of General Services Specifications.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

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

Authority: 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: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Voting Equipment and Systems SOA.SBE001

Each city and county must provide, for all elections, electronic voting or counting systems approved by the State Board of Elections. These systems must meet federal and state accessibility standards for voters with disabilities and, upon determination by the Director of the United States Census, must accommodate alternative languages. State law stipulates the minimum number of voting devices required at each precinct, based on the number of registered voters and equipment type. New State Board of Elections regulation and state law presumption for military spouses and dependents could increase numbers of registered voters. Localities are responsible for preclearance under the Voting Rights Act before introducing new voting systems or equipment unless they have bailed out (fewer than 20 have). Localities must provide security for voting equipment under plans adopted by the Electoral Board and approved by the State Board of Elections.

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authority: Va. Const. Art. II, § 3; Code of Virginia §§ 24.2-103, 24.2-417.1, 24.2-625.1 through 24.2-629; Help America Vote Act of 2002, 42 USC § 15301 et seq. (Fed.); Voting Accessibility for the Elderly and Handicapped Act, 42 USC § 1973ee et seq. (Fed.); Voting Rights Act of 1965, 42 USC § 1971 et seq. (Fed.); 42 USC § 1973aa-1a (bilingual elections) (Fed.)

Last Assessment Period: 5/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Electoral Board, Registrar and Officers of Election SOA.SBE002

Counties and cities are required to have an electoral board to manage elections, a general registrar to administer voter registration and elections, and officers of election trained to administer voting at polling places. General registrars must mail notices required by federal and state laws, enter applications to register and vote absentee, administer absentee voting and maintain accurate records using a federally mandated centralized computer database, the Virginia Election and Registration Information System (VERIS). The general registrar must provide access to information required under election laws and the Virginia Freedom of Information Act. Localities are responsible for the costs of conducting all general and special elections except presidential primaries reimbursed by the Commonwealth. Costs include postage (only military absentee mail is paid) and international email capacity. Localities are responsible for the costs of certain post-election proceedings (recounts, contests, audits). County electoral boards are responsible for administering town elections.

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authority: Va. Const. Art. I, §§ 5 and 6; Art. II, §§ 2, 3, 8; Art. VII, §§ 4, 5; Code of Virginia §§ 24.2-101, 24.2-106, 24.2-107, 24.2-110 through 24.2-116, 24.2-226, 24.2 -228.1, 24.2-310, 24.2-311, 24.2-313, 24.2-404.1, 24.2-411, 24.2-416.1 through 24.2-416.5, 24.2-417.1, 24.2-428, 24.2-428.1, 24.2-428.2, 24.2-444, 24.2-518, 24.2-545, 24.2-600, 24.2-612, 24.2-623, 24.2-671.1, 24.2-706, 24.2-710, 24.2-802, 24.2-811, 24.2-946.2; Voting Rights Act of 1965, 42 USC 1971 et seq; National Voter Registration Act, 42 USC § 1973gg et seq.; Help America Vote Act of 2002, 42 USC 15301 et seq.; Voting Accessibility for Elderly and Handicapped Act. 42 USC § 1973ee et seq; National Voter Registration Act, 42 USC § 1973gg et seq.; Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 USC 1973ff et seq.; Election Assistance Commission Advisory 2007-001 (all Fed.)

Last Assessment Period: 2/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Polling Place and Registration Facilities

SOA.SBE003

Localities must provide adequate funds for voter registration, and polling place facilities meeting federal and state accessibility standards for persons with disabilities. Facilities must include adequate signage for accessible entrances. Localities must adopt ordinances designating precincts, including any central absentee precinct(optional); and must adopt ordinances establishing new precincts when required by law and decennially based on the census. New precincts are required when a presidential election produces a turnout exceeding 4,000 voters at a precinct; precincts cannot exceed 5,000 registered voters. Localities are responsible for advertising, notifying voters and having all ordinances creating or changing precincts precleared under the Voting Rights Act unless the locality has bailed out (fewer than 20 have done so).

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authority: Va. Const. Art. II, § 3, Art. VII, § 5; Code of Virginia §§ 24.2-304.1 through 24.2-304.4, 24.2-305 through 24.2-310, 24.2-413, 24.2-604.1, 24.2-626.1, 24.2-627, 24.2-712, 51.5-1, 51.5-43; Rehabilitation Act (29 USC 794); Voting Accessibility for Elderly and Handicapped Act , 42 USC 1973ee et seq. (Fed.); Americans with Disabilities Act, 42 USC 12131 et seq. (Fed.); Help America Vote Act of 2002, 42 USC § 15301 et seq. (Fed.); Election Assistance Commission Advisory 2007-001 (Fed.)

Last Assessment Period: 2/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Vacancies to be Filled by Special Election

SOA.SBE004

Vacancies in a governing body or elected school board shall be filled by special election. If the vacant position is not that of a constitutional officer, the position may be filled temporarily by an interim appointment. The requirement for a special election overrides charter provisions that allow a governing body or school board to appoint a person to serve the entire remaining portion of a term.

Type: Compulsory Order

Agency: **State Board of Elections**

Secretariat: Administration

Authority: Code of Virginia §§ 24.2-226, 24.2-228 and 24.2-682

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-58 et seq.; State Board of Education Regulations 8 VAC 20-22-10 et seq., 8 VAC 20-390-10 et seq.

Last Assessment Period: 4/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 4/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

SOE.DOE003

School boards shall require on applications for employment certification 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; whether the applicant has 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. School boards must determine whether the applicant was the subject of a founded case of abuse and neglect by searching the in-state registry maintained by DSS, and take reasonable steps to determine whether the applicant was the subject of a founded case in another state. An applicant or employee who is the subject of a founded complaint of child abuse or neglect shall be denied employment. Prior to awarding a contract for services that requires a contractor or his employees to have direct contact with students, school boards must require the contractor and said employee to certify that he has not been convicted of a felony involving the sexual molestation, physical or sexual abuse, or rape of a child, and whether he has been convicted of a crime of moral turpitude.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-296.1, 22.1-296.4; State Board of Education Regulation 8 VAC 20-22-10 et seq.

Last Assessment Period: 4/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period 7/1/2011 to 8/31/2011

Comment: Scheduled for FY12 assessment.

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

Authority: Code of Virginia §§ 22.1-299 et seq.; State Board of Education Regulations 8 VAC 20-22-10 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 to 6/30/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-293 et seq.; State Board of Education Regulations 8 VAC 20-22-10 et seq., 8 VAC 20-440-10 et seq.

Last Assessment Period: 4/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

School Board Background Checks for Employees and Contractors

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. As a condition of awarding a contract for services that requires direct contact with students on school property during regular school hours or during school-sponsored activities, the school division must require the contractor and any relevant employee to provide certification that he or she has not been convicted of a felony or any offense regarding the sexual molestation or physical or sexual abuse or rape of a child. This does not apply to contractors in an emergency situation. School boards must ensure that public schools are registered with the Department of State Police to receive electronic notice of the registration or re-registration of any sex offender within the same or contiguous zip code area of that school division. School boards must develop policies about the availability of information regarding the sex offender registry for parents and develop protocols governing the release of children to persons who are not their parents. All school boards shall provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 2.2-4311.1, 22.1-79; 22.1-79.3; 22.1-296.1; 22.1-296.2, Immigration Reform and Control Act of 1986, P.L. 99-603 (Fed.)

Last Assessment Period: 5/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period 8/1/2011 to 9/30/2011

Comment: Scheduled for FY12 assessment.

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

Authority: Code of Virginia §§ 22.1-253.13:2, 22.1-293 through 22.1-305; State Board of Education Regulations 8 VAC 20-22-10 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 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 21 to 1 in middle schools and high schools. Annual reports on actual elementary school pupil/teacher ratios are required.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-253.13:2, 22.1-293 through 22.1-305; State Board of Education Regulation 8 VAC 20-22-10 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)

Last Assessment Period: 2/1/2002 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:2; State Board of Education Regulation 8 VAC 20-131-240

Last Assessment Period: 2/1/2002 to 3/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, current issues in education, and other areas as specified in the Standards of Quality 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

Authority: Code of Virginia § 22.1-253.13:5

Last Assessment Period: 3/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Management of Student Scholastic Records

SOE.DOE013

School divisions must comply with State and federal requirements for the management of students' scholastic records. When a student transfers from a local school division, that local school division shall obtain written or electronic documentation of the student's transfer before making any status classification in an information management system prescribed by the Board of Education.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 16.1-305.1, 22.1-3.1, 22.1-254.02, 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 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Comprehensive Plan

SOE.DOE014

School divisions are required to adopt biennially a division-wide comprehensive plan that shall be developed with staff and community involvement, including public comment. Each public school shall prepare a comprehensive plan that shall be given consideration by its school board in the development of the division-wide comprehensive plan. The plan must include strategies for improving student achievement, particularly the achievement of educationally-at-risk students.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-253.13:5 and 22.1-253.13:6

Last Assessment Period: 3/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-81, 22.1-259, 22.1-260

Last Assessment Period: 4/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-101.1, 22.1-215, 22.1-254; State Board of Education Regulations, 8 VAC 20-80-10 et seq.

Last Assessment Period: 6/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Compliance with the McKinney-Vento Homeless Education Assistance Improvements Act is required when admitting students who are homeless and in need of immunizations.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-271.2; 42 USC 11431 et seq. (McKinney-Vento Homeless Education Assistance Improvements Act) (Fed.)

Last Assessment Period: 6/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. Guidelines must be consistent with the model developed by the State Board of Education. School divisions must provide training to school personnel having direct contact with students on the effects of blood-borne pathogens or certain other infections. School division superintendents shall report to their 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

Authority: Code of Virginia §§ 22.1-271.3, 22.1-272, 29 CFR 1910.1030 (Blood Borne Pathogen Standards) (Fed.)

Last Assessment Period: 4/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Provision of Free Education

SOE.DOE022

School divisions must provide free education to each person of school age, to include school-age persons who are homeless children or youth, and localities must appropriate funds for this purpose. School divisions shall not charge tuition to children of active members of the military who are ordered to locate to military housing located in a different school division than the one the child is attending at the time of the order to relocate. These children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: 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 20-521-10 et seq.; 42 USC 11431 et seq. (McKinney-Vento Homeless Education Assistance Improvements Act) (Fed.)

Last Assessment Period: 6/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Provision of Free Textbooks

SOE.DOE023

School divisions must provide free textbooks and workbooks required for courses of instruction for all public school children. Local school boards shall either enter into written term contracts or issue purchase orders on an as-needed basis with publishers of textbooks approved by the Board of Education for use in the public schools. Every school board shall order directly from the respective publishers the books needed to supply the public schools in the school division. With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: The Constitution of Virginia, Article VIII, § 3; Code of Virginia §§ 22.1-238, 22.1-241, 22.1-243

Last Assessment Period: 6/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Use of Approved Textbooks

SOE.DOE024

School divisions must select and utilize instructional materials approved by the Board of Education, except that school divisions may utilize textbooks not approved by the Board provided such books are selected in accordance with regulations promulgated by the Board.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: 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: 4/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-98; State Board of Education Regulations 8 VAC 20-521-10 et seq., 8 VAC 20-131-10 et seq.

Last Assessment Period: 8/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Local School Division Policies

SOE.DOE026

School divisions are required to maintain and follow up-to-date policies and ensure that policies take into account the views of teachers, parents, and other concerned citizens. The public must be annually advised of the placement and availability of policies. A current copy of the school division's policies, including the Student Conduct Policy, must be posted on the school divisions' Websites. School divisions must develop policies regarding the distribution of political materials by students and the administration of surveys or questionnaires to students. In addition, in any case in which a questionnaire or survey requesting sexual information of students is to be administered, the school division shall notify the parents in writing. School boards also must develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee, as well as policies and procedures regarding the identification and handling of suspected concussions in student athletes.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-79.3, § 22.1-253.13:7, § 22.1-271.5

Last Assessment Period: 3/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Professional Development for Teachers and Administrators

SOE.DOE027

School divisions are required to provide a program of high quality professional development, as specified in the Standards of Quality, and must review their professional development program annually.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-253.13:5, State Board of Education Regulation 8 VAC 20-450-10 et seq.

Last Assessment Period: 3/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Standards of Accreditation Requirements

SOE.DOE030

School divisions shall maintain schools that are fully accredited pursuant to the Standards of Accreditation as prescribed by the Board of Education. When failure of schools within a division to achieve full accreditation status is related to division-level failure to implement the Standards of Quality, the Board may require a division-level academic review and submission of a division corrective action plan.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: 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 to 5/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Elementary and Secondary Education Act Regulations

SOE.DOE031

School divisions receiving funds from the Elementary and Secondary Act of 1965, reauthorized by the No Child Left Behind Act of 2001, must follow certain federal laws and administrative regulations with respect to student achievement, accountability, teacher quality, parental options, and other requirements.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

Last Assessment Period: 2/1/2001 to 3/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-138, 22.1-140, Code of Virginia Title 36, Ch. 6; State Board of Education Regulation 8 VAC 20-131-260

Last Assessment Period: 4/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 10/1/2001 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-138

Last Assessment Period: 6/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

School Transportation

SOE.DOE037

School divisions must comply with Federal Motor Vehicle Safety Standards and State laws and regulations for school buses, equipment, insurance, and driver qualifications if transportation is provided for children. Persons under age 18 are not permitted to drive school buses. School boards may enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from nonpublic schools. School boards may display decals regarding local school division bus safety hotlines. Local school divisions must bear the cost. Any new bus placed into service after July 1, 2007 must be equipped with certain warning devices. In addition, a school division may use video-monitoring systems to assist with convicting drivers who pass stopped school buses, provided that the equipment captures specific information and that the local governing body has authorized the use of such equipment by ordinance.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-176 et seq., 33.1-223.2:18, 40.1-100, 46.2-328, 46.2-339 et seq., 46.2-844, 46.2-859, 46.2-919, 46.2-1055, 46.2-1089, 46.2-1090, 46.2-1090.1, 46.2-1091, 46.2-1105; State Board of Education Regulation 8VAC 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 to 12/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

School Nutrition Programs

SOE.DOE039

School divisions that agree to participate in the federal school nutrition programs must comply with regulations covering meal 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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Child Nutrition Act of 1966 (Fed.); National School Lunch Act (Fed.); 42 USC 1751 et seq. (Fed.); 42 USC 1771 et seq. (Fed.); P.L. 108-265; 7 CFR 210 et seq. (Fed.)

Last Assessment Period: 1/1/2002 to 3/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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.); P.L. 108-265 (Fed.)

Last Assessment Period: 2/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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-price 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

Authority: 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.); P.L. 108-265 (Fed.)

Last Assessment Period: 3/1/2002 to 4/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Program of Instruction for Grades K-12

SOE.DOE044

School divisions must develop and implement a program of instruction that is aligned to the Standards of Learning for grades K through 12, as prescribed by the Code of Virginia, and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize 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. In addition, school divisions must collect and use data to make decisions about the instructional program.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:1

Last Assessment Period: 4/1/2002 to 5/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 4/1/2002 to 5/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Programs to Increase Numbers of Students Earning Diplomas

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 and prevent them from dropping out of school.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:1(D)(2)

Last Assessment Period: 5/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 6/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 assist with the development of health policy and evaluate the status of school health education, environment, and health services. In addition, local school boards must implement a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-207, 22.1-253.13:1; 22.1-275.1; State Board of Education Regulations 8 VAC 20-131-10 et seq., 8 VAC 20-320-10

Last Assessment Period: 6/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-205, 46.2-334; State Board of Education Regulation 8 VAC 20-340-10 et seq.

Last Assessment Period: 8/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-18.1, 22.1-253.13:1(D); State Board of Education Regulation 8 VAC 20-40-10 et seq.

Last Assessment Period: 5/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 5/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight; or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation. Prevention, intervention, and remediation programs must include components that are research based. Local school boards must offer an early identification program for students with difficulties in reading and mathematics.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:1(C) and (D)

Last Assessment Period: 5/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. A local school board may establish after school programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for school aged children. Local funds appropriated for K through 12 education may be used to support such after-school programs.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-253.13:1(D) and 22.1-199.5; State Board of Education Regulations 8 VAC 20-630-10 et seq.; Item 132, Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 6/1/2002 to 7/31/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-253.13:1(D); 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 to 7/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Pupil Personnel Services in Grades K-12 SOE.DOE058

School divisions are required to provide a program of pupil 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

Authority: Code of Virginia § 22.1-253.13:1

Last Assessment Period: 7/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Administration of Assessment Instruments

SOE.DOE059

School divisions are required to administer appropriate assessments which may include criterion-referenced tests, teacher-made tests, and alternative assessment instruments, and shall include the Standards of Learning Assessments and the National Assessment of Educational Progress State-by-State Assessment. 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 Stanford 9 Assessment, if administered, industry certification examinations, and the Standards of Learning Assessments.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:3; State Board of Education Regulation 8 VAC 20-131-10 et seq.; Individuals with Disabilities Education Improvement Act of 2004 (Fed.); 20 USC 1412 (Fed.); 34 CFR 300.320 (Fed.)

Last Assessment Period: 7/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Student Achievement and Graduation Requirements

SOE.DOE061

School divisions are required to have procedures for locally awarded verified units of credit, and 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. For students needing credits for graduation, school divisions shall notify parents of the need and the student's right to remain in school in accordance with specified provisions of the law. In addition, if a school division offers elective courses in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-207.5 and 22.1-253.13:4; Chapter 473, 2004 Virginia Acts of Assembly; State Board of Education Regulation 8 VAC 20-131-10 et seq.

Last Assessment Period: 7/1/2002 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-253.13:1(D)(3) and (4) and 22.1-253.13:4; 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 to 8/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: State Board of Education Regulation 8 VAC 20-120-40, 50, and 70

Last Assessment Period: 8/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 8/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Early Identification and Provision of Special Education Services for 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

Authority: Code of Virginia §§ 22.1-215, 22.1-253.13:1(D); State Board of Education Regulation 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Improvement Act of 2004 (Fed.); P. L. 108-446 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 8/1/2002 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Special Education Plan

SOE.DOE071

School divisions are required to submit an annual plan for special education for the following year 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

Authority: Code of Virginia §§ 22.1-215; State Board of Education Regulations 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Improvement Act of 2004 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 10/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: State Board of Education Regulations 8 VAC 20-80-10 et seq.; Individuals with Disabilities Education Improvement Act of 2004 (Fed.); P. L. 108-446 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

Last Assessment Period: 10/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-199.1; Item 132 (C)(10), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 8/1/2002 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-199.1; Item 132 (C)(13), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 8/1/2002 to 9/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virtual Virginia and Multi-Division Online Providers

SOE.DOE078

The Virtual Virginia program creates a statewide delivery of credit courses and staff development programs to address equity and educational disparity problems in schools across Virginia and must be made available to every public high school. This electronic classroom program is a distance-learning program that provides advanced level courses to students in areas of the Commonwealth where a qualified teacher is unavailable, or the number of qualifying students is too few to justify employment of a full-time teacher. State funds are currently provided to four local school divisions to hire teachers, aides, and technicians to operate each electronic classroom studio. Funding covers the costs related to production, broadcasts, and transponders. Additionally, school divisions may offer online instruction to students in multiple school divisions by entering into a contract with any private organization, educational institution, or nonprofit virtual school organization that has been approved by the Superintendent of Public Instruction to operate as a multi-division online provider.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-212.2, 22.1-212.2:2 and 22.1-212.23; Item 132 (C)(22), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 9/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Limited English Proficient Students

SOE.DOE079

School divisions receiving federal funds shall use them to increase the English proficiency of limited English proficient children by providing high quality language instruction programs based on scientific research. 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

Authority: Code of Virginia §§ 22.1-212.1, 22.1-253.13:1; P.L. 89-10 (Fed.); Equal Educational Opportunities Act of 1974 (Fed.); 20 USC 1703 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

Last Assessment Period: 9/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Family Life Education Materials

SOE.DOE081

School divisions may implement the Standards of Learning for the Family Life Education program as established by the State Board of Education or a Family Life Education program consistent with the guidelines developed by the Board. The guidelines must include information regarding mental health education and awareness. School divisions are 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: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authority: 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 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 16.1-293, 22.1-17.1, 22.1-288.2.C; State Board of Education Regulations, 8 VAC 20-660-10 et seq.

Last Assessment Period: 8/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, stalking, 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 and, except where prohibited by law, to the parents of any minor student who is the object of such act.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: 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 to 5/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, a copy of school board standards of student conduct, and a copy of the compulsory school attendance law. 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

Authority: Code of Virginia §§ 22.1-276.2, 22.1-279.3, 22.1-279.6

Last Assessment Period: 4/1/2003 to 5/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-279.3:1; § 22.1-279.9

Last Assessment Period: 4/1/2003 to 5/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Sight and Hearing of Pupil to be Tested

SOE.DOE088

School divisions are required to test the sight and hearing of students. The screening shall 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

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-129

Last Assessment Period: 8/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

School Crisis, Emergency Management, and Medical Emergency Response Plan

SOE.DOE090

School divisions are required to conduct safety audits in all public schools in accordance with a list of audit items developed by the Virginia Center for School Safety, and must develop a written school crisis, emergency management, and medical emergency response 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 no later than August 31 of each year. Each school must annually review the written school crisis, emergency management, and medical emergency response plans. The school division must certify this review in writing.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-279.8

Last Assessment Period: 4/1/2003 to 5/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Early Reading Intervention Program Grant

SOE.DOE091

This program is designed to reduce the number of students needing remedial reading services. Program funds are used by local school divisions for: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial program; aides to instruct in class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Item 132 (C)(14), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 10/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Notification to Parents of Students with Vision/Hearing Impairments SOE.DOE093

School divisions are required to annually distribute to parents of eligible students information made available by the Department of Education describing the services available through the Virginia School for the Deaf and the Blind, 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

Authority: Code of Virginia § 22.1-217.01

Last Assessment Period: 10/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. School boards must implement a plan to notify students receiving home instruction and their parents of the availability of Advanced Placement and Preliminary Scholastic Aptitude Test examinations and financial assistance for low-income and needy students who wish to take them. School boards must implement a plan to make these tests available to children who are home-schooled.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-254.1

Last Assessment Period: 8/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. School boards shall submit a report of all expenditures to the governing body annually at a specified time, using a template prescribed by the state Department of Education. School divisions shall annually publish their approved budgets, including local match, and expenditure reports, on the school division websites and make the approved budget available in hard copy as needed to the public for inspection.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-90, 22.1-93, 22.1-94, 22.1-115, 22.1-97, 15.2-2503

Last Assessment Period: 8/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period 9/1/2011 to 10/31/2011

Comment: Amended 7/1/09. Scheduled for FY12 assessment.

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

Authority: Code of Virginia § 22.1-6; 8 VAC 20-370-10 et seq.

Last Assessment Period: 8/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 10/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Jointly Owned and Operated Schools or Programs

SOE.DOE099

School divisions are required to obtain Board of Education consent when operating jointly owned schools, including regional public charter schools or regional residential charter schools. The treasurer of a city or county in which a joint school is located shall be the school's fiscal agent. However, the participating school boards may by agreement select the fiscal agent for the joint school from among the treasurers of the participating divisions.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-26 and 22.1-118; 8 VAC 20-280-10 et seq.

Last Assessment Period: 10/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 22.1-115, 22.1-116; State Board of Education Regulation 8 VAC 20-240-10 et seq.

Last Assessment Period: 10/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, non-disruptive environment.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-253.13:7, 22.1-276.2, and 22.1-279.6

Last Assessment Period: 10/1/2005 to 11/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-175.1 through 22.1-175.4; State Board of Education Regulations 8 VAC 20-100-100, 120, 150, 280

Last Assessment Period: 10/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Internet Use Policy

SOE.DOE105

An Internet use policy is required to be adopted by local school boards and posted on the school division's website. The policy shall contain provisions regarding illegal material, material that could be harmful to juveniles, the blocking of inappropriate websites, disciplinary measures for violations of the policy, and a curriculum component on Internet safety.

The policy must be reviewed, amended if necessary, and approved by the local school board every two years. Compliance shall be certified to the Department of Education annually.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-70.2; Children's Internet Protection Act (P.L. 106-554) (Fed.)

Last Assessment Period: 10/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Remediation Programs Evaluation

SOE.DOE107

School divisions are required to annually evaluate remediation programs based on criteria established by the State Board of Education in terms of the pass rate on the Standards of Learning tests, and the demographic and educational characteristics of those students identified for remediation.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-199.2; State Board of Education Regulations 8 VAC 20-630-10 et seq.; Item 132(C)(9), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 5/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Literary Fund Loan

SOE.DOE108

A school board's application for a loan from the Literary Fund must be authorized by the governing body and the school board. 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

Authority: Code of Virginia §§ 22.1-153 and 22.1-146

Last Assessment Period: 11/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-175.6 through 22.1-175.9; Item 132 (C)(12), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 11/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Evaluation of Superintendent, Teachers, and Administrators SOE.DOE111

School divisions must evaluate the division superintendent, teachers, and administrators annually consistent with the performance objectives set out in the guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-60.1 and 22.1-253.13:5

Last Assessment Period: 11/1/2002 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Asthma and Anaphylaxis Medication Policy SOE.DOE112

School divisions must develop and implement a policy permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, while at school, at school-sponsored activities, or on a school bus or other school property. Each policy shall include the development of an individualized student health care plan.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-274.2

Last Assessment Period: 8/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-279.7

Last Assessment Period: 5/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-89.4

Last Assessment Period: 4/1/2004 to 5/31/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Optional K-5 Education Programs

SOE.DOE116

School divisions establishing optional education programs away from the regular classroom for students in gradesK-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

Authority: Code of Virginia § 22.1-200.1

Last Assessment Period: 4/1/2004 to 5/31/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Teacher Intervention/Remediation Training

SOE.DOE117

School divisions are required to provide training in instructional strategies and techniques for intervention for 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

Authority: Code of Virginia § 22.1-303

Last Assessment Period: 4/1/2004 to 5/31/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Posting of the National Motto/Bill of Rights/Other Documents

SOE.DOE118

School divisions are required to post the Bill of Rights of the Constitution of the United States; the statement, In God We Trust, the National Motto, enacted by Congress in 1956; and a notice of duty to report child abuse or neglect in a conspicuous place in each school of the locality.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-291.3; Chapter 902, 2003 Virginia Acts of Assembly

Last Assessment Period: 7/1/2008 to 8/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Charter School Applications

SOE.DOE119

Public charter school applications shall be received and reviewed by the Board of Education and local school boards. The Board of Education and each local school board shall establish procedures for receiving, reviewing, and in the case of local school boards, ruling upon the applications.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-212..9 et seq.

Last Assessment Period: 7/1/2008 to 8/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 22.1-273.1

Last Assessment Period: 9/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Identification of Critical Shortages of Teachers and Administrators

SOE.DOE121

School divisions shall annually survey the division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the local school board, the Superintendent of Public Instruction, and to the Virginia Retirement System.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-70.3, 22.1-79; Item 131 (H)(1), Chapter 890, 2011 Acts of Assembly.

Last Assessment Period: 9/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective July 1, 2004.

Alternatives to Animal Dissection

SOE.DOE122

School divisions shall provide students with alternatives to animal dissection techniques within the relevant public school curriculum or course in accordance with Board of Education guidelines.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-200.01

Last Assessment Period: 11/1/2008 to 12/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective July 1, 2004.

Instruction Requirements in Public Schools

SOE.DOE123

School divisions are required to emphasize moral education, to establish a character education program, and to instruct middle and high school students in economics education and financial literacy.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-200.03, 22.1-208, 22.1-208.01

Last Assessment Period: 11/1/2008 to 12/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Leave Without Pay for School Division Employees

SOE.DOE124

School divisions are required to adopt policies that allow its employees to take leave without pay in the case of a debilitating or life-threatening illness or injury.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-296

Last Assessment Period: 11/1/2008 to 12/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Enrollment of Children Placed in Foster Care

SOE.DOE125

School divisions are required to cooperate in facilitating the enrollment of a child placed in foster care when the placement occurs across jurisdictional boundaries and to expedite the transfer of the school records of the affected foster child. In addition, school divisions must jointly determine with local departments of social services whether it is in the best interest of the child to remain enrolled at the school where he was previously enrolled prior to the most recent foster care placement.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §§ 22.1-3.4 and 63.2-900.3

Last Assessment Period: 11/1/2008 to 12/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Severance Benefits

SOE.DOE126

School boards must publicly announce any severance benefits provided to an official appointed by that board prior to that individual's departure.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 15.2-1510.1

Last Assessment Period: 7/1/2009 to 9/30/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective July 1, 2007.

Planning Time for Elementary School Teachers

SOE.DOE127

School boards must ensure that all elementary school teachers are provided at least an average of 30 minutes per day as planning time during the students' school week.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-291.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 10/1/2011 to 11/30/2011

Comment: Scheduled for FY12 assessment.

Classroom Placement of Twins and Other Multiples

SOE.DOE128

School boards must develop and implement policies to allow a parent of twins or higher order multiples in the same grade level to request that the children be placed in the same classroom or in separate classrooms if they are at the same elementary school.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-291.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Supplemental Pay for Employees in Military Service

SOE.DOE129

School divisions must provide supplemental pay to public school employees on active duty with the armed forces if the military compensation of such employee is less than the regular salary paid to such employee by the school division.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-289.2

Last Assessment Period: 7/1/2010 to 9/30/2010

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Single-Sex Education

SOE.DOE130

School boards may establish a single-sex class or school in a school division. Participation must be voluntary and the school division must provide a substantially equal coeducational school or class.

Type: Regulation of Optional Activity

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-212.1:1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

School Performance Report Card

SOE.DOE131

At the beginning of each school year, each school shall provide to its students' parents or guardians information regarding availability of and source for receiving: (1) the learning objectives to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies; (2) the Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and (3) notice to students in all grade levels of all requirements for Standard, Standard Technical, Advanced Studies, Advanced Technical and Modified Standards Diplomas, and the board's policies on promotion and retention.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:3; 8 VAC 20-131-270

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

School Year to begin after Labor Day

SOE.DOE132

Local school boards shall set the school calendar so that the first day for students is after Labor Day. This requirement may be waived by the Board of Education if a school board certifies that it has had a history of excessive closures due to severe weather or emergency situations, if it is involved in dependent programs that would otherwise require the system to begin school before Labor Day, if it offers approved experimental or innovative programs, or if it is entirely surrounded by a school division that opens prior to Labor Day.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-79.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Hiring of Teachers, Contracts

SOE.DOE133

Local school divisions must hire teachers using a contract form prescribed by the Board of Education, utilize a three-year probationary period, and follow criteria upon not renewing a contract.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §22.1-302 et seq.; 8 VAC 20-440-10 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Virginia Index of Performance Recognition

SOE.DOE134

Local school boards shall have policies to recognize and reward individual schools for fully accredited schools and those that are making significant progress toward advanced proficiency.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia §22.1-253.13:9; 8 VAC 20-131-325

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Minute of Silence

SOE.DOE135

Local school divisions must establish the daily observance of one minute of silence in each classroom of the division.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-203

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Pesticide Application Reporting

SOE.DOE136

Local school divisions shall keep records of any pesticide application on school property.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-132.2

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Absences to Observe a Religious Holiday

SOE.DOE137

Local school boards must develop policies for excusing students who are absent for observance of a religious holiday. The policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-254

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

College and Career Preparation Planning and Programs

SOE.DOE138

Beginning with the 2012-2013 academic year, all schools shall begin development of a personal academic and career plan for each seventh-grade student with completion by the fall of the student's eigth-grade year.

Type: Compulsory Order

Agency: **Department of Education**

Secretariat: Education

Authority: Code of Virginia § 22.1-253.13:4 (D); 8 VAC 20-131-140.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Newly Identified.

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

Authority: Code of Virginia §§ 42.1-15.1, 42.1-51, 42.1-52; State Library Board Regulation 17 VAC 15-100-10 et seq.

Last Assessment Period: 2/1/2007 to 4/30/2007

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **The Library of Virginia**

Secretariat: Education

Authority: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulations 17 VAC 15-90-20 et seq., 17 VAC 15-110-10 et seq.

Last Assessment Period: 2/1/2007 to 4/30/2007

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **The Library of Virginia**

Secretariat: Education

Authority: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulations 17 VAC 15-90-20 et seq., 17 VAC 15-110-10 et seq.

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 42.1-76 et seq.

Last Assessment Period: 5/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 that includes filtering devices with the Library of Virginia. Policies shall be filed on or before December 1, 1999 and biennially thereafter.

Type: Regulation of Optional Activity

Agency: **The Library of Virginia**

Secretariat: Education

Authority: Code of Virginia § 42.1-36.1

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: **The Library of Virginia**

Secretariat: Education

Authority: Code of Virginia, § 42.1-82; 17 VAC 15-120

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 3/1/2012 to 5/31/2012

Comment: Implementing regulations effective December 24, 2008. Scheduled for FY12 assessment.

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: Non-Discretionary Condition of Aid

Agency: **Virginia Commission for the Arts**

Secretariat: Education

Authority: Virginia Commission for the Arts 2011-2012 Guidelines for Funding

Last Assessment Period: 5/1/2005 to 8/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 generally must match the grant at least dollar for dollar. This program supports residencies by professional working artists in elementary and secondary schools.

Type: Non-Discretionary Condition of Aid

Agency: **Virginia Commission for the Arts**

Secretariat: Education

Authority: Virginia Commission for the Arts 2011-2012 Guidelines for Funding

Last Assessment Period: 5/1/2005 to 8/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 23-218(D) and 40.1-118(10); Virginia Community College System Policy Manual, Section 5

Last Assessment Period: 1/1/2001 to 3/31/2001

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Virginia Workforce Development Program

SOE.VCCS002

Local governments participating in workforce development programs funded through the federal Workforce Investment Act are required to apply for Local Workforce Investment Area Designation, serve as the local grant recipient, assume liability for such funds, appoint members to the Local Workforce Investment Board, and comply with other elements of the State and Federal Workforce Development Program that assist in the employment and training needs of adults, dislocated workers and youth.

Type: Non-Discretionary Condition of Aid

Agency: **Virginia Community College System**

Secretariat: Education

Authority: Code of Virginia §§ 2.2-435.6 et seq., 2.2-2669 et seq.; Office of the Governor, Executive Orders 25 (2006) and 61 (2008); P.L. 105-220 (Workforce Investment Act of 1998) (Fed.), 20 CFR 652 et seq. and 20 CFR 61.315 (Fed.)

Last Assessment Period: 4/1/2004 to 6/30/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment: Listed in 2007 catalog as GOV.OWD001 after mandate transferred from VEC to Governor's Office for Workforce Development by Executive Order 25 (2006). Previously assessed as SCT.VEC002. Transferred to VCCS on 7/1/08 by Executive Order 61 (2008).

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

Authority: Code of Virginia §§ 2.2-3500 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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.

Type: Compulsory Order

Agency: **Virginia Information Technologies Agency**

Secretariat: Technology

Authority: Code of Virginia § 2.2-3803

Last Assessment Period: 8/1/2003 to 10/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment: Last assessed as SOTECH.DTP002.

Implementation of E-911 Services

SOTECH.VITA003

Local governments are to be served by an E-911 system by July 1, 2003, unless the Wireless E-911 Services Board grants an extension.

Type: Compulsory Order

Agency: **Virginia Information Technologies Agency**

Secretariat: Technology

Authority: Code of Virginia § 56-484.16

Last Assessment Period: 8/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Byrne Justice Assistance Grant Program SPS.DCJS005

Local governments participating in the Justice Assistance Grant program are required to establish and operate programs consistent with guidelines issued by the Department of Criminal Justice Services. Local governments receiving grants are required to report periodically on expenditures and progress toward achieving their projects' objectives, and they may also be required to provide cash matching funds.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia § 9.1-102; Department of Criminal Justice Services Program Guidelines; Omnibus Crime Control Act of 1968, as amended (Fed.)

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 to reduce the likelihood of at-risk youth entering the juvenile justice system and to intervene with delinquent youth. Those applying for funds for prevention programs are required to submit local prevention plans and provide a cash or in-kind match. All grant recipients must report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: 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: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia §§ 9.1-104, 19.2-11.01, and 19.2-11.3; Department of Criminal Justice Services Program Guidelines; P.L. 98-473 (Victims of Crime Act) (Fed.); Final Program Guidelines, Victims of Crime Act (Fed.)

Last Assessment Period: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 9.1-151 through 9.1-157; Criminal Justice Services Board Regulation

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Alter

Current Assessment Period

Comment: Revisions to these regulations were promulgated in accord with the Administrative Process Act, and received final approval in October 2008.

Comprehensive Community Corrections Act 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. All localities participating in a Community Corrections Act Program must comply with State standards and reporting requirements, including the creation of a community criminal justice board and submission of quarterly expenditure/progress reports and monthly statistical reports.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: 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 to 12/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Community Policing Fund

SPS.DCJS014

Local governments receiving grants 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 their grants.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia §§ 9.1-102 and 58.1-344.3 (B)(7); Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8/1/2003 to 10/31/2003

Last Assessment Finding: Retain

Current Assessment Period

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: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia § 9.1-102; Violence Against Women Act of 1994 and Violence Against Women Act of 2000 (Fed.); Department of Criminal Justice Services Program Guidelines.

Last Assessment Period: 8/1/2003 to 10/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Pretrial Services Act 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. All localities participating in a Pretrial Services Act Program must comply with State standards and reporting requirements, including the creation of a community criminal justice board and submission of quarterly expenditure/progress reports and monthly statistical reports.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: 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: 8/1/2003 to 10/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 Virginia Department of Education's composite index of local ability to pay, 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: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

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

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Juvenile Accountability Block Grant

SPS.DCJS023

Local governments receiving Juvenile Accountability Block Grants must establish and convene advisory boards; develop plans for the use of the funds; seek the advice of the Chief Judges of the local juvenile courts with respect to the plans; provide cash matching funds equal to 10% of the total program costs, or 50% if the funding is used to construct a permanent juvenile correction facility.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Department of Justice Authorization Act (P. L. 107-273) (Fed.)

Last Assessment Period: 7/1/2006 to 9/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia § 9.1-102; P.L. 98-473 (Victims of Crime Act) (Fed.); Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8/1/2002 to 10/31/2002

Last Assessment Finding: Retain

Current Assessment Period

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

Authority: Code of Virginia § 46.2-1001

Last Assessment Period: 2/1/2003 to 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.

Virginia Sexual and Domestic Violence Victim Fund Grants

SPS.DCJS028

Local governments receiving Virginia Sexual and Domestic Violence Victim Fund grants to increase the number of prosecutions for domestic violence, sexual assault, and stalking and to expand services available to victims of such crimes must comply with the Department of Criminal Justice Services program guidelines.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia § 9.1-116.1, § 16.1-69.48:1; Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 9/1/2009 to 10/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Domestic and Sexual Assault Policies

SPS.DCJS030

All police and sheriff's departments shall establish an arrest policy and procedures for domestic violence and family abuse cases. Such policies shall establish policies and procedures, provide guidance as to the department's policy on (i) training; (ii) compliance with §§ 19.2-9.1 and 19.2-165.1; (iii) transportation of alleged sexual assault victims; and (iv) the provision of information on legal and community resources available to alleged victims of sexual assault.

Type: Compulsory Order

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: Code of Virginia §§ 9.1-1300 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period 8/1/2011 to 10/31/2011

Comment: Scheduled for FY12 assessment.

Residential Substance Abuse Treatment Program

SPS.DCJS031

Local governments participating in the grant program must establish and operate programs consistent with federal requirements and guidelines issued by the Department of Criminal Justice Services. They are required to report periodically on expenditures and progress toward achieving their projects' objectives, and they may also be required to provide cash matching funds.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Criminal Justice Services**

Secretariat: Public Safety

Authority: P. L. 103-322 (Violent Crime Control and Law Enforcement Act of 1994); Guidelines issued by the Bureau of Justice Assistance, U. S. Department of Justice; Department of Criminal Justice Services Grant Guidelines.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Fire Programs Fund

SPS.DFP001

Local governments receiving aid to localities from the Fire Programs Fund must use the funding for fire service purposes and may not use such funds to supplant or replace local appropriations. In collecting fire programs funding, local governments must file an annual report on the prior fiscal period's fund usage, as well as a disbursement agreement specifying uses for the current funding period.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Fire Programs**

Secretariat: Public Safety

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

Last Assessment Period: 2/1/2003 to 4/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 2/1/2003 to 4/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Preliminary Alcohol Analysis of Breath

SPS.DFS.001

Law enforcement officers, in conducting a preliminary analysis of a person's breath to determine blood alcohol content, must use equipment approved by the Department of Forensic Science.

Type: Regulation of Optional Activity

Agency: **Department of Forensic Science**

Secretariat: Public Safety

Authority: Code of Virginia §§ 18.2-267 and 46.2-341.25; Regulations for Breath Alcohol Testing 6 VAC 40-20-190-170 through 6 VAC 40-20-190-200

Last Assessment Period: 9/1/2000 to 11/30/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment: This program was previously administered and assessed by the Department of Criminal Justice Services. Action by the 2005 General Assembly (Chapter 881, 2005 Virginia Acts of Assembly) created a separate Department of Forensic Science.

DNA Samples Required from Felons

SPS.DFS002

Sheriffs, regional jailers and community based probation services agencies shall collect a DNA sample from every person convicted of a felony or a misdemeanor violation of Code of Virginia §§ 18.2-67.4 (sexual battery), 18.2-67.4:2 (sexual abuse of a child under 15), 18.2-67.5 (C) (attempt to commit sexual battery), 18.2-130 (peeping) and 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue), provided a sample has not been previously collected from the individual as indicated by the Compensation Board's Local Inmate Data System (LIDS) DNA sample tracking application. A DNA sample shall also be collected from every juvenile adjudicated delinquent of an act that would be a felony if committed by an adult provided that the juvenile was 14 years of age or older at the time of the commission of the offense and a sample has not been previously collected from the juvenile as indicated by the LIDS DNA sample tracking application.

Type: Compulsory Order

Agency: **Department of Forensic Science**

Secretariat: Public Safety

Authority: Code of Virginia §§ 16.1-299.1, 19.2-310.2 and 19.2-310.3

Last Assessment Period: 9/1/2008 to 11/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Testimony Regarding Identification of Drugs

SPS.DFS003

Local law enforcement officers may testify at preliminary hearing, or at a misdemeanor trial for possession of marijuana, to the results of field test kits which detect the presence of controlled substances and marijuana when the field test kits utilized have been approved by the Department of Forensic Science.

Type: Regulation of Optional Activity

Agency: **Department of Forensic Science**

Secretariat: Public Safety

Authority: Code of Virginia § 19.2-188.1; Regulations for the Approval of Field Test Kits for Detection of Drugs 6 VAC 40-30-10 through 6 VAC 40-30-80.

Last Assessment Period: 9/1/2008 to 11/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Operates as a mandate because local law enforcement officers will testify on results of field tests at preliminary hearings. Effective prior to 2002.

DNA Samples Required Upon Arrest

SPS.DFS004

Sheriffs, regional jailers, and community-based probation services agencies must collect a saliva or tissue sample from every person arrested for any commission or attempted commission of any violent felony as defined in § 19.2-297.1 or certain burglaries as listed in §19.2-310.2:1, provided a sample has not been previously collected from the individual as indicated by the Compensation Board's Local Inmate Data System (LIDS) DNA sample tracking application. The samples must be collected by the agency responsible for booking upon arrest, before the person's release from custody. They must be collected in accordance with procedures adopted by the Department of Forensic Science.

Type: Compulsory Order

Agency: **Department of Forensic Science**

Secretariat: Public Safety

Authority: Code of Virginia §§ 19.2-310.2:1and 19.2-310.3:1; Regulations for the Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and Certain Burglaries 6 VAC 40-40-10 through 6 VAC 40-4—110.

Last Assessment Period: 9/1/2008 to 11/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment: Effective 2003.

Juvenile Correctional Facility Report

SPS.DJJ001

Local governments or commissions eligible to receive State funds to support the operation of local juvenile secure detention 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 by the locality or commission.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia § 16.1-322.3

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Delinquency Prevention

SPS.DJJ002

To obtain funds for a delinquency prevention and youth development program from the Department of Juvenile Justice, localities shall 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 minimum of 25% of the total program budget, excluding the lease of facilities.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia §§ 66-27 through 66-35; Board of Juvenile Justice Regulations 6 VAC 35-60-10 et seq.

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment: This program is not currently funded and is inactive.

Court Service Unit Standards

SPS.DJJ003

Cities and counties operating local service units for juvenile and domestic relations courts shall comply with minimum State staff and personnel standards and provide services determined by the State Board of Juvenile Justice.

Type: Regulation of Optional Activity

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia §§ 16.1-233 and 16.1-234; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 3/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Court Service Unit Office Space

SPS.DJJ004

Cities and counties shall provide suitable quarters, furniture and furnishings, and utilities, including telephone service, for State operated juvenile and domestic relations court service units .

Type: Compulsory Order

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia § 16.1-234; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 3/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Juvenile Detention, Probation, and Court Service Unit Standards

SPS.DJJ005

Local governments providing specialized court services shall 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

Authority: Code of Virginia § 16.1-235; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 3/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Transportation of Detained Youth

SPS.DJJ006

Local governments operating detention homes having custody or responsibility for supervision of a child shall be 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

Authority: Code of Virginia § 16.1-254; Board of Juvenile Justice Regulation, 6 VAC 35-140-260

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Community-Based Juvenile Services and Sanctions

SPS.DJJ007

To receive funding under the Virginia Juvenile Justice Community Crime Control Act, local governments shall have their biennial plans for community-based residential and nonresidential programs approved by the State Board of Juvenile Justice (SBJJ), and shall 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

Authority: Code of Virginia §§ 16.1-309.2 through 309.9; Board of Juvenile Justice Regulations, 6 VAC 35-150-10 et seq.

Last Assessment Period: 2/1/2005 to 3/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Mental Health Screening of Juveniles

SPS.DJJ008

The staff of local juvenile detention facilities are required to 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

Authority: Code of Virginia § 16.1-248.2; Board of Juvenile Justice Regulation, 6 VAC 35-140-430

Last Assessment Period: 4/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Mental Health Transition Plans for Incarcerated Juveniles

SPS.DJJ009

Each court service unit (CSU) and postdispositional detention program shall enter into a single, integrated Memorandum of Understanding (MOU) with the public agencies that are required to participate in the Community Policy and Management Team (CPMT) as established by § 2.2-5205 of the Code of Virginia for each jurisdiction covered by the CSU or postdispositional detention program. Those entities involved in the CPMT include the community service boards established pursuant to § 37.2-501 of the Code of Virginia, juvenile CSUs, departments of health, departments of social services, and local school divisions. Those local agencies agreeing to the terms of the MOU shall attend certain meetings and review cases subject to the regulation.

Type: Regulation of Optional Activity

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia § 16.1-293.1; Board of Juvenile Justice Regulation, 6 VAC 35-180-10 et seq.

Last Assessment Period: 7/1/2010 to 9/30/2010

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Social Services Collaboration in Transition Planning for the Release of Certain Juveniles

SPS.DJJ010

No less than 90 days prior to the release of a juvenile who (i) will be under the age of 18 at the time of release, (ii) was in the custody of social services prior to commitment, and (iii) will return to the custody of social services upon release, the local department of social services must collaborate with the juvenile court services unit to develop a plan that prepares the juvenile's transition, identifies needed services, and details how the services are to be provided.

Type: Compulsory Order

Agency: **Department of Juvenile Justice**

Secretariat: Public Safety

Authority: Code of Virginia § 16.1-293

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

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

Authority: 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: 5/1/2003 to 7/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Corrections**

Secretariat: Public Safety

Authority: Code of Virginia §§ 53.1-5, 53.1-76, 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 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.

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

Authority: Code of Virginia §§ 53.1-5, 53.1-68; Board of Corrections Regulations 6 VAC 15-11-10 et seq., 6 VAC 15-20-10 et seq., 6 VAC 15-70-10 et seq.

Last Assessment Period: 8/1/2005 to 10/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Appoint Local Emergency Management Director

SPS.VDEM001

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

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Virginia § 44-146.19

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period 4/1/2012 to 6/30/2012

Comment: Scheduled for FY12 assessment.

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: Non-Discretionary Condition of Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Virginia § 44-146.19; P.L. 81-920 (Fed.); 44 CFR 302(Fed.)

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 four years.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Virginia § 44-146.36

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Eliminate

Current Assessment Period

Comment:

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. Committees must develop (1) emergency response plans for extremely hazardous substances, (2) procedures for collecting and maintaining listings of such substances, and (3) procedures to respond to requests for information on the presence or release of these substances. Emergency response plans must be reviewed and updated annually.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: 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: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

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

Last Assessment Period: 6/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Alert and Warning Plan

SPS.VDEM010

Local governments with a population greater than 50,000 persons are required to establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Virginia § 44-146.19G

Last Assessment Period: 1/1/2009 to 3/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Local Emergency Management Assessment

SPS.VDEM011

Local governments are required to provide the Virginia Department of Emergency Management an annual emergency management assessment based upon national standards for local emergency management status measurement.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Virginia § 44-146.19F

Last Assessment Period: 1/1/2009 to 3/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

State and Local Hazard Mitigation Plans

SPS.VDEM012

States must have an approved (Standard or Enhanced) State Mitigation Plan in order to receive assistance under the Stafford Act. Additionally, local and Indian tribal government applicants for project subgrants must have an approved local hazard mitigation plan prior to receipt of either Hazard Mitigation Grant Program (HMGP) or Pre-Disaster Mitigation (PDM) funding.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Code of Federal Regulations Chapter 44, Sections 201.4, 201.5, and 201.6

Last Assessment Period: 7/1/2008 to 9/30/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Disaster Pet Planning/Animal Protection

SPS.VDEM013

Localities must coordinate with VDEM in developing emergency response plans to address the needs of individuals with household pets and service animals in the event of a disaster.

Type: Compulsory Order

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: §44-146.18(B) of the Code of Virginia; Federal - Pets Evacuation and Transportation Standards Act of 2006 - Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Last Assessment Period: 1/1/2010 to 3/31/2010

Last Assessment Finding: Retain

Current Assessment Period

Comment:

State Homeland Security Grant Program

SPS.VDEM014

Local governments receiving funds from the State Homeland Security Grant Program are required to comply with guidelines issued by the Department of Emergency Management and the U.S. Department of Homeland Security. Local governments receiving grants are required to report periodically on expenditures and on progress toward achieving a project's objectives.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Emergency Management**

Secretariat: Public Safety

Authority: Department of Emergency Management Homeland Security Grant Office Administrative Guide; U.S.A Patriot Act of 2001 , P. L. 107-56; Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 , P. L. 110-329.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Part of the program was previously assessed as SPS.DCJS029, which recommended transferring the Law Enforcement Terrorism Prevention (LETP) Grant Program to VDEM. This program will need to be re-assessed by VDEM. LETP was consolidated into the State Homeland Security Grant Program in 2010.

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 and a photograph of the individual arrested.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: 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 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 46.2-1163

Last Assessment Period: 6/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 19.2-389, 52-12 et seq.; 28 USC 20 (Fed.); 28 USC 534 (Fed.); P.L. 101-647 (Fed.)

Last Assessment Period: 8/1/2003 to 10/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Uniform Crime Reporting System

SPS.VSP005

Local law enforcement agencies must report certain crimes and offenses, including certain gang related arrests, to the Department of State Police for statewide crime reporting and for transmittal to the Federal Bureau of Investigation Uniform Crime Reporting System. Monthly electronic files are to be received by the Department of State Police by the 15th of the following month. Failure to report, incomplete and inaccurate reporting will affect allocated funding.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia § 52-25, 52-28 and Title 9.1, Chapter 1, Article 8; Virginia UCR Guide Manual; 28 USC 534 (Fed.)

Last Assessment Period: 2/1/2005 to 4/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Missing Children Information Clearinghouse Reporting

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, within two hours of receipt of the missing child report. Additionally, requires reporting for persons under 21 who have been defined as children for the purposes of these Code sections.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia §§ 52-31 through 52-34 and § 15.2-1718

Last Assessment Period: 5/1/2005 to 7/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Hate Crimes Report

SPS.VSP007

Local law enforcement agencies are required to report all hate crimes occurring in their jurisdiction to the Department of State Police.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia §§ 52-8.5 and 52-30; 28 USC 534 (Fed.); 28 CFR Part 20 (Fed.)

Last Assessment Period: 2/1/2004 to 4/30/2004

Last Assessment Finding: Retain

Current Assessment Period

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

Authority: Code of Virginia § 52-25.1

Last Assessment Period: 3/1/2002 to 5/31/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Sex Offender and Crimes Against Minors Registry

SPS.VSP009

Local law enforcement agencies are required to obtain from offenders all necessary registration information, which includes but is not limited to: fingerprints, palm prints, DNA and a photograph of a type and kind approved by the Department of State Police. The agency shall forthwith forward the registration information to the Department of State Police. The sheriff, jail superintendent or an official of the Department of Corrections is required to give notice to a prisoner for whom registration is required at the time of intake, prior to the day of the offender's release or discharge from commitment, of their duty to register and re-register and to submit to registration. The registration must be completed at the time of intake, on the date of release or discharge. The registration information includes but is not limited to: fingerprints, palm prints, DNA and a photograph of a type and kind approved by the Department of State Police. The facility shall forthwith forward the registration information to the Department of State Police.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia §§ 16.1-249.1, 16.1-278.7:01, 16.1-278.7:02, 53.1-23.2, 53.1-116.1, 53.1-116.1:01, 53.1-160.1, 9.1-900 et seq.; Violent Crime Control and Law Enforcement Act of 1994 as amended by the Adam Walsh Child Protection Act (Fed.)

Last Assessment Period: 8/1/2005 to 10/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Criminal Street Gang Reporting

SPS.VSP010

Local law enforcement agencies, regional jails, the Department of Corrections, the Department of Juvenile Justice, and regional multi-jurisdictional law enforcement task forces are required to enter the names of persons who have been determined to be a member of a gang into the Virginia Criminal Information Network.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia § 52-8.6

Last Assessment Period: 5/1/2000 to 7/31/2000

Last Assessment Finding: Retain

Current Assessment Period

Comment: Program expanded (Chapter 843, 2005 Virginia Acts of Assembly) to require additional reporting. Not currently scheduled for assessment.

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. The Department of State Police is required to notify the court having issued the permit of the arrest, conviction or occurrence of any other event that would disqualify a person from possessing a concealed handgun permit. Non-residents of the Commonwealth may apply in writing to the Department of State Police for a five year period to carry a concealed handgun. Upon receipt of such notice of a conviction, the court is required to revoke the permit of a person disqualified and notify the State Police and the person whose permit was revoked of the revocation.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia § 18.2-308

Last Assessment Period: 3/1/2006 to 5/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 19.2-390

Last Assessment Period: 2/1/2006 to 4/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 18.2-295

Last Assessment Period: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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: 9/1/2006 to 11/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Appointment of Conservator of the Peace

SPS.VSP016

The clerk of the circuit court for each jurisdiction is required to forward a copy of the court order of Special Conservator of the Peace appointment 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

Authority: Code of Virginia § 19.2-13

Last Assessment Period: 1/1/2009 to 3/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Requirement to Report Suspected Aliens

SPS.VSP017

Probation/parole officers are required to report individuals suspected of being illegal aliens when they are referred to probation/parole for a pre- or post-sentence report when convicted in Circuit Court of any felony. Whenever any person is committed to a correctional facility, it shall be the duty of the director, sheriff or other person in charge of such facility to inquire as to whether the person is a citizen of the United States, and if he is not, such director, sheriff or other Officer shall inquire as to the person's alien status. If it appears that the person is an alien, the director, sheriff or other officer in charge of the facility shall immediately notify the Central Criminal Records Exchange.

Type: Compulsory Order

Agency: **Department of State Police**

Secretariat: Public Safety

Authority: Code of Virginia § 19.2-294.2, § 53.1-218

Last Assessment Period: 1/1/2009 to 3/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment: Program effective July 1, 1994.

Abandoned Inoperable 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 abandoned inoperable 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

Authority: Code of Virginia §§ 46.2-1200 through 1207

Last Assessment Period: 5/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 46.2-750.1

Last Assessment Period: 5/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Motor Vehicles**

Secretariat: Transportation

Authority: 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: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, personal property tax, or any parking citations issued by any Virginia locality. 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

Authority: Code of Virginia § 46.2-752(J)

Last Assessment Period: 5/1/2003 to 8/31/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment: Chapter 125, 2010 Virginia Acts of Assembly provided that DMV will now refuse registration or renewal of vehicle registrations if parking citation fees are owed to any locality, not just the locality in which the vehicle is registered.

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

Authority: Code of Virginia §§ 46.2-752, 46.2-756

Last Assessment Period: 6/1/2006 to 8/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 5.1-2.2; 24 VAC 5-20-140, 24 VAC 5-20-300; 14 CFR 139 (Fed.)

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 5.1-7; 24 VAC 5-20-120, 24 VAC 5-20-180, 24 VAC 5-20-280

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 5.1-40

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Aviation**

Secretariat: Transportation

Authority: Code of Virginia § 5.1-47

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Aviation**

Secretariat: Transportation

Authority: Code of Virginia § 5.1-52; 24 VAC 5-20-330

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 15.2-2294; 24 VAC 5-20-190 through 24 VAC 5-20-220

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 24 VAC 5-20-350

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 5.1-88.7 through 5.1-88.10; 24 VAC 5-20-350

Last Assessment Period: 3/1/2005 to 5/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: 49 USC §§ 5307, 5309, 5310, 5323, 5331 through 5333 (Fed.); 49 CFR Parts 21, 26, 609, 613, 614, 622, 630, 633, 639, 653, 654, 659, 661, 663, and 665 (Fed.); FTA Circular 4220.1D (Fed.)

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia § 33.1-223.1

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. A disadvantaged business participation goal is established each year by DRPT for contracts utilizing federal funds in accordance with federal regulations and grantees are notified of the goal. Effective July 1, 2008, an annual Small, Women-owned, and Minority-owned businesses (SWAM) goal is established by DRPT for contracts utilizing state funds and grantees are notified of the goal.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 2.2-4200 et seq.; 23 USC § 324 (Fed.); 42 USC §§ 2000d et seq. (Fed.); 49 USC §§ 47107 and 47113 (Fed.); 49 CFR Part 26 (Fed.)

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: P.L. 101-549 (Fed.); 42 USC § 7506(c) (Fed.); 40 CFR Parts 85 and 86 (Fed.)

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221.1:1

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Procurement Requirements for Construction of Rail or Public Transportation Facilities

STO.DRPT008

If a local government uses transportation funds to construct transportation facilities, the contracting processes must comply with applicable State procurement statutes.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 2.2-4300 et seq., 33.1-185

Last Assessment Period: 7/1/2005 to 9/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 58.1-638(A)(4)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 $300,000.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221.1:1

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 insured, in that the State retains a vested interest for the useful life of the assets or improvements, i.e. tracks, equipment, materials or facilities constructed or procured with the funds.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221:1.2; 49 USC 322(a)(Fed.); 49 CFR 49 (Fed.)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: P.L. 102-486, Title IV, § 410 (Fed.); 106 Stat. 2884 (Fed.); 42 USC 13236(b) (Fed.)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: 49 USC 322(a) (Fed.); 49 CFR Part 49 (Fed.)

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: 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 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment: 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.

Rail Enhancement Program

STO.DRPT020

Rail Enhancement Program projects undertaken are limited to those the Commonwealth Transportation Board has determined will result in public benefits to the Commonwealth or to a region of the Commonwealth that are equal to or greater than the investment of funds under this section. Such projects must include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, or a local government source, or a combination of such sources.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Rail and Public Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221:1.1; 49 USC 322(a)(Fed.); 49 CFR 49 (Fed.)

Last Assessment Period: 3/1/2011 to 5/31/2011

Last Assessment Finding: Eliminate

Current Assessment Period

Comment: The agency recommended that the mandate be eliminated from the catalog as part of its assessment in 2011. The assessment did not recommend elimination of the actual program or any requirements upon local governments. The Commission contends that DRPT's justification to eliminate this program from the Catalog is not sufficient, as it continues to impose a requirement upon local governments that are seeking financial aid.

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: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: 23 USC 134 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 4/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Rural Transportation Planning Program

STO.VDOT002

The Department of Transportation provides assistance funds to 20 of the 21 planning district commissions in the State to conduct rural 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. In addition, a competitive grant process is administered by VDOT through this program.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: 23 USC 135 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 9/1/2003 to 11/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

VDOT Revenue Sharing Program

STO.VDOT003

Localities participating in the Department of Transportation's Revenue Sharing Program must provide matching funds up to $10,000,000 for approved transportation projects. Such projects include (1) improving, constructing, or reconstructing roads in the urban, primary or secondary systems; or (2) bringing certain subdivision streets up to standards sufficient to qualify for State maintenance.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-23.05

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Storm Sewer Cost-Sharing

STO.VDOT004

Local governments desiring to include new 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: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-67, 33.1-79, 33.1-82

Last Assessment Period: 4/1/2004 to 4/30/2004

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Traffic Restrictions Policy

STO.VDOT005

Local governments (except Arlington and Henrico Counties, and other localities that own or maintain or operate their own system of highways) must hold public hearings and make formal requests to the Department of Transportation before cut-through traffic restrictions are implemented on secondary highways. In addition, local governments (except Arlington and Henrico Counties, and other localities that own or maintain or operate their own system of highways) must hold public hearings and make a formal request to prohibit or restrict the use by through trucks of any part of a primary or secondary highway. Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 46.2-809, 46.2-809.1, Commonwealth Transportation Board Resolution dated May 9, 1996.

Last Assessment Period: 9/1/2003 to 11/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Economic Development Access Road

STO.VDOT006

Local governments participating in the Department of Transportation's Economic Development Access Roads Program must request funds by resolution of the governing body, comply with all applicable state and/or federal laws and regulations regarding environmental assessments and remediation at no cost to the program, provide right of way at no cost to the program, and provide matching funds up to $150,000 for allocations over $500,000.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221, 24 VAC 30-271-20

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, comply with all applicable state and/or federal laws and regulations regarding environmental assessments and remediation at no cost to the program, provide right-of-way at no cost to the program, and provide matching funds up to $150,000 for allocations over $300,000.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-221, 24 VAC 30-450-40

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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, comply with all applicable state and/or federal laws and regulations regarding environmental assessments and remediation at no cost to the program, 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.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-223, 24 VAC 30-301-20

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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.

The Secondary Street Acceptance Requirements (SSAR) regulation establishes requirements that newly constructed streets will need to meet to be accepted into the secondary system for maintenance and improvement. These regulations ensure that additions to the secondary system enhance the capacity of the overall transportation network and accommodates pedestrians.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 15.2-2240, 33.1-12, 33.1-69, 33.1-70.3, 33.1-72.1, 33.1-72.2, 33.1-229; 24 VAC 30-92-20 et seq.; Virginia Department of Transportation Secondary Street Acceptance Requirements

Last Assessment Period: 7/1/2003 to 9/30/2003

Last Assessment Finding: Retain

Current Assessment Period 4/1/2012 to 6/30/2012

Comment: The SSAR, adopted March 9, 2009, replaced the Subdivision Street Requirements. Scheduled for FY12 assessment.

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: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-23.1 and 23.3, 33.1-44; P.L. 109-59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005) (Fed.)

Last Assessment Period: 4/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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 categorical reports of expenditures to the Commonwealth Transportation Board, certifying that none of the money received has been expended for anything other than maintenance, construction, or reconstruction of eligible streets, and report on their performance.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-41.1

Last Assessment Period: 4/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Entrance to State Highway Standards

STO.VDOT012

All entrances to State highways must be in accordance with Virginia Department of Transportation's "Access Management: Principal Arterial Highways" or "Access Management: Minor Arterials, Collectors, and Local Streets".

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-197, 33.1-198, 33.1-198.1; Land Use Regulations (24 VAC 30-151), Access Management: Principal Arterial Highways (24 VAC 30-72), Access Management: Minor Arterials, Collectors, and Local Streets (24 VAC 30-73)

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment: Expanded regulations for Principal Arterial Highways were effective July 1, 2008, and for Minor Arterials, Collectors, and Local Streets effective October 14, 2009.

Traffic Signs, Signals, and Markings

STO.VDOT013

Traffic signs, signals, and markings placed or erected by local governments or placed by others under authority of the local government, to include placement on private roads open to public traffic, must conform in size, design, and color to those erected for the same purpose by the Department of Transportation as guided or required by the national standard, "Manual on Uniform Traffic Control Devices." In addition, local governments may elect to place traffic signs, signals and markings in accordance with the provisions of the "Virginia Supplement to the Manual on Uniform Traffic Control Devices" to further improve on uniformity and consistency with Virginia statutes. A county or town requesting that VDOT install signs on State maintained roads/streets providing for additional fines up to a maximum of $200 for exceeding the speed limit must provide supporting data that a speeding problem exists, that the increased penalty has community support and that the roadway meets the requirements established by the Commonwealth Transportation Board for installation of such signs.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§46.2-878.2, 46.2-1312; 24 VAC 30-310-10.

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period 4/1/2012 to 6/30/2012

Comment: Scheduled for FY12 assessment.

Maintenance and Construction Operations

STO.VDOT014

Local governments performing construction and maintenance operations on streets and highways in the State or allowing such work to be performed by others (utility companies, etc.) must comply with the guidelines and uniform traffic control contained in the Virginia Department of Transportation's "Work Area Protection Manual".

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 46.2-1312

Last Assessment Period: 4/1/2005 to 6/30/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Removal of Outdoor Advertising

STO.VDOT015

Local governments that remove, under local ordinances, lawfully erected and maintained outdoor advertising signs visible from interstate, federal-aid primary highways (as that system existed on June 1, 1991), or the national highway system must pay just compensation to the owners of the signs and the owners of the property for their removal.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-370 (E) and (F); 23 USC 131 (b) and (g) (Fed.); 23 CFR Part 750.705 (e) (Fed.)

Last Assessment Period: 9/1/2003 to 11/30/2003

Last Assessment Finding: Retain

Current Assessment Period

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005) for transportation enhancement activities that go beyond the normal elements of a transportation improvement project. Such activities must relate to the intermodal transportation system by function, proximity, or impact, and qualify under one of the twelve categories of eligibility. Local governments receiving funds for such activities are required to provide a 20% match and comply with various other federal laws and regulations.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: 23 USC 133(d)(2) (Fed.)

Last Assessment Period: 8/1/2005 to 10/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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. The ramps shall comply with the Virginia Department of Transportation's Road and Bridge Standards. Local option, variance, or waiver of these standards is prohibited. 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

Authority: 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: 5/1/2006 to 7/31/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-12; 23 CFR 650, Subpart C (Fed.); National Bridge Inspection Standards (Fed.)

Last Assessment Period: 8/1/2005 to 10/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-12 and 33.1-75.3

Last Assessment Period: 8/1/2005 to 10/31/2005

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Six-Year Secondary Improvement Plan

STO.VDOT023

The governing body of each county in the secondary highway system, in cooperation with a designated representative of the Department of Transportation, must adopt a six-year secondary road improvement plan. This plan must be officially updated at least once every two years.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-70.01

Last Assessment Period: 7/1/2005 to 6/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Annual Mileage Report

STO.VDOT025

Counties that maintain their own secondary streets (Arlington and Henrico Counties) are eligible to receive State financial assistance for maintenance, construction, or reconstruction of streets. The county must provide annual categorical reports of expenditures to the Commonwealth Transportation Board, certifying that none of the money received has been expended for anything other than maintenance, construction, or reconstruction of eligible streets, and report on their performance.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-23.5:1

Last Assessment Period: 4/1/2003 to 6/30/2003

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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

Authority: Code of Virginia §§ 33.1-409 et seq.

Last Assessment Period: 4/1/2002 to 6/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Highway Safety Improvement Program (HSIP) STO.VDOT029

The HSIP is a core Federal-aid funding program to achieve a significant reduction in traffic fatalities and serious injuries on all public roads based on analysis of safety problems and using strategies identified in the State highway safety plan.

Local governments advancing projects under the HSIP provide a 10 percent funding match. In addition, local governments administering projects approved under the HSIP are required to design and construct the improvements to federal and state standards. Those localities must also comply with various federal regulations concerning hiring consultants, personnel, recordkeeping, purchasing and other related financial matters.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: 23 USC 148 (Fed.); P.L. 109-59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005) (Fed.)

Last Assessment Period: 9/1/2002 to 11/30/2002

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Coordination of State and Local Transportation Planning STO.VDOT030

Local governments must submit comprehensive plans, plan amendments and rezoning proposals that substantially affect transportation on a state controlled highway to VDOT for review and comment. In addition, a traffic impact analysis must be prepared and submitted for most rezoning requests and small area plans for urban development areas or transit oriented developments.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 15.2-2222.1; 24 VAC 30-155

Last Assessment Period: 8/31/2009 to 10/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Load and Resistance Factor Bridge Design

STO.VDOT031

If federal funds will be used to construct a bridge, local governments must use American Association of State Highway and Transportation Officials (AASHTO) Load and Resistance Factor (LRFD) Bridge Design Specifications as well as any related LRFD Specifications or Guide Specifications for any bridge designs for which Preliminary Engineering is authorized after October 1, 2007.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Federal Highway Administration (FHWA) letter dated June 28, 2000, and FHWA memo dated January 22, 2007.

Last Assessment Period: 10/1/2009 to 12/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Vegetation Control for Outdoor Advertising Signs

STO.VDOT032

Local governments are prohibited from planting vegetation in front of outdoor advertising signs as part of a local beautification project. A sign owner may trim or relocate vegetation blocking the view of outdoor advertising signs whether or not the local government objects. The Commonwealth Transportation Commissioner must arbitrate disputes between the local government and the sign owner where disagreements arise. The Commissioner's decision is binding on both parties.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-371.1

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Maintenance and Repair of Nonconforming Signs

STO.VDOT033

Local governments are prohibited from setting more restrictive requirements for maintenance and repair of nonconforming outdoor advertising signs than those contained in state regulations (20 VAC 30-120-170). The Commonwealth Transportation Commissioner must arbitrate disputes between local government and sign owners over repair issues and render decisions binding on both parties.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 33.1-370.2

Last Assessment Period: 8/1/2008 to 10/31/2008

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Safe Routes to School Program

STO.VDOT035

The Department of Transportation receives funds under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005) for projects and programs that enable and encourage children to safely walk and bicycle to school. VDOT provides funding through a competitive grant program for eligible infrastructure projects that include sidewalk, traffic calming, crossing, traffic diversion, and bicycle facilities improvements within approximately two miles of schools. Grants are also available for programs may include public awareness campaigns, traffic enforcement, education, and training on bicycle and pedestrian safety. Local governments receiving grants must comply with VDOT design requirements, procurement rules, and various federal laws and regulations.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: SAFETEA-LU, 10-5-05, PL 109-59 Section 1440 (Fed.), Virginia's Safe Routes to School Program Guidelines and Application Instructions

Last Assessment Period: 8/31/2009 to 10/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Traffic Signal Photo Enforcement Program Policy

STO.VDOT036

Local governments implementing traffic signal photo enforcement programs must make a formal submission of their list of potential photo enforced intersections along with an engineering safety analysis to the Department of Transportation for approval before red light running cameras are implemented at any signalized intersection in the Commonwealth regardless of who owns or maintains the signal. In addition, localities must conduct public awareness programs and provide monthly evaluations and annual certifications of the photo enforcement system.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 15.2-968.1.

Last Assessment Period: 8/31/2009 to 10/31/2009

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Land Use Permits

STO.VDOT037

All occupation of state highway right of way, including occupation by utilities and other proprietary functions of localities, is to be under the authority granted by a land use permit issued in accordance with the Virginia Department of Transportation's Land Use Permit Regulations (24 VAC 30-151). The Land Use Permit Manual sets out the requirements that must be met in order to occupy state highway right of way. The locality must supply plans or other documents detailing the requested work. It must also certify that it has obtained all approvals (such as environmental clearances) required by law. Localities must pay permit charges for any work in connection with a proprietary function of the locality, and must maintain in their offices accurate as-built plans and profiles of utility work completed under permits.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-12; General Rules of the Commonwealth Transportation Board (24 VAC 30-21), Virginia Department of Transportation's Land Use Permit Regulations (24 VAC 30-151)

Last Assessment Period: 2/1/2011 to 4/30/2011

Last Assessment Finding: Retain

Current Assessment Period

Comment:

Removal of Illegal Signs from VDOT Right-of-way

STO.VDOT038

Localities may enter into agreements with VDOT for the purpose of enforcing the regulations regarding illegal signs that have been placed in public rights-of-way, including the removal of these signs. Localities shall retain removed signs for five days so that they may be reclaimed.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-375.1

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Public-Private Transportation Act (PPTA)

STO.VDOT039

Local governments that accept public-private transportation project proposals must comply with the Act, including the adoption of guidelines to establish the process for the acceptance and review of proposals. The Act also requires specific provisions within the agreements that are to be executed between the public and private entities.

Type: Regulation of Optional Activity

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 56-556 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Newly Identified.

Virginia Transporation Infrastructure Bank (VTIB) STO.VDOT040

Local governments can use VTIB funds to finance loans or provide other financial assistance for transportation projects, subject to project eligibility and credit criteria established by the Commonwealth Transportation Board.

Type: Non-Discretionary Condition of Aid

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia §§ 33.1-23.6 et seq.

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment:

Corridors of Statewide Significance STO.VDOT041

Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board, and written notification to affected local governments, each local government through which the corridors traverse shall note such on the transporation plan map component of its comprehensive plan. This can be accomplished during the next regular comprehensive plan review; however, the local governing body must must acknowledge the existence of corridors of statewide significance within its boundaries before the comprehensive plan review.

Type: Compulsory Order

Agency: **Department of Transportation**

Secretariat: Transportation

Authority: Code of Virginia § 15.2-2232

Last Assessment Period:

Last Assessment Finding:

Current Assessment Period

Comment: Newly Identified.

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: Non-Discretionary Condition of Aid

Agency: **Virginia Port Authority**

Secretariat: Transportation

Authority: Code of Virginia § 58.1-638; Virginia Port Authority Policy on Grants to Local Governments for Financial Assistance for Port Facilities

Last Assessment Period: 2/1/2006 to 4/30/2006

Last Assessment Finding: Retain

Current Assessment Period

Comment:

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.

Underground Utility Damage Prevention Act IND.SCC001

Local governments that operate utility systems and/or conduct excavation must comply with the Act. In the event of recurring violations of the Act by a locality, the SCC may request the locality to take corrective action, and potentially hold a hearing for the determination of violation, or suggesting further corrective action.

Type: Regulation of Optional Activity

Agency: **State Corporation Commission**

Authority: Code of Virginia § 56-265.32

Comment: Not subject to review: No executive agency oversight. Effective January 1, 2011.

Manner of Installing Underground Utility Lines IND.SCC002

Local governments that have the right to bury underground utility lines must install lines in accordance with accepted industry standards. The SCC is required to inform the localities of alleged violations of these standards by the localities.

Type: Regulation of Optional Activity

Agency: **State Corporation Commission**

Authority: Code of Virginia § 56-257

Comment: Not subject to review: No executive agency oversight.

Gas Pipeline Safety IND.SCC003

Local governments that operate natural gas systems are subject to the requirements of the federal Pipeline Safety Act. By agreement with US DOT, the Commission conducts pipeline safety inspections and submits the results to Pipeline and Hazardous Materials Administration ("PHMSA") for any follow up actions.

Type: Regulation of Optional Activity

Agency: **State Corporation Commission**

Authority: Code of Virginia § 56-257.2 (C); 49 U.S.C. §60101 et seq. (Pipeline Safety Act) (Fed.)

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 screening, education, treatment referral, and supervision 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**

Authority: Code of Virginia §§ 18.2-271.1, 18.2-271.2; Virginia Alcohol Safety Action Program Regulation 24 VAC 35-20-10 et seq.

Comment: Not subject to review: No executive agency oversight.

Governor's Opportunity Fund

IND.VEDP001

Local governments can apply for grants or loans to be used to attract economic development projects that meet statutory capital investment and job creation criteria. Funds may be used for infrastructure improvements, site acquisition, site preparation, building construction, training, or grants or loans to a public entity for the purpose of attracting economic developmetn prospects. Awards are subject to a performance agreement among the prospective company, the locality, and the locality's industrial or economic development authority, if it is a participant. A local match is likely to be required.

Type: Non-Discretionary Condition of Aid

Agency: **Virginia Economic Development Partnership**

Authority: Code of Virginia § 2.2-115

Comment: Not subject to review: No executive agency oversight.

Major Employment and Investment Project Site Planning Grant Fund

IND.VEDP002

Local governments can apply for grants to be used to assist in site development work for prospective major economic development projects in order to enhance a community's readiness to compete for such projects. Awards are made on a competitive basis, and are subject to a performance agreement between the local government and VEDP. A local match is required, and may be cash or in-kind.

Type: Non-Discretionary Condition of Aid

Agency: **Virginia Economic Development Partnership**

Authority: Code of Virginia § 2.2-2240.2; Item 96 (K), Chapter 890, 2011 Acts of Assembly.

Comment: Not subject to review. No executive agency oversight. Newly identified.

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. All school divisions are required enroll teachers in the Virginia Retirement System or a comparable local retirement system. Each county and city participating in the VRS shall provide the benefit coverage described in §51.1-138(B) to each deputy sheriff. Each regional jail board and regional jail authority participating in the VRS and each county and city participating in such board or authority shall provide the benefit coverage described in §51.1-138(B) to each sworn officer of a regional jail. The City of Danville shall provide to each deputy sheriff the benefit coverage described in §51.1-138(B).

Type: Compulsory Order

Agency: **Virginia Retirement System**

Authority: Code of Virginia §§ 51.1-132 through 51.1-135, 51.1-138, 51.1-800

Comment: Not subject to review: No executive agency oversight.

Line of Duty Act Benefits

IND.VRS002

Local governments with employees and volunteers subject to coverage under the Line of Duty Act must fund benefit payments to eligible participants and their families that result from deaths or disabilities incurred in the line of duty. By July 1, 2012, localities must choose to either: (1) fund these liabilities by joining and contributing to the Line of Duty Act Fund, or (2) opt-out as a non-participating employer and either self-insure or obtain insurance from a third party. The election to opt-out is irrevocable.

Type: Compulsory Order

Agency: **Virginia Retirement System**

Authority: Code of Virginia §§ 9.1-400 et. seq; Item 258, Chapter 890, 2011 Acts of Assembly.

Comment: Not subject to review: No executive agency oversight.

Virginia Workers' Compensation Act

IND.VWC001

Local governments must insure the payment of benefits to workers under the Virginia Workers' Compensation Act for injuries or occupational diseases that are the result of employment. Work-related injuries, accidents and diseases must be reported to the Virginia Workers Compensation Commission within 10 days.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Authority: Code of Virginia §§ 65.2-100 et seq.; Rules of the Workers' Compensation Commission; Regulations 16 VAC 30-30-10 et seq.; 16 VAC 30-80-10 et seq.; 16 VAC 30-91-10 et seq.

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**

Authority: Code of Virginia § 65.2-800

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. In cases where a claim is pending before the Criminal Injuries Compensation Fund, when an associated criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly notify the Commission. If a criminal prosecution occurs regarding the alleged crime, the attorney for the Commonwealth shall request the court to order restitution. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Authority: Code of Virginia § 19.2-368.17, 19.2-368.5(D)

Comment: Not subject to review: No executive agency oversight.

Issuance and Service of the Commission's Subpoenas

IND.VWC004

The clerk of any court of record shall, upon the application of any party in interest to a proceeding pending under Title 65.2, issue a subpoena for the attendance at such proceeding of any witness whose testimony is sought. The return of any subpoena so issued shall be made to the Commission. The county or city sheriff or town sergeant, and their respective deputies, shall serve subpoenas of the Commission or its deputies and shall receive the same fees as are now provided by law for like civil actions.

Type: Compulsory Order

Agency: **Virginia Workers' Compensation Commission**

Authority: Code of Virginia § 65.2-202(B), 65.2-202(C)

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**

Authority: Code of Virginia §§ 15.2-1656, 15.2-1638, 16.1-69.35, 16.1-69.50, 16.1-69.51:1, 16.1-234, 17.1-118, 17.1-212, 17.1-241, 17.1-246, 17.1-253, 19.2-48.1

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**

Authority: Code of Virginia § 19.2-163

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**

Authority: Code of Virginia § 17.1-619

Comment: Not subject to review: No executive agency oversight.

Drug Treatment Court Programs

JUD.SUPCT006

Localities that intend to establish a drug treatment court or continue the operation of an existing drug treatment court are required to establish an advisory committee for the courts. No locality may establish a drug treatment court subsequent to March 1, 2004 without specific statutory authorization.

Type: Non-Discretionary Condition of Aid

Agency: **Supreme Court**

Authority: Code of Virginia § 18.2-254.1 (Drug Treatment Court Act)

Comment: Not subject to review: No executive agency oversight.

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**

Authority: Code of Virginia § 15.2-2510

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**

Authority: Code of Virginia § 15.2-2511

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: 24 CFR 91 (Fed.)

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: **No State Oversight**

Authority: Code of Virginia § 46.2-1001

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: Department of Transportation Regulation 24 VAC 30-80-10 et seq.

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: **No State Oversight**

Authority: Code of Virginia § 54.1-410

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: **No State Oversight**

Authority: Code of Virginia § 15.2-2210

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: **No State Oversight**

Authority: Code of Virginia §§ 15.2-2223 et seq.

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: **No State Oversight**

Authority: Code of Virginia § 15.2-2240 et seq.

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: **No State Oversight**

Authority: Code of Virginia § 15.2-2308

Comment: Not subject to review: No State oversight.

Affordable Housing Promotion NSO.010

Local governments must include within their comprehensive plan, an element to provide for the construction, rehabilitation 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: **No State Oversight**

Authority: Code of Virginia § 15.2-2223

Comment: Not subject to review: No State oversight.

Local Government Personnel Procedures NSO.011

Local governments having more than fifteen employees must adopt a personnel classification plan for service and a uniform pay plan. They 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 clerk of the circuit court having jurisdiction in the locality in which the procedure is to apply. Local governments must publicly announce any severance benefits provided to any departing appointed official, and must provide written benefit information to certain employees.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 15.2-1506, 15.2-1507, 15.2-1507.1, 15.2-1510.1, 15.2-1511.1

Comment: Not subject to review: No State oversight.

Federal Anti-Discrimination Policy NSO.014

Local governments must comply with federal anti-discrimination policy. Employment discrimination against any person under any local program or activity receiving federal assistance is prohibited.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: P.L. 88-352 (Civil Rights Act of 1964); P.L. 90-202; P.L. 92-318; P.L. 97-424 (Fed.)

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: **No State Oversight**

Authority: Code of Virginia § 15.2-1605

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: **No State Oversight**

Authority: Code of Virginia § 44-204

Comment: Not subject to review: No State oversight.

Uniform Fiscal Year

NSO.017

Local governments and school divisions must use a uniform fiscal year that begins on July 1 and ends on June 30.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2500

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: **No State Oversight**

Authority: Code of Virginia §§ 15.2-2503 et seq., 22.1-93

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: **No State Oversight**

Authority: Code of Virginia §§ 2.2-4300 et seq.

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: **No State Oversight**

Authority: Code of Virginia §§ 58.1-3330 et seq.

Comment: Not subject to review: No State oversight.

Contractors License Required for Building Permit NSO.021

Localities are required to ascertain that contractors hold valid State contractors licenses prior to issuing building permits.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 54.1-1111

Comment: Not subject to review: No State oversight. Previously also included provisions of NSO.116.

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P.L.(Violent Crime Control and Law Enforcement Act of 1994) (Fed.)

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: **No State Oversight**

Authority: P.L. 103-3 (Family and Medical Leave Act) (Fed.)

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 101-121 (Fed.); 15 CFR 28 (Fed.)

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 101-625 (Title IV, Subtitle B) (Fed.)

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: **No State Oversight**

Authority: P.L. 97-35 (Omnibus Budget Reconciliation Act of 1981) (Fed.)

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: **No State Oversight**

Authority: P.L. 79-396 (Fed.); 7 CFR 225 (Fed.)

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 predominant physical aggressor in cases of family violence, unless special circumstances would dictate a course of action other than an arrest. The officer shall file a written report including arrest information and any incident in which the officer has probable cause to believe family abuse has occurred, and if no arrest occurred, a statement regarding the special circumstances that would dictate why no arrest occurred. Unless the person arrested is a minor, officers are required to pursue an emergency protective order. Upon request, officers are required to assist victims of family abuse with transportation to a hospital, safe shelter, or magistrate.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 19.2-81.3

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 misconduct by law enforcement officers.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 9.1-600

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: 49 USC 5333 (b) (Federal Transit Act of 1964, as amended) (Fed.)

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: Office of Management and Budget Circular A-133 (Fed.)

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 94-135; 95-478

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: **No State Oversight**

Authority: P. L. 90-202; P. L. 93-259; P. L. 99-592

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 90-480

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 balance the needs of the homeless against the economic and redevelopment needs of the community.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: P. L. 103-421

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: **No State Oversight**

Authority: P. L. 98-549

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: **No State Oversight**

Authority: 42 USC 1786

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 90-284

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 100-259

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: **No State Oversight**

Authority: P. L. 91-604; P. L. 95-95

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: **No State Oversight**

Authority: P. L. 92-500; P. L. 95-217; P. L. 96-88; P. L. 100-1

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: **No State Oversight**

Authority: P. L. 99-509

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 74-403

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 drug-free school policy.

Type: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 101-226

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 100-690

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 92-318

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: **No State Oversight**

Authority: 20 USC 1400 et seq.

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: **No State Oversight**

Authority: P. L. 93-205

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: **No State Oversight**

Authority: P. L. 98-377

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: **No State Oversight**

Authority: P. L. 92-261

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: **No State Oversight**

Authority: P. L. 100-430

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: **No State Oversight**

Authority: P. L. 75-718; 93-259

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: **No State Oversight**

Authority: P. L. 92-500; P. L. 95-217; P. L. 100-4

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 93-234

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: **No State Oversight**

Authority: P. L. 99-198

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: **No State Oversight**

Authority: P. L. 97-35

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: **No State Oversight**

Authority: P. L. 104-88

Comment: Not subject to review: No State oversight.

Immigration Status 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 federal, state, and local programs, and in certain instances, deny such benefits. 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: **No State Oversight**

Authority: P. L. 99-603 (Immigration Reform and Control Act of 1986), P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), P.L. 104-208 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

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: **No State Oversight**

Authority: P. L. 102-586

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: **No State Oversight**

Authority: P. L. 100-572

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 103-382

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: **No State Oversight**

Authority: P. L. 75-308

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 91-190; 94-52; 94-83

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 89-665

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: **No State Oversight**

Authority: P. L. 100-688

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: **No State Oversight**

Authority: P. L. 101-433

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: **No State Oversight**

Authority: P. L. 101-508

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: **No State Oversight**

Authority: P. L. 102-321

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 93-112

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 102-550

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: **No State Oversight**

Authority: P. L. 98-21

Comment: Not subject to review: No State oversight.

Uniformed Services Employment and Reemployment Rights Act (USERRA) 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: **No State Oversight**

Authority: P. L. 101-353

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: **No State Oversight**

Authority: P. L. 100-77

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: **No State Oversight**

Authority: P. L. 99-514

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 91-646

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: P. L. 88-365

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: **No State Oversight**

Authority: P. L. 89-110; 97-205; 102-344

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: **No State Oversight**

Authority: P. L. 100-4

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: Non-Discretionary Condition of Aid

Agency: **No State Oversight**

Authority: Water Resources Development Act of 1986

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: **No State Oversight**

Authority: P. L. 104-191

Comment: Not subject to review: No State oversight.

Equal Educational Opportunities Act of 1974 NSO.082

Requires local governments to operate educational programs in a manner that does not deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: 20 USC Sec. 1703

Comment: Not subject to review: No State oversight.

Road and Transportation Improvements Map NSO.083

Local governments must include in their comprehensive plans a map showing road improvements and transportation improvements, including the cost estimates of such road and transportation improvements as available from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2223

Comment: Not subject to review: No State oversight.

Cluster Zoning

NSO.084

Certain local governments that enact zoning ordinances must include therein provisions requiring clustering of single-family dwellings to preserve open space. This requirement applies to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirement does not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2286.1

Comment: Not subject to review: No State oversight.

Urban Development Areas

NSO.085

Certain local governments shall include, in their comprehensive plans, one or more urban development areas appropriate for higher density development due to proximity to transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town, or other developed area. This requirement applies to any locality that (i) has a population of at least 20,000 and population growth of at least 5% or (ii) has population growth of 15% or more between the next to latest and the latest decennial census year.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2223.1(B)

Comment: Not subject to review: No State oversight.

Principles of New Urbanism and Traditional Neighborhood Development

NSO.086

In urban development areas designated in their comprehensive plans, local governments must incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2223.1(B)(6)

Comment: Not subject to review: No State oversight.

Eligibility of Virginians Applying for Medicaid Benefits

NSO.087

Local departments of social services are responsible for determining eligibility for Virginians applying for Medicaid benefits, and must obtain documentary evidence of citizenship and identity from applicants.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Deficit Reduction Act of 2005 (Fed.)

Comment: Not subject to review: No State oversight.

Fraud, Waste, and Abuse Hotline

NSO.088

Any fraud, waste, and abuse auditor appointed by the governing body of certain localities shall be responsible for administering a telephone hotline, and a website, if cost-effective, through which employees and residents of the locality may report anonymously any incidence of fraud, waste, and abuse within the local government. This applies to localities with a population of at least 10,000, or any town constituting a separate school division regardless of its population.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2511.2

Comment: Not subject to review: No State oversight.

State Agency Review of Preliminary Plats

NSO.089

If approval of a feature or features of a preliminary plat by a state agency is necessary, the local planning commission or subdivision agent shall forward the preliminary plat to the appropriate state agency or agencies for review within ten business days of receipt of such preliminary plat.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2260

Comment: Not subject to review: No State oversight.

Displacement of Private Waste Companies

NSO.090

Localities that provide solid waste collection service in areas already served by private companies must first hold a public hearing and make certain written findings. Localities must then either delay implementation of collection service for five years or pay displaced companies an amount equal to twelve months of the companies' gross receipts derived from the area where private service is being displaced.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-934

Comment: Not subject to review: No State oversight.

Capital Improvement Programs

NSO.091

Local planning commissions that prepare capital improvement programs must include estimates of the cost of the facilities and life-cycle costs, including any road and transportation improvements and the means of financing them, proposed to be undertaken in the ensuing fiscal year and in the following four years.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2239

Comment: Not subject to review: No State oversight.

Dog Licenses

NSO.092

County and city governments shall impose a license tax on the ownership of dogs within their jurisdiction.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 3.2-6524 et seq.

Comment: Not subject to review: No State oversight.

Classification & Taxation of Commercial & Industrial Real Property for Transportation Improvements

NSO.093

Counties and cities within the boundaries of the Northern Virginia Transportation Authority and the Hampton Roads Metropolitan Planning Area may tax certain commercial and industrial real property at a higher rate to generate revenue for transportation improvements. The properties may be within the locality at large or within a special regional transportation district. Local assessors must separately classify real property subject to the tax. The tax must be imposed annually. All revenues generated thereby must be used for transportation projects that benefit the locality or the regional transportation district.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 58.1-3221.3, 58.1-2606

Comment: Not subject to review: No State oversight.

Road Impact Fees

NSO.094

Localities that have adopted zoning and (i) have a population of at least 20,000 and a growth rate of at least 5% or (ii) have a growth rate of 15% or more may establish impact fee service areas and impose impact fees on new development within the areas. The locality must establish an impact fee advisory committee composed of a certain membership to advise the locality prior to adopting an ordinance establishing the areas within its comprehensive plan. After conducting the requisite analysis, the locality must adopt a road improvements plan into its comprehensive plan and capital improvements program, and six-year program if applicable. The locality must update the analysis at least once every two years. The enabling ordinance must set forth a schedule of impact fees. All impact fees collected with a service area shall only be expended for road improvements benefiting that service area. The amount of impact fees for a specific development shall be determined at the time of site plan or subdivision approval, and shall be collected at the time of building permit issuance.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2317 et seq.

Comment: Not subject to review: No State oversight.

General Impact Fees

NSO.095

Localities that have established an urban transportation service district may impose impact fees on by-right residential subdivisions outside such districts, but only if the subject parcel is currently zoned agricultural. Impact fees collected shall only be used for public facilities impacted by residential development. Any cash or in-kind proffers collected shall be a credit against the impact fees. The locality's comprehensive plan must include methodologies for computing impact fees and credits. To take advantage of this authority, localities must establish an urban transportation service district and adopt an impact fee ordinance by December 31, 2008.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2328 et seq.

Comment: Not subject to review: No State oversight.

Urban Transportation Service Districts (UTSDs) NSO.096

Counties with populations over 90,000 that do not maintain their own roads may establish urban transportation service districts upon agreement between the locality and the Commonwealth Transportation Board. Such counties must take over maintenance of roads within the districts, but will receive per lane-mile maintenance payments from VDOT equal to those made to cities and towns. Density in UTSDs must be one residential unit per gross acre or greater. Counties with UTSDs may impose an additional real estate tax to pay for road improvements within the UTSD.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2403 et seq.

Comment: Not subject to review: No State oversight.

Americans with Disabilities Act NSO.097

Local governments must not discriminate against disabled persons in employment and services, or in the operation of public transportation programs. Buildings and facilities constructed or altered by local governments must be designed in compliance with federal standards to ensure that they are accessible and usable by people with disabilities.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: P.L. 101-336, 42 USC 12101 et seq. (Fed.)

Comment: Not subject to review: No State oversight.

Housing Loans and Grants NSO.098

Localities that make loans or grants to individuals for the purpose of rehabilitating or purchasing owner-occupied residences in conservation or rehabilitation districts must publish annual reports listing the properties purchased or rehabilitated and the amounts of any loans or grants made. Ordinances enabling such programs must apply the income guidelines issued by the Virginia Housing Development Authority in determining eligibility for assistance. Localities must offer financial institutions the opportunity to participate in loan programs.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-958

Comment: Not subject to review. No state oversight.

Allowances to Injured Deputy Sheriffs NSO.099

Any deputy sheriff who suffers injury as defined in Title 65.2 and who receives an allowance from the employing locality that is less than 100 percent of the deputy's regular compensation, is entitled to use any accrued vacation, compensatory, or sick leave to supplement the allowance up to 100 percent of regular compensation. The locality must continue pay the employer's share of the cost of health insurance for the deputy for as long as the deputy remains employed by the locality.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-1511.01

Comment: Not subject to review. No state oversight.

Land Use Adjacent to Certain Jet Bases

NSO.100

Any locality in which a U.S. Navy Master Jet Base, or auxiliary landing field used in connection with flights from such jet base, is located shall adopt zoning ordinances that require certain actions to mitigate land use conflicts and noise nuisances [currently applies only to the City of Virginia Beach].

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 2.2-2666.3; 2006 Acts of Assembly, Chapter 266

Comment: Not subject to review. No state oversight.

Municipal Permits for Overweight and Oversize Vehicles

NSO.101

Cities and towns must issue, without cost, permits authorizing overweight and oversize vehicles hauling certain products and comprising certain equipment to operate on their roads. These include Virginia-grown produce; specialized mobile equipment; pipecleaning, hydroexcavating, and waterblasting equipment; concrete; coal; excavated material; and other products and equipment such as articulated buses and empty coal-hauling equipment.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 46.2-1142, 46.2-1143, 46.2-1143.1, 46.2-1146, 46.2-1147, 46.2-1148, 46.2-1149, 46.2-1149.4, 46.2-1149.5

Comment: Not subject to review. No state oversight.

Fair and Accurate Credit Transactions Act of 2003 (FACT)

NSO.102

Local governments that bill customers for services already used, such as water, sewer, or gas services, are considered creditors under federal law and must implement federal policies to prevent identity theft. Creditors must develop a written program that identifies and detects the relevant warning signs ("red flags") of identity theft.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Fair and Accurate Credit Transactions Act of 2003, §§ 114 and 315; 16 CFR 681 (Fed.)

Comment: Not subject to review. No state oversight.

Manufactured Homes, Zoning Ordinances

NSO.103

Localities with Zoning ordinances must treat manufactured housing in agricultural districts or districts having similar classifications in the same manner as traditional site-built housing, with respect to development standards, so long as the unit is placed on a permanent foundation and on individual lots.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2290

Comment: Not subject to review: No State oversight.

Group Homes, Zoning Ordinances

NSO.104

Zoning ordinances shall consider a residential facility or group home, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, as a residential occupancy by a single family.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2291 (A)

Comment: Not subject to review: No State oversight.

Assisted Living Facilities, Zoning Ordinances

NSO.105

Zoning ordinances shall consider a residential facility or group home, licensed by the Department of Social Services, in which no more than eight aged, infirm, or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2291 (B)

Comment: Not subject to review: No state oversight. Previously applicable to a select group of localities, this mandate was expanded statewide by Chapters 796 and 847, 2010 Virginia Acts of Assembly.

Family Day Homes, Zoning Ordinances

NSO.106

Zoning ordinances shall consider a family day home (in-home child care) for up to five children, exclusive of the provider's own children and any who reside in the home, as residential occupancy by a single family. This is not applicable to Arlington and Fairfax Counties, and the Cities of Alexandria, Fairfax, and Falls Church.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2292

Comment: Not subject to review: No State oversight.

Temporary Family Healthcare Structures, Zoning Ordinances

NSO.107

Zoning ordinances shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2292.1

Comment: Not subject to review: No State oversight.

Cash Proffers, Temporary Restriction on Collection

NSO.108

Provides that cash proffers for residential construction, on a per-dwelling unit or per-home basis, shall not be collected or accepted by any locality until after completion of the final inspection and prior to the issuance of a certificate of occupancy, regardless of the language included within the proffer. This provision will expire on July 1, 2014.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: 2010 Virginia Acts of Assembly, Chapter 549.

Comment: Not subject to review: No State oversight.

Transfer of Development Rights

NSO.109

Any locality may establish procedures, methods, and standards for the transfer of development rights. In order to implement the provisions of this act, a locality shall adopt an ordinance that provides for the specific requirements for recordation, monitoring ownership, assessing the appropriate infrastructure needs of the receiving property, and the perpetual preservation of the sending property.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 15.2-2316.1 et seq.

Comment: Not subject to review: No State oversight.

Penalties for Pollutants in Public Sewer Systems

NSO.110

A locality may adopt an ordinance, establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. The locality must provide for notice, hearing, and appeal of such penalties. Such civil penalties may not be more than $100 for the initial summons and not more than $150 for each additional summons and not more than a total of $3,000 for a series of specified violations.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 15.2-2122 (10)

Comment: Not subject to review: No State oversight.

Wireless Telecommunication Antenna Sites

NSO.111

Local governments must act upon zoning applications for a wireless telecommunication antenna site within 150 days for a new tower site, or within 90 days for a co-located antenna. Additionally, a locality cannot deny an application solely because wireless service is already available from another provider.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: 47 USC 332 (c)(7)(B) (Telecommunications Act of 1996)(Fed.); 24 FCC Rcd 13994.

Comment: Not subject to review: No State oversight.

Personal Property Taxation of Servicemembers and their Spouses NSO.112

Local governments must consider members of the Armed Services, and their spouses to be residents of their home jurisdiction for personal property taxation purposes, so long as the member is living within the jurisdiction solely for military purposes.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: P. L. 108-189 (Servicemembers Civil Relief Act); P. L. 111-97 (Military Spouses Residency Relief Act) (Fed.)

Comment: Not subject to review: No State oversight.

Virginia Freedom of Information Act NSO.114

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: **No State Oversight**

Authority: Code of Virginia §§ 2.2-3700 et seq.

Comment: Not subject to review: No executive agency oversight. Previously catalogued as JUD.SUPCT004.

Locality to Provide Office Space for Certain Officials NSO.115

The governing body of each county and city shall, if there are offices in the courthouse of the respective counties and cities available for such purposes, provide offices for the treasurer, Commonwealth's Attorney, sheriff, commissioner of the revenue, commissioner of accounts, and school division superintendent.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-1639

Comment:

Professional License Required for Business License NSO.116

Localities are required to acertain that contractors, architects, and professional engineers hold valid State licenses prior to issuing business licenses.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 54.1-410.1 and 54.1-1111

Comment: Previously catalogued as part of NSO.021.

Notification of Zoning Administrator's Actions

NSO.117

A property owner must be provided written notice within ten days of the locality receiving a request for the zoning administrator's (or other administrative officer's) writen order, requirement, decision or determination, in situations where the requestor is not the property owner. Notification may be provided by the locality, or by the requestor, with proof of notification to the locality. Should the response from the zoning administrator result in an appeal to the Board of Zoning Appeals or the governing body, the appeal shall only be binding if the property owner was notified.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 15.2-2204, 15.2-2301, and 15.2-2311

Comment:

Agricultural and Forestal Districts

NSO.118

Localities that have enacted an Agricultural and Forestal District ordinance must adhere to the prescribed application and review procedure, including appointing a program administrator to administer the program as well as an advisory committee that is responsible for making recommendations to the local Planning Commission. Under specified circumstances, the local governing body may designate the Planning Commission to act for and in lieu of an advisory committee.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 15.2-4300 et seq.

Comment: Newly identified.

Return of Property Acquired through Eminent Domain

NSO.119

If a property is acquired in fee simple through eminent domain proceedings, and is subsequently not needed, or if construction of improvements has not commenced within 20 years, then the property must be offered for sale to the previous owners at the price paid by the condemnor plus six percent interest, provided that the condemnor may increase the price by the fair market value of any improvements made by the condemnor. This is not applicable to properties acquired for transportation projects or to other transactions, including those initiated by local governments, that were commenced prior to July 1, 2011.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia, §§ 25.1-100 et seq.

Comment:

Tourism Zones

NSO.120

One-percent of state sales tax revenue generated by a qualifying tourism project within a tourism zone may be returned to the locality for the purpose of providing gap financing for such tourism project, provided that the locality passes an ordinance adopting a tourism plan; identifies an appropriate tourism project by ordinance; and, by ordinance, directs one-percent of the local sales generated on the premises to the same purpose.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 58.1-3851 et seq.

Comment: Newly Identified.

Public-Private Education Facilities and Infrastructure Act of 2002 NSO.121

Local governments that accept public-private capital project proposals must comply with the Act, including the adoption of reasonable guidelines that encourage competition and guide the selection process. In addition, whenever a local government rejects a proposal that purports to produce specific cost savings, the local government must specify the basis for the rejection.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia §§ 56-575.1 et seq.

Comment: Newly Identified.

Location, Character, and Extent of Public Facilities NSO.122

No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility may be constructed, established, or authorized until the planning commission has determined that such facility's location, character, and extent are in substantial accord with the adopted comprehensive plan. The planning commission may, and must, if requested by the local governing body, hold a public hearing in conjunction with such determination. Further, the local governing body may overrule the commission's determination. Exceptions to this review requirement are provided for railroads, underground electric and natural gas distribution, certain components of subdivision and site plans, and when such facility is shown on an adopted master plan or accepted through a proffered condition made pursuant to § 15.2-2303.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2232

Comment: Newly Identified.

Stormwater Utility NSO.123

Any locality, or two or more localities cooperatively, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program. Income derived from such shall be dedicated special revenue, may not exceed the actual costs incurred by the locality, and may only be used to pay for the specified activities of the stormwater utility. The charges assessed may be billed to property owners or occupants, and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Additionally, waivers of the fees are required or optional under specified circumstances.

Type: Regulation of Optional Activity

Agency: **No State Oversight**

Authority: Code of Virginia § 15.2-2114

Comment: Newly Identified.

Compensation for Livestock and Poultry Killed by Canines

NSO.124

Owners of livestock or poultry killed or injured by a dog, hybrid canine, wolf, or coyote, shall be entitled to up to $400 per animal or $10 per fowl provided that (i) the canines and livestock do not have the same owner; (2) evidence is provided within 60 days showing the quantity and value of the livestock, and why it is believed a canine caused the death or injury; (3) the animal control officer or other officer has been notified within 72 hours of the discovery; and (4) the claimant has exhausted his legal remedies against the canine owner, if known. The locality may waive the 72 hour notification and legal exhaustion requirements by ordinance, provided the ordinance instead requires an animal control investigation that supports such claim.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 3.2-6553, 3.2-6581, 3.2-6584

Comment: Newly Identified.

Overtime Compensation for Law-Enforcement and Fire Protection Employees

NSO.125

Law-enforcement and fire protection employees shall be required to be paid overtime compensation or leave for all hours of work between the maximum permitted under the Fair Labor Standards Act and the hours for which the employee recieves his salary, or if paid on an hourly basis, the hours for which the employee recieves hourly compensation. Further, for the purpose of determining entitlement to overtime compensation, all hours in which an employee works or is in a paid status shall be counted as hours of work, meaning annual leave or sick leave that are used would be counted toward worked hours. Employers with fewer than 100 law-enforcement employees are exempt.

Type: Compulsory Order

Agency: **No State Oversight**

Authority: Code of Virginia §§ 9.1-700 and 9.1-701

Comment: Newly Identified.

Appendices

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Appendix A

Executive Order 58 (2007)

Establishment of Procedures for Agency Assessment of Mandates on Local Government

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COMMONWEALTH OF VIRGINIA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER 58 (2007)

Establishment of Policies and Procedures for Agency Assessment of Mandates on Local Government

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-613 and 15.2-2903(6) of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures by which the executive agencies of the Commonwealth shall critically assess and periodically reassess all mandates imposed on localities administered by such agencies. Unnecessary, redundant and conflicting mandates imposed on localities siphon local governments' limited resources thereby contributing to fiscal stress and hardship and detracting from other needs and priorities. Thus, the purpose of the mandate assessment process is to determine 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.

A. Mandates Defined

1. 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.

2. Mandates placing requirements on local governments shall be classified as compulsory orders, non-discretionary conditions of aid, regulation of optional activities, or state fiscal preemption. These classifications shall be defined as follows:

(a) Compulsory Orders are measures or actions that impose requirements with which localities must comply in the performance of their prescribed responsibilities.

(b) Non-Discretionary Conditions of Aid are requirements which are imposed as a condition of receiving state and/or federal financial aid for which localities are obligated or encouraged to apply.

(c) Regulation of Optional Activities are measures imposing state and/or federal government requirements relative to the performance of activities that are not mandated but are subject to such regulation if performed.

(d) State fiscal preemption is a measure or action that results in a net reduction of revenues collected by a locality or restricts a locality's authority to collect such revenues.

B. 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 2.2-613 and Section 15.2-2903(6) of the *Code of Virginia* shall be conducted consistent with the standardized assessment form adopted by the Commission on Local Government.

(b) During the mandate assessment process, agencies should solicit fiscal impact data and evaluative comment from affected local governments and indicate on the assessment form the localities providing the data or that no data was provided.

(c) Agencies shall initiate, conduct and complete the assessment of all mandates within the scheduled assessment periods established by the Commission on Local Government pursuant to the provisions of this Executive Order.

(d) Agencies shall submit their assessments, including any recommendations regarding the alteration or elimination of mandates, to the appropriate Cabinet Secretary for endorsement or amendment.

(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 five business days after the conclusion 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 Commerce and Trade, the Clerks of the House of Delegates and Senate, the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML) and to other interested parties upon request.

2. Annual Specification of Scheduled Assessment Periods

(a) Each year at such time as the Commission on Local Government shall designate, agencies shall submit to the Commission a proposed schedule establishing specific dates for the assessment periods for new or newly identified mandates, as specified in Section 4 of this Executive Order, or for the reassessment of existing mandates as may be appropriate pursuant to Section 5 of this Executive Order.

(b) The Commission on Local Government shall 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 the adopted schedule for assessment periods to the Secretary of Commerce and Trade and the Governor for their review and approval.

(d) Subsequent to approval by the Secretary of Commerce and Trade and the Governor, the Commission on Local Government shall forward copies of the schedule for assessment periods to the affected agencies.

(e) Subsequent to approval by the Secretary of Commerce and Trade and the Governor, the Commission on Local

Government shall file copies of the schedule for assessment periods and any modifications thereof with the Clerks of the House of Delegates and the Senate. The Commission shall also file copies of the schedule and any modifications with VACo and VML and with the Registrar of Regulations for appropriate publication in The Virginia Register.

3. Modification of Scheduled Assessment Periods

(a) With due notice and sufficient cause, approved agency assessment periods may be subsequently modified by the Commission on Local Government upon its own initiative or upon the request of the administering agency, affected local governments, VACo or VML.

(b) All modifications to agency assessment periods approved by the Commission on Local Government shall be subject to the approval of the Secretary of Commerce and Trade.

4. New and Newly Identified Mandates

(a) The Commission on Local Government shall endeavor to identify for inclusion in the next annual catalog of state and federal mandates, as prescribed by Section 15.2-2903(7) of the *Code of Virginia*, all mandates on local government not previously cataloged.

(b) Executive agencies are directed to assist the Commission on Local Government in identifying new mandates which they will administer as well as mandates not previously identified which they are currently administering.

(c) Executive agencies administering such mandates shall be responsible for their assessment consistent with the relevant sections of this Executive Order.

(d) No mandate shall be subject to assessment by any agency until it has been in effect for a minimum of two years.

5. Reassessment of Mandates

(a) No mandate that has been assessed or reassessed by any agency through the assessment period concluding in April 2007 shall again be subject to reassessment unless such reassessment is requested by the Commission on Local Government after the Commission has duly considered input

from local governments, state agencies, interest groups and the public.

(b) No mandate shall be subject to reassessment more than once every four years unless such mandate has been so substantially modified as to create a new mandate. Any mandate so modified shall not be subject to assessment by any agency until it has been in effect in its modified form for a minimum of two years.

(c) All reassessments of mandates shall be scheduled and conducted consistent with the relevant sections of this Executive Order.

This Executive Order rescinds Executive Memorandum 1-98 issued on October 29, 1998.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of October, 2007.

Timothy M. Kaine, Governor

Attest:

Secretary of the Commonwealth

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Appendix B

Schedule of Assessment Periods for the Executive Agency Assessment of Cataloged Mandates

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Schedule for the Assessment of State and Federal Mandates on Local Governments

Pursuant to the provisions of Sections 2.2-613 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Commerce and Trade and Governor McDonnell, represents the timetable that the listed executive agencies will follow in conducting their assessments of certain State and federal mandates that they administer on local governments. Such mandates are either new (in effect for at least 24 months) or newly identified. In conducting these assessments, agencies will follow the process established by EXECUTIVE ORDER 58 which became effective October 11, 2007. These mandates are abstracted in the CATALOG OF STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS published by the Commission on Local Government.

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS

Approved Schedule of Assessment Periods – July 2011 through June 2012
For Executive Agency Assessment of Cataloged Mandates

AGENCY Mandate Short Title		CATALOG NUMBER		ASSESSMENT PERIOD
AGRICULTURE & CONSUMER SERVICES, DEPARTMENT OF				
Inspection of Commercial Dog Breeding Locations		SAF.VDACS010		8/1/11 to 10/31/11
CONSERVATION & RECREATION, DEPARTMENT OF				
Dam Safety, Flood Prevention and Protection Assistance Fund		SNR.DCR003		10/1/11 to 12/31/11
Dam Safety and Flood Prevention Planning		SNR.DCR020		10/1/11 to 12/31/11
CRIMINAL JUSTICE SERVICES, DEPARTMENT OF				
Domestic and Sexual Assault Policies		SPS.DCJS030		8/1/11 to 10/31/11
EDUCATION, DEPARTMENT OF				
Felony/Child Abuse/Molestation/Crime of Moral Turpitude Offense Certification Required		SOE.DOE003		7/1/11 to 8/31/11
School Board Background Checks for Employees and Contractors		SOE.DOE006		8/1/11 to 9/30/11
Required Local Funding Effort for School Division		SOE.DOE095		9/1/11 to 10/31/11
Planning Time for Elementary School Teachers		SOE.DOE127		10/1/11 to 11/30/11
EMERGENCY MANAGEMENT, DEPARTMENT OF				

Appoint Local Emergency Management Director		SPS.VDEM001		4/1/12 to 6/30/12
ENVIRONMENTAL QUALITY, DEPARTMENT OF				
Sewage Collection and Treatment Regulation		SNR.DEQ035		8/1/11 to 10/31/11
GAME AND INLAND FISHERIES, DEPARTMENT OF				
Restrictions on Feeding Waterfowl		SNR.DGIF007		9/1/11 to 11/30/11
HOUSING & COMMUNITY DEVELOPMENT, DEPT. OF				
Disclosure of Proffered Cash Payments and Expenditures		SCT.DHCD018		7/1/11 to 9/30/11
LIBRARY OF VIRGINIA				
Protection from Identity Theft		SOE.LVA007		3/1/12 to 5/31/12
SOCIAL SERVICES, DEPARTMENT OF				
Foster Care Services		SHHR.DSS032		9/1/11 to 10/31/11
TRANSPORTATION, DEPARTMENT OF				
Subdivision Street Development Control		STO.VDOT009		4/1/12 to 6/30/12
Traffic Signs, Signals, and Markings		STO.VDOT013		4/1/12 to 6/30/12

Appendix C

Changes in Mandates Since Issuance of the 2010 Catalog of State and Federal Mandates on Local Governments

Appendix C: Changes in Mandates Since Issuance of the 2010 Catalog of State and Federal Mandates on Local Governments

Appendix C offers a condensed listing 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 2011 edition of the catalog.

Except those mandates that were eliminated since the publication of the 2010 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 citation 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 2010 Edition of the Catalog

	Code Number	Page Number
NEW MANDATES		
Juvenile Justice, Department of		
Social Services Collaboration in Transition Planning for the Release of Certain Juveniles	SPS.DJJ010	145
Marine Resources Commission		
Comprehensive Plan to Include Coastal Resource Management	SNR.MRC003	85
Mines, Minerals and Energy, Department of		
Renewable Energy Generation Facility Ordinances	SCT.DMME003	18
Taxation, Department of		
Real Property Tax Exemption for Disabled Veterans	SFIN.TAX013	25
Tax Exemption for Certified Pollution Control Equipment and Facilities	SFIN.TAX014	25
Transportation, Department of		
Virginia Transportation Infrastructure Bank	STO.VDOT040	180
No Executive Agency Oversight		
Retirement System, Virginia		
Line of Duty Act Benefits	IND.VRS002	185
No State Oversight		
Professional License Required for Business License*	NSO.116	211
Notification of Zoning Administrator's Actions	NSO.117	212
Return of Property Acquired through Eminent Domain	NSO.119	212

* see Other Changes, NSO.021 for additional background

NEWLY IDENTIFIED MANDATES		
Criminal Justice Services, Department of		
Residential Substance Abuse Treatment Program	SPS.DCJS031	139
Education, Department of		
College and Career Preparation Planning and Programs	SOE.DOE138	128
Health, Department of		
Disposition of Dead Bodies	SHHR.VDH030	63

	Code Number	Page Number
Housing & Community Development, Department of		
Virginia Defective Drywall Correction and Restoration Assistance Fund	SCT.DHCD020	17
Social Services, Department of		
Social Worker Degree Requirements	SHHR.DSS074	53
Transportation, Department of		
Public-Private Transportation Act (PPTA)	STO.VDOT039	179
Corridors of Statewide Significance	STO.VDOT041	180
No Executive Agency Oversight		
Economic Development Partnership, Virginia		
Major Employment and Investment Project Site Planning Grant Fund	IND.VEDP002	184
No State Oversight		
Agricultural and Forestal Districts	NSO.118	212
Tourism Zones	NSO.120	212
Public-Private Education Facilities and Infrastructure Act of 2002	NSO.121	213
Location, Character, and Extent of Public Facilities	NSO.122	213
Stormwater Utility	NSO.123	213
Compensation for Livestock and Poultry Killed by Canines	NSO.124	214
Overtime Compensation for Law-Enforcement and Fire Protection Employees	NSO.125	214

EXPANDED MANDATES

Education, Department of

School Transportation (SOE.DOE037) has been expanded to allow video-monitoring equipment to aid in the conviction of drivers that pass stopped school busses, provided certain criteria is met. 2011 General Assembly, Chapters 787 and 838. *See page 101.*

Student Achievement and Graduation Requirements (SOE.DOE061) has been expanded to require that American Sign Language courses be given credit equivalent to foreign language courses. 2011 General Assembly, Chapter 762. *See page 107.*

Enrollment of Children Placed In Foster Care (SOE.DOE125) has been expanded to require additional participation by school divisions with respect to school enrollment for foster children. *See page 123.*

Health, Department of

Public Water System Permit (SHHR.VDH019) has been expanded to require public water suppliers to develop and maintain emergency management plans for continued operation during extended power outages. 2004 General Assembly, Chapter 1198. *See page 60.*

No State Oversight

Capital Improvement Programs (NSO.091) has been expanded to require capital improvement programs to include estimates of life-cycle costs. 2011 General Assembly, Chapter 658. *See page 205.*

ELIMINATED MANDATES

Corrections, Department of

Contract Inmate Classification Reporting (SPS.DOC006) was eliminated by amendment to the Appropriations Act. This mandate was recommended for elimination by the Department of Corrections during the assessment process, and legislation approved by the 2011 General Assembly directed that it be eliminated. 2011 General Assembly, Chapter 277 and Chapter 890, Item 67.30.H.5 (deleted).

Criminal Justice Services, Department of

McGruff House Program (SPS.DCJS003) and Detoxification Program (SPS.DCJS007) were eliminated by legislative action that revised the powers and duties of the Board and Department of Criminal Justice Services. 2011 General Assembly, Chapters 821 and 854.

General Services, Department of

Design/Build Construction Management Review (SOA.DGS004) has been eliminated. The review board was abolished. 2011 General Assembly, Chapters 594 and 681.

Rehabilitative Services, Department of

Disability Services Board (SHHR.DRS001) was eliminated, as the enabling legislation for such boards was repealed. General Assembly 2011, Chapters 41 and 51.

No State Oversight

Notification of Vacancies to Secretary of the Commonwealth (NSO.113) was eliminated. Localities are no longer required to send a list of the locality's current elected officials to the Secretary, or notify the Secretary of vacant elected offices. General Assembly 2011, Chapter 63.

OTHER CHANGES

Blind and Vision Impaired, Department of

Teachers for the Visually Impaired Partial Salary Reimbursement (SHHR.DBVI002) was amended, at the request of the Department, to change the term "visually handicapped" to "visually disabled." *See page 32.*

Criminal Justice Services, Department of

Law Enforcement Terrorism Prevention Grant (SPS.DCJS029) has been reassigned to the Department of Emergency Management, and renamed State Homeland Security Grant Program (SPS.VDEM014) to reflect the wider scope of this program. This was the recommendation of the FY 2011 assessment of SPS.DCJS029. *See page 151.*

Education, Department of

Virtual Virginia and Multi-Division Online Providers (SOE.DOE078), formerly listed as Electronic Classroom, has been retitled and clarifies the requirements of the program. 2011 General Assembly, Chapter 216. *See page 111.*

Notification to Parents of Students with Vision/Hearing Impairments (SOE.DOE093) has been amended to correct the name of the Virginia School for the Deaf and Blind. 2011 General Assembly, Chapter 216. *See page 115.*

School Year to Begin After Labor Day (SOE.DOE132) has been amended to add additional waiver criteria. 2011 General Assembly, Chapter 387. *See page 126.*

Emergency Management, Department of

See above: Criminal Justice Services, Department of, SPS.DCJS029.

Environmental Quality, Department of

Several entries for mandates administered by the Department of Environmental Quality (SNR.DEQ006, -009, -013, and -028) have been updated to refer to the recently adopted Solid Waste Management Regulations (9 VAC 20-81). *See pages 70, 72 and 78.*

Health, Department of

Family Planning Services Program (SHHR.VDH005) has been amended to incorporate abstinence education requirements. *See page 55.*

Environmental Health Services Program (SHHR.VDH006) now provides a more concise description of the required environmental health services of local health departments. *See page 56.*

Optional General Medical Services Program (SHHR.VDH012) now explains the type of pharmacy services that can be offered by a local health department. *See page 57.*

Restaurant, Hotel, Summer Camp or Campground Licensing (SHHR.VDH017) has been retitled and amended to include campgrounds. *See page 59.*

Vital Records and Health Statistics Report (SHHR.VDH018) now clarifies that the local health director shall appoint deputy registrars of vital records. *See page 59.*

Variances and Exemptions for Rescue Squads (SHHR.VDH027) has been amended to more clearly state the procedure for obtaining a variance or exception. *See page 62.*

Motor Vehicles, Department of

Abandoned Motor Vehicles (STO.DMV001) has been retitled to Abandoned Inoperable Motor Vehicles to clarify that the mandate is applicable to abandoned and inoperable motor vehicles. *See page 156.*

People with Disabilities, Virginia Board for

Developmental Disabilities Grant (SHHR.VBPD001) has been revised to more accurately reflect the program's requirements. *See page 53.*

Social Services, Department of

Office Space Compliance Required (SHHR.DSS014) was to be eliminated by DSS as a legislative directive. The Code of Virginia statute was not revised as part of the legislation, and according to DSS, cannot be revised without jeopardizing federal funding. Despite the General Assembly's action, the mandate remains; however, it has been reclassified from a Compulsory Order to a Non-Discretionary Condition of Aid. General Assembly 2011, Chapter 43. *See page 36.*

State Police, Department of

Criminal Street Gang Reporting (SPS.VSP010) has been updated to include all entities that are required to report suspected gang members. *See page 154.*

Taxation, Department of

Banks' Returns on Net Capital (SFIN.TAX001) has been renamed Bank Franchise Tax to refer to the mandate by the common name of the tax. *See page 21.*

Taxpayer Assistance (SFIN.TAX002), Income and Fiduciary Tax Returns (SFIN.TAX004) and Estimated Tax Payment (SFIN.TAX005) have been updated to note that a commissioner of revenue may request that the Department of Taxation handle many duties relating to State income tax returns. *See pages 21 and 22.*

Transportation, Department of

VDOT Revenue Sharing Program (STO.VDOT003) has been amended to increase the maximum required match (and award) for the program from $1 million to $10 million. 2011 General Assembly, Chapters 830 and 868. *See page 167.*

Economic Development Access Road (STO.VDOT006), Airport Access Road (STO.VDOT007), and Recreational Access Road (STO.VDOT008) have been amended to reflect that any costs to comply with environmental assessments and remediation must be borne by the local governments requesting the funds. *See pages 168 and 169.*

Urban Street Construction (STO.VDOT010) has been amended to remove restrictions from this program for Urban Construction Initiative Projects in towns with populations under 3,500. *See page 170.*

Traffic Signs, Signals, and Markings (STO.VDOT013) has been amended to refer to the Manual on Uniform Traffic Control Devices and the Virginia Supplement to the Manual on Uniform Traffic Control Devices. *See page 172.*

Transportation Enhancement Program (STO.VDOT016) has been revised to better reflect spending requirements. *See page 173.*

Coordination of State and Local Transportation Planning (STO.VDOT030) has been changed to reflect legislation which decreased the types of land use proposals that must be reviewed by VDOT. 2011 General Assembly, Chapters 647 and 888. *See page 176.*

No Executive Agency Oversight

Judicial Branch

Office Space for Constitutional Officers (JUD.SUPCT003) has been renamed and renumbered and is now catalogued under Locality to Provide Office Space for Certain Officials (NSO.115), to more accurately reflect that there is no state oversight and that the requirement is not limited to Constitutional Officers. *See page 211.*

Virginia Freedom of Information Act (JUD.SUPCT004) has been renumbered NSO.114 because there is no direct state oversight. *See page 211.*

Drug Treatment Court Programs (JUD.SUPCT006) has been amended to clarify the requirement for an advisory committee to be established for drug treatment courts. *See page 186.*

No State Oversight

Contractor's License Required for Building Permit (NSO.021) no longer refers to the contractor's license requirement for a business license. That requirement has been relocated to a new mandate, Professional License Required for Business License (NSO.116), which also encompasses architects and professional engineers. *See pages 191 and 211.*

Appendix D

Principal Federal Mandates Affecting Virginia Localities

Appendix D: Principal Federal Mandates Affecting Virginia Localities

Appendix D provides a separate listing 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 D, 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.

Authority: P. L. 94-135; P. L. 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 99-591; P. L. 108-265

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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 100-690

Comment:

Short Title: **Education Amendments of 1972**

Description: Prohibits discrimination on the basis of sex in federally assisted education programs.

Authority: 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).

Authority: 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).

Authority: 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.

Authority: P. L. 98-377

Comment:

Short Title: **Equal Educational Opportunities Act of 1974**

Description: Requires local governments to operate educational programs in a manner that does not deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin.

Authority: 20 USC Sec. 1703

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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 93-234

Comment:

Short Title: **Food Stamp Act of 1977**

Description: Prohibits local sales taxes on purchases made with Food Stamps.

Authority: 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.

Authority: P. L. 104-191

Comment:

Short Title: **Help America Vote Act of 2002**

Description: Requires local governments to use the centralized state computer database and comply with federal election administration standards, including voting equipment accessible for persons with disabilities. This mandate increases the cost of locally funded staff for general registrar's office. Equipment costs may be reimbursed by the Commonwealth with federal funds to the extent that funds are available.

Authority: P. L. 107-252

Comment:

Short Title: **Housing and Community Development Act of 1974**

Description: Prohibits discrimination based on race, color, national origin, sex, age, or handicap.

Authority: P. L. 97-35

Comment:

Short Title: **ICC Termination Act of 1995**

Description: Prohibits local governments from discriminating against railroads when imposing local taxes.

Authority: 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 federal, state, and local programs, and incertain instances,deny such benefits. Local government employers are also prohibited from discrimination against job applicants on the basis of their national origin or citizenship status.

Authority: P. L. 99-603 (Immigration Reform and Control Act of 1986), P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), P.L. 104-208 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

Comment:

Short Title: **Individuals with Disabilities Education Act**

Description: Provides a free appropriate education to all children with disabilities

Authority: 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.

Authority: P. L. 97-300

Comment:

Short Title: **Justice for All Act of 2004**

Description: Requires the collection of DNA samples from persons convicted of felonies. Expands the use of DNA analysis in the criminal justice system and to assist victims of crimes by establishing six new grant programs and extending the authority for two current programs.

Authority: P.L. 108-405

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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 104-149

Comment:

Short Title: **National Voter Registration Act of 1993**

Description: Requires local governments to comply with federal standards to increase opportunities for voter registration and maintain accurate voter registration records. This mandate may increase local government postage costs. The U.S. Postal Service is not uniformly allowing the statutory nonprofit rate.

Authority: P. L. 103-31

Comment:

Short Title: **Occupational Safety and Health Act of 1970**

Description: Requires local governments to meet federal safety standards for employees.

Authority: P. L. 91-596

Comment:

Short Title: **Ocean Dumping Ban Act**

Description: Prohibits ocean dumping of sludge from local government sewage treatment facilities.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 93-523; P. L. 99-399

Comment:

Short Title: **Sevicemembers Civil Relief Act**

Description: Local governments must consider members of the Armed Services, and their spouses to be residents of their home jurisdiction for personal property taxation purposes, so long as the member is living within the jurisdiction solely for military purposes.

Authority: P.L. 108-189 (Sevicemembers Civil Relief Act); P.L. 111-97 (Military Spouses Residency Relief Act) (Fed.)

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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: 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.

Authority: P. L. 99-514

Comment:

Short Title: **Telecommunications Act of 1996**

Description: Local governments must act upon zoning applications for a wireless telecommunications antenna site within 150 days for a new tower site, or within 90 days for a co-located antenna. Additionally, a locality cannot deny an application solely because wireless service is already available from another provider.

Authority: 47 USC 332 (c)(7)(B), 24 FCC Rcd 13994. (Fed.)

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.

Authority: P. L. 91-646

Comment:

Short Title: **Uniformed and Overseas Citizens Absentee Voting Act**

Description: Requires local governments to provide absentee voting to former Virginia residents stationed outside Virginia or living overseas, their spouses, and their dependents.

Authority: P. L. 99-410

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.

Authority: 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.

Authority: 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 toindividuals with disabilities, and that a reasonable number of accessible voter registration sites be provided.

Authority: P. L. 98-435

Comment:

Short Title: **Voting Rights Act of 1965**

Description: Requires Virginia local governments, unless they bail out, to obtain prior approval of changes affecting voting, such as ordinances establishing precincts or introducing new voting systems. Fewer than 20 Virginia localities have bailed out.

Authority: P. L. 89-110

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.

Authority: 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.

Authority: 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.

Authority: Water Resources Development Act of 1986

Comment:

Appendix E

Summary of State and Federal Mandates by Secretariat, Agency, and Type

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SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	STATE FISCAL PREEMPTION	TOTAL
ADMINISTRATION					
Compensation Board	5	0	0	0	5
Elections, State Board of	4	0	0	0	4
General Services, Department of	1	0	0	0	1
Human Resource Management, Department of	0	0	1	0	1
Total	10	0	1	0	11
AGRICULTURE AND FORESTRY					
Agriculture and Consumer Services, Department of	5	2	1	0	8
Forestry, Department of	1	3	0	0	4
Total	6	5	1	0	12
COMMERCE AND TRADE					
Housing and Community Development, Department of	3	10	2	0	15
Labor and Industry, Department of	3	0	2	0	5
Mines, Minerals, and Energy, Department of	0	0	3	0	3
Professional and Occupational Regulation, Department of	0	0	2	0	2
Total	6	10	9	0	25
EDUCATION					
Arts, Virginia Commission for the	0	2	0	0	2
Community College System, Virginia	0	1	1	0	2
Education, Department of	88	9	7	0	104
Library of Virginia, The	2	2	2	0	6
Total	90	14	10	0	114
FINANCE					
Taxation, Department of	10	0	1	2	13
Treasury, Department of the	5	0	3	0	8
Total	15	0	4	2	21

SECRETARIAT AND AGENCY	COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	STATE FISCAL PREEMPTION	TOTAL
HEALTH AND HUMAN RESOURCES					
Aging, Department for the	0	1	0	0	1
Behavioral Health and Developmental Services, Department of	11	0	1	0	12
Blind and Vision Impaired, Department for the	1	1	0	0	2
Comprehensive Services, Office of	0	1	0	0	1
Health, Department of	13	2	13	0	28
Medical Assistance Services, Department of	1	0	0	0	1
People with Disabilities, Virginia Board for	0	1	0	0	1
Social Services, Department of	46	6	4	0	56
Total	72	12	18	0	102
NATURAL RESOURCES					
Conservation and Recreation, Department of	4	7	3	0	14
Environmental Quality, Department of	8	5	20	0	33
Game and Inland Fisheries, Department of	0	0	7	0	7
Historic Resources, Department of	0	3	0	0	3
Marine Resources Commission	1	0	2	0	3
Total	13	15	32	0	60
PUBLIC SAFETY					
Corrections, Department of	0	1	3	0	4
Criminal Justice Services, Department of	4	12	2	0	18
Emergency Management, Department of	8	5	0	0	13
Fire Programs, Department of	0	1	1	0	2
Forensic Science, Department of	2	0	2	0	4
Juvenile Justice, Department of	4	2	4	0	10
State Police, Department of	13	0	2	0	15
Total	31	21	14	0	66
TECHNOLOGY					
Virginia Information Technologies Agency	3	0	0	0	3
Total	3	0	0	0	3

SECRETARIAT AND AGENCY		COMPULSORY ORDER	CONDITION OF FINANCIAL AID	REGULATION OF OPTIONAL ACTIVITY	STATE FISCAL PREEMPTION	TOTAL
TRANSPORTATION						
Aviation, Department of		1	2	5	0	8
Motor Vehicles, Department of		0	1	4	0	5
Port Authority, Virginia		0	1	0	0	1
Rail and Public Transportation, Department of		1	14	1	0	16
Transportation, Department of		9	18	7	0	34
	Total	11	36	17	0	64
TOTAL REVIEWABLE MANDATES		**257**	**113**	**106**	**2**	**478**
UNREVIEWABLE MANDATES						
No Executive Agency Oversight		11	3	4	0	18
No State Oversight		63	24	33	0	120
	Total	74	27	37	0	138
TOTAL MANDATES		**331**	**140**	**143**	**2**	**616**

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Appendix F

Virginia Statutes Affecting Mandates on Local Governments

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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. In 2011, the statute was expanded to require that these assessments include an estimate of the fiscal impact on local governments, and a written justification as to why the mandate should or should not be eliminated. (Code of Virginia § 2.2-613)

§ 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. With respect to state mandates imposed on local governments, such assessments shall include an estimate of the fiscal impact of the mandates on the affected local governments in addition to a written justification as to why the mandate should or should not be eliminated.

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.

Between July 1, 2010, and ending July 1, 2012, the term for which a Governor may suspend these mandates is extended from one to two years. (Code of Virginia § 2.2-113)

§ 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.

However, for a period beginning July 1, 2010, and ending July 1, 2012, the Governor may suspend any such mandate for a period not to exceed two years upon proper application by a locality pursuant to this section.

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.

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)

§ 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

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)

§ 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

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. Finally, as a result of legislation approved in 2011, the Commission is directed to assist a five-member task force to be appointed by the Governor. The task force's

purpose is to review mandates and recommend appropriate mandates for temporary suspension or permanent repeal. (Code of Virginia § 15.2-2903)

§ 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 Commerce and Trade, 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;

8. At the direction of the Governor, to assist a five-member task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, or any other action, as appropriate. The Governor shall have all necessary authority granted under § 2.2-113, or any other provision of law, to implement the task force recommendations or may recommend legislation to the General Assembly as needed. The task force shall be appointed by and serve at the pleasure of the Governor and shall serve without compensation. The task force may include city or town managers, county administrators, members of local governing bodies and members of appointed or elected school boards. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The provisions of this subdivision shall expire July 1, 2014; and

9. To perform such other duties as may be imposed upon it, from time to time, by law.

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. (Code of Virginia §§ 30-19.03)

§ 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, or whenever any bill requiring a net reduction of revenues by any county, city, or town, 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.

A bill shall be deemed to require 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.

A bill shall be deemed to require 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 that is the result of a measure providing tax relief on a statewide basis.

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.

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