2007
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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William C. Shelton

CLG Staff for This Edition
Matthew G. Bolster, Senior Policy Analyst
Susan B. Williams, Local Government Policy Manager

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The Jackson Center
501 North Second Street
Richmond VA 23219-3513
(804) 786-6508

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Special Notice Regarding Agency Assessment of Mandates on Local Government

In 2006, the Commission on Local Government approved significant changes to the process for agency assessment of state and federal mandates imposed on local government. This action was taken pursuant to the recommendations of a specially convened task force consisting of executive branch state agencies, local governments, the Virginia Association of Counties and the Virginia Municipal League.

In essence, the process for agency assessment of mandates was streamlined to focus on the assessment of new, newly identified and, upon request, existing mandates and the mandates' fiscal impact on localities, with the goal of determining which mandates may be altered or eliminated without interrupting services or threatening public health, safety or welfare.

Consequently, Governor Kaine issued Executive Order 58 on October 11, 2007 in order to establish the new policies and procedures for agency assessment of mandates.[1] Executive Order 58 rescinded Executive Memorandum 1-98, which guided the assessment process from October 29, 1998 through the most recent assessment period ending on April 30, 2007.

In addition, in future years, with the participation of Virginia's localities, the added emphasis on the fiscal impact of mandates on localities will culminate in a separate annual report which provides detailed information with respect to fiscal impact.

The 2007 edition of the catalog of state and federal mandates includes information on assessments conducted by agencies through April 30, 2007. The 2007 edition of the catalog does not contain a current schedule for assessment periods. Once the Commission on Local Government establishes and the Governor approves the next schedule for assessment of new and newly identified mandates and reassessment of existing mandates in accordance with Executive Order 58, the schedule will be posted on the Commission's website and in the Virginia Register of Regulations (General Notices Section).

Finally, the Commission on Local Government wishes to express its sincere appreciation to those who participated on the mandates assessment task force as well as to the 49 state agencies responsible for identifying and assessing the mandates imposed on local government.

[1] See Appendix B.

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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 2007 edition of the catalog published by the Commission on Local Government includes mandates identified as of October 2007.[2] The Commission examined all legislation passed by the 2006 and 2007 General Assembly sessions, surveyed executive branch agencies, and contacted the local government associations (the Virginia Association of Counties and the Virginia Municipal League) for information on new mandates and mandates not previously identified.

In the development of this document, the Commission adhered to the definition of "mandate" originally adopted by the Joint Legislative Audit and Review Commission (JLARC), which defines a mandate as a State or federal constitutional, statutory, or administrative action that places a requirement on local governments.[3] This definition encompasses three categories or types of mandates: compulsory orders, conditions of financial aid, and the regulation of optional activities. Under this classification scheme, "compulsory orders" require local government compliance regardless of receipt of aid or other circumstances. Mandates termed "conditions of financial aid" require compliance

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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.

only if the locality accepts the State or federal assistance in question. Finally, mandates classified as "regulation of optional activities" result from State or federal regulation of activities that local governments undertake voluntarily.

ASSOCIATED STATE OVERSIGHT OF MANDATES

In addition to requiring that mandates be cataloged, the General Assembly has taken several other steps to monitor the effects of mandates on Virginia's local governments.[4] For example, the legislature has directed the Division of Legislative Services to refer to the Commission 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 periodically the mandates on local governments that they administer, and to report which, if any, might be altered or eliminated without interruption of local service delivery or undue threat to the health, safety, and welfare of citizens of the Commonwealth.[6] However, no mandate may be required to be reassessed by the administering agency more than once every four years. The Commission is responsible for coordinating the scheduling of the assessments and for notifying the Governor and the General Assembly when an agency assessment recommends the alteration or elimination of a mandate.

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[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.

The assessment of mandates by executive agencies is governed by Executive Memorandum 1-98 (EM 1-98) that took effect in October 1998, superseding EM 5-94 which had guided the assessment process from its inception.[7] Mandates adopted subsequent to the publication of JLARC's 1993 Update and those mandates in existence when the 1993 Update was published but not identified at that time have been scheduled for assessment during periods after July 1, 1996.[8] To that end, the Commission annually establishes a schedule for the assessment of those new and previously unreported mandates. In any case, no mandate becomes subject to assessment until it has been in effect for at least twenty-four months.[9]

ORGANIZATION OF THE CATALOG

Generally

The 2007 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 October 2007. 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 administrative oversight. In all, 553 mandates are included in the catalog. Of the total,

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

[8] As of June 30, 2007, 1042 approved executive agency assessments were filed with the Governor and the General Assembly. Those filings included 100% of those mandates in existence at the commencement of the assessment process in 1994. Consistent with Section 15.2-2903, Code of Virginia, and Executive Memorandum 1-98, which authorize the reassessment of mandates after a four-year period, the Commission continues the administration of mandates assessments, with numerous programs having been critically reviewed multiple times.

[9] Sec. 2.2-2507, Code of Va.

444 mandates subject to critical review by executive agencies are included, as opposed to 427 mandates listed in the 2006 edition.[10]

Part A

Part A of the catalog lists those mandates administered by executive branch agencies and subject to assessment pursuant to the provisions of EM 1-98. They are cataloged according to administering agency. Each mandate has a separate entry containing standardized data, including a short title; a unique code number; a brief description of the mandated action; identification of the type of mandate; the name of the administering agency and the relevant secretariat; the statutory, regulatory, or constitutional authority on which the mandate is based; the mandate assessment period, if applicable; the assessment finding, where available; and additional applicable comments.[11]

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 references to the secretariat, assessment period, and assessment finding have been omitted.

[10] See Appendix C, Changes in Mandates since Issuance of 2006 Catalog of State and Federal Mandates on Local Governments.

[11] 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.

Appendices

Detailed supplementary materials are provided in the appendices. Appendix A includes a copy of EM 1-98 which governs the mandates assessment process and contains a sample of the standardized format agencies are required to follow in conducting their assessments. Appendix B provides a copy of Executive Order 58, signed by Governor Kaine on October 11, 2007, which establishes the policies and procedures for agency assessment of mandates that will be applied to future assessment and cataloging endeavors. 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, and (5) other changes.[12] 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. Finally, Appendix E includes a summary of the provisions of the Code of Virginia that apply to mandates, followed by the precise wording of the statutes.

Index

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

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

Area Plan for Aging Services

SHHR.VDA001

Local governments may be designated as area agencies on aging. If so, they must 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: Condition of Financial 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 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Enforcement of Comprehensive Animal Laws

SAF.VDACS002

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

Type: Compulsory Order
Agency: **Department of Agriculture and Consumer Services**
Secretariat: Agriculture and Forestry
Authority: Code of Virginia § 3.1-796.112

Last Assessment Period: 2-1-2005 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 § 3.1-796.96; 2 VAC 5-110-10 et seq.

Last Assessment Period: 2-1-2005 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

Last Assessment Period: 2-1-2005 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 concerning the establishment of a secure, covered recycling site, and the employment and supervision of container inspectors.

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

Last Assessment Period: 2-1-2006 through 4-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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.

Type: Compulsory Order
Agency: **Department of Agriculture and Consumer Services**
Secretariat: Agriculture and Forestry
Authority: Code of Virginia § 3.1-796.104:1

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Alter.
Current Assessment Period:

Comment: This program was previously administered and assessed by the Department of Criminal Justice Services. Action by the 2004 General Assembly (Chapter 181, 2004 Virginia Acts of Assembly) placed the program under the State Veterinarian. Not currently scheduled for reassessment.

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 § 3.1-796.93:1 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

Local Government Challenge Grant

SOE.VCA001

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

Type: Condition of Financial Aid
Agency: **Virginia Commission for the Arts**
Secretariat: Education
Authority: Virginia Commission for the Arts 2006-2008 Guidelines for Funding

Last Assessment Period: 5-1-2007 through 8-30-2007
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Artist in Residence Grant

SOE.VCA002

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

Type: Condition of Financial Aid
Agency: **Virginia Commission for the Arts**
Secretariat: Education
Authority: Virginia Commission for the Arts 2006-2008 Guidelines for Funding

Last Assessment Period: 5-1-2007 through 8-30-2007
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Airport Operation Standards

STO.DOAV001

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

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
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 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Licensing

STO.DOAV002

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

Type: Regulation of Optional Activity
Agency: **Department of Aviation**
Secretariat: Transportation
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 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Property Lease

STO.DOAV003

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

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

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Grant Application Approval

STO.DOAV004

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

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

Last Assessment Period: 3-1-2005 through 5-31--2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Grant Assurances

STO.DOAV005

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

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

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Safety Overlay Zoning

STO.DOAV006

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

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

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Based Aircraft Survey STO.DOAV007

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

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

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Financial Responsibility STO.DOAV008

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

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

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Teachers for the Visually Impaired Partial Salary Reimbursement SHHR.DBVI002

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

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

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Operation of Vending Stand by Blind Person SHHR.DBVI003

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

Type: Compulsory Order
Agency: **Department for the Blind and Vision Impaired**
Secretariat: Health and Human Resources
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 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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)

Last Assessment Period: 1-1-2001 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period: 2-1-07 through 4-30-07
Comment: Assessment overdue.

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, 15.2-1711

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Constitutional Officer Annual Budget Request

SOA.CB002

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

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

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Funding Constitutional Officer Expenses

SOA.CB003

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

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

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Jail Inmate Reporting

SOA.CB004

Local or regional jails that receive funding from the Compensation Board shall report inmate populations to the Board 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 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment Not currently scheduled for reassessment.

Jail Revenues and Expenditures Reporting

SOA.CB005

Local 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 provided in a manner prescribed by the Board.

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authority: Item 66.L., Chapter 847, 2007 Virginia Acts of Assembly

Last Assessment Period: 2-1-2006 through 3-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Contract Inmate Classification Reporting SOA.CB006

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

Type: Compulsory Order
Agency: **Compensation Board**
Secretariat: Administration
Authority: Item 60.H.6., Chapter 847, 2007 Virginia Acts of Assembly

Last Assessment Period: 2-1-2002 through 4-30-2002
Last Assessment Finding: Eliminate.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Comprehensive Services for At-Risk Youth and Families CSA.001

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

Type: Condition of Financial Aid
Agency: **Office of Comprehensive Services**
Secretariat: Not applicable
Authority: Code of Virginia §§ 2.2-212, 2.2-2648, 2.2-2649, 2.2-5201 et seq.; Item 279, Chapter 847, 2007 Virginia Acts of Assembly; P. L. 96- 272 (Fed.); 20 USC 33 (Fed.); 20 USC 1400 through 1485 (Fed.); 34 CFR 300 (Fed.); 45 CFR 1355 through 57 (Fed.)

Last Assessment Period: 12-1-2005 through 1-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:

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

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: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
Authority: Code of Virginia § 58.1-345.1

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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.

Type: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 10.1-603.18; Department of Conservation and Recreation Regulations 4 VAC 5-50-10 through 4 VAC 5-50-170. [Note: Chapters 648 and 765 of the 2006 Acts of Assembly authorizes the repeal of these regulations through an exempt action.]

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Impounding Structure Regulations

SNR.DCR005

Local governments that own dams must make any improvements necessary to correct deficiencies 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 through 4 VAC 50-20-320

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Municipal Separate Storm Sewer System Permit 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.

Type: Regulation of Optional Activity
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 10.1-603 et seq.; Virginia Soil and Water Conservation Board Regulations 4 VAC 50-60

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Public Beach Grants and Advisory Commissions SNR.DCR007

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

Type: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
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 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Erosion and Sediment Control Program SNR.DCR008

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

Type: Regulation of Optional Activity
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
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 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Recreational Trails Program SNR.DCR009

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

Type: Condition of Financial 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 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Water Quality Improvement Fund Nonpoint Source Pollution Control Grant

SNR.DCR010

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

Type: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 10.1-2117 et seq.

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

SNR.DCR011

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

Type: Condition of Financial Aid
Agency: **Department of Conservation and Recreation**
Secretariat: Natural Resources
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 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Land Conservation Foundation Grants SNR.DCR012

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

Type: Condition of Financial 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 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 10-20-231.1; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 10-20-231.1, 9 VAC 10-20-231.3; 1987 Cooperative Chesapeake Bay Agreement

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Correctional Facility Standards SPS.DOC001

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

Type: Regulation of Optional Activity
Agency: **Department of Corrections**
Secretariat: Public Safety
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 through 7-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Correctional Facility Cost-Sharing SPS.DOC002

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

Type: Condition of Financial Aid
Agency: **Department of Corrections**
Secretariat: Public Safety
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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Residential Centers for Parolees SPS.DOC004

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

Type: Regulation of Optional Activity
Agency: **Department of Corrections**
Secretariat: Public Safety
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 through 4-30-2000
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Currently the Department of Corrections is not contracting with local governments to provide this service, instead it contracts such services through private vendors. Not currently scheduled for reassessment.

Correctional Facility Compliance Audit SPS.DOC005

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

Type: Regulation of Optional Activity
Agency: **Department of Corrections**
Secretariat: Public Safety
Authority: Code of Virginia §§ 53.1-5, 53.1-68; Board of Corrections Regulations 6 VAC 15-10-10 et seq., 6 VAC 15-20-10 et seq., 6 VAC 15-70-10 et seq.

Last Assessment Period: 8-1-2005 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Forfeited Asset Sharing Program (FASP) SPS.DCJS001

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

Type: Regulation of Optional Activity
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Criminal History Record Information SPS.DCJS002

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

Type: Compulsory Order
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

McGruff House Program SPS.DCJS003

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

Type: Regulation of Optional Activity
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia §§ 9.1-159, 9.1-160; Criminal Justice Services Board Regulation 6 VAC 20-140-10 et seq.

Last Assessment Period: 7-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 provide cash matching funds equal to 25% of a project's cost, and to report periodically on expenditures and on progress toward achieving a project's objectives.

Type: Condition of Financial 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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Juvenile Delinquency Prevention and Juvenile Justice System Improvement Grants

SPS.DCJS006

Local governments receiving grants for juvenile delinquency prevention and juvenile justice system improvement are required to establish and operate programs to improve services 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 subgrantees must report periodically on expenditures and on progress toward achieving the objectives of the grant.

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Detoxification Program

SPS.DCJS007

Local governments receiving State funds for alcohol detoxification centers are required to establish and operate such centers or contract with a qualified public or private agency for the operation of such centers, in compliance with State standards. Localities are also required to report quarterly on expenditures and monthly on progress toward achieving objectives of the program.

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia §§ 9.1-163, 9.1-164, 18.2-388; Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 7-1-2006 through 9-30-2006
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. Recommended for transfer to DMHMRSAS.

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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Crime Victim Services Grant

SPS.DCJS011

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

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Court-Appointed Special Advocate Program (CASA)

SPS.DCJS012

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

Type: Regulation of Optional Activity
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia §§ 9.1-151 through 9.1-157; Criminal Justice Services Board Regulation 6 VAC 20-160-10 et seq.

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Alter.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Comprehensive Community Corrections 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: Condition of Financial 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 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Policing Fund

SPS.DCJS014

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

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia §§ 9.1-102 and 58.1-344.3, paragraph B7; Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8-1-2003 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

STOP Violence Against Women Grants SPS.DCJS016

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

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
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 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Resource Officer Grants

SPS.DCJS022

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

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia § 9.1-110; Criminal Justice Services Board Grant Program Guidelines

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Juvenile Accountability Block Grant

SPS.DCJS023

Local governments receiving Juvenile Accountability Block Grants must establish and convene an advisory board; develop a plan for the use of the funds; seek the advice of the Chief Judge of the local juvenile court with respect to the plan; provide cash matching funds equal to 10% of the total program cost, or 50% if the funding is used to construct a permanent juvenile correction facility.

Type: Condition of Financial 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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Sexual Assault Services Grant Program

SPS.DCJS025

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

Type: Condition of Financial Aid
Agency: **Department of Criminal Justice Services**
Secretariat: Public Safety
Authority: Code of Virginia §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, 32.1-55.1; P.L. 98-473 (Victims of Crime Act) (Fed.), 42 USC 1901 - 1909 (Preventive Health and Health Services) (Fed.); Department of Criminal Justice Services Program Guidelines

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 4-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Program last assessed by the Department of State Police. By Action of the 2003 General Assembly (Chapter 82, 2003 Virginia Acts of Assembly) administration of this mandate was transferred to the Department of Criminal Justice Services. Not currently scheduled for reassessment.

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: Condition of Financial 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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2004. Not previously reported by administering agency.

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 20-21-10 et seq., VAC 20-390-10 et seq.

Last Assessment Period: 4-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Board Employee Grievance Procedure

SOE.DOE002

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

SOE.DOE003

School boards shall require on applications for employment 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. 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 20-21-10 et seq.

Last Assessment Period: 4-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Teacher License Required

SOE.DOE004

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

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

Last Assessment Period: 5-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Licensed Principals and Assistant Principals

SOE.DOE005

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-293 et seq.; State Board of Education Regulations 8 VAC 20-21-10 et seq., 8 VAC 20-440-10 et seq.

Last Assessment Period: 4-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-79; § 22.1-79.3; § 22.1-296.1; 22.1-296.2

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

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 20-21-10 et seq., 8 VAC 20-90-10 et seq., 8 VAC 20-131-10 et seq., 8 VAC 20-410-10 et seq., 8 VAC 20-420-10 et seq., 8 VAC 20-440-10 et seq.; P.L. 89-10 (Fed.); P.L. 107-110 (No Child Left Behind Act of 2001) (Fed.)

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

Pupil/Teacher Ratios

SOE.DOE010

School divisions are required to assign licensed instructional personnel in a manner that produces division-wide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, according to ratios prescribed in the Code of Virginia. In addition, instructional personnel must be assigned in a manner that produces school-wide ratios of 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 20-21-10 et seq., 8 VAC 20-90-10 et seq., 8 VAC 20-131-10 et seq., 8 VAC 20-410-10 et seq., 8 VAC 20-420-10 et seq., 8 VAC 20-440-10 et seq.; P.L. 89-10 (Fed.), P.L. 107-110 (No Child Left Behind Act of 2001)

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

Provision of School Support Services

SOE.DOE011

School divisions are required to provide those support services necessary for the efficient and cost-effective operation and maintenance of public schools.

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

Professional Development for School Board Members SOE.DOE012

School divisions must require their school board members to participate annually in in-service programs on personnel, curriculum, 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 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Management of Student Scholastic Records SOE.DOE013

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 16.1-305.1, 22.1-3.1, 22.1-287 et seq., 32.1-36.1; State Board of Education Regulations 8 VAC 20-150-10 et seq.; Family Educational Rights and Privacy Act (Fed.); 20 USC 1232g (Fed.); 34 CFR 99 (Fed.)

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

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

Annual Report on Schools

SOE.DOE015

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

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

Last Assessment Period: 4-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Records of Non-Resident Students With Disabilities

SOE.DOE016

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

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

Last Assessment Period: 6-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Verification of Student Immunization

SOE.DOE018

School divisions must determine that students have been immunized before they can be admitted into the public school system. Certain medical and religious exemptions are allowed. 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 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

SOE.DOE019

School divisions must adopt guidelines for school attendance for children with human immunodeficiency virus. 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 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Triennial Census of School-Age Population

SOE.DOE020

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

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

Last Assessment Period: 6-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Provision of Free Education

SOE.DOE022

School divisions must provide free education to each person of school age, to include school-age persons 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 20-520-10 et seq.; 42 USC 11431 et seq. (McKinney-Vento Homeless Education Assistance Improvements Act) (Fed.)

Last Assessment Period: 6-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Provision of Free Textbooks

SOE.DOE023

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: The Constitution of Virginia, Article VIII, § 3; Code of Virginia § 22.1-251; State Board of Education Regulation 8 VAC 20-190-10 et seq.

Last Assessment Period: 6-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Use of Approved Textbooks

SOE.DOE024

School divisions must select and utilize instructional materials approved by the Board of Education, 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 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Length of School Term

SOE.DOE025

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

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-253.13:7; § 22.1-79.3

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

Professional Development for Teachers and Administrators

SOE.DOE027

School divisions are required to provide a program of 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 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

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: Condition of Financial 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 through 3-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Minimum Standards for New Construction and Renovation of School Facilities

SOE.DOE032

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-138, 22.1-140, Code of Virginia Title 36, Ch. 6; State Board of Education Regulation 8 VAC 20-100-100, 120, 150, 280

Last Assessment Period: 4-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Nondiscriminatory Access to Vacation School or Summer Camp

SOE.DOE033

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

Type: Regulation of Optional Activity
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-211 and 22.1-212

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

Radon Testing of Public Schools

SOE.DOE035

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

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

Last Assessment Period: 6-1-2005 through 7-31-2005
Last Assessment Finding: Retain
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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. 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.

Type: Regulation of Optional Activity
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-176 et seq., 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 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 3-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Regulation of Food and Drink Sales

SOE.DOE042

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Breakfast Programs

SOE.DOE043

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 4-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Program of Instruction for Grades K-12

SOE.DOE044

School divisions must develop and implement a program of instruction 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 through 5-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Instruction Standards for K-3

SOE.DOE045

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

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

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

Programs to Increase Numbers of Students Earning Diplomas

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

Drugs, Substance Abuse, and Drunk Driving

SOE.DOE047

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Physical and Health Education

SOE.DOE048

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

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

Last Assessment Period: 6-1-2005 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Funds for Driver Education Standards

SOE.DOE050

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

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Identification and Enrollment of Gifted Students

SOE.DOE051

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Educational Alternatives for Students

SOE.DOE052

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Programs for Educationally At-Risk Students

SOE.DOE053

School divisions are required to develop and implement programs of prevention, intervention, and remediation, including summer school, for students who are educationally at-risk, including but not limited to those 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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-253.13:1(D); State Board of Education Regulations 8 VAC 20-630-10 et seq.; Appropriation Act-Direct Aid to Public Education

Last Assessment Period: 6-1-2002 through 7-31-2002
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Adult Education Programs SOE.DOE055

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 7-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Pupil Personnel Services in Grades K-12

SOE.DOE058

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-253.13:1

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

Administration of Assessment Instruments

SOE.DOE059

School divisions are required to administer appropriate assessments which may include criterion-referenced tests, 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 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 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 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Competency-Based Career and Technical Education Program and Standards

SOE.DOE062

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Career and Technical Advisory Council SOE.DOE066

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: State Board of Education Regulation 8 VAC 20-120-50

Last Assessment Period: 8-1-2006 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Career and Technical Education Student Organizations SOE.DOE067

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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.); (Fed.); P. L. 108-446 (Fed.); 20 USC 1400 et seq. (Fed.); 34 CFR 300, 303 (Fed.)

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

Special Education Plan

SOE.DOE071

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Special Education Program Standards

SOE.DOE074

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Reduced Class Size Grant

SOE.DOE075

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

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

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

At-Risk Four-Year-Old Preschool Grant

SOE.DOE076

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

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

Last Assessment Period: 8-1-2002 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Electronic Classroom

SOE.DOE078

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

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

Last Assessment Period: 9-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Limited English Proficient Students

SOE.DOE079

School divisions receiving federal 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 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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. 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 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Reenrollment Plans

SOE.DOE082

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

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

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

Reports of Certain Acts in Schools

SOE.DOE083

School division superintendents are required to report certain incidents such as assaults resulting in bodily injury, threats against school personnel, bomb threats, found weapons, student possession of weapons, the possession of certain substances, 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 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Notice of Parental Involvement in Schools SOE.DOE085

School divisions are required to distribute to all parents notice of the requirements of State law relating to parental involvement, 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 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Prevention of Violence and Crime on School Property SOE.DOE086

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-279.3:1; § 22.1-279.9

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

Sight and Hearing of Pupil to be Tested

SOE.DOE088

School divisions are required to 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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Sale of School Property

SOE.DOE089

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

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

Last Assessment Period: 8-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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

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. Funding for fiscal year 2007 is based on a ratio of one teacher per five students in kindergarten through third grade at: 1) 100% of the estimated population for kindergarten; 2) 50% of the estimated population for grades 1 and 2; and 3) 25% of the estimated population for grade 3. Funds are matched by a locality based upon their composite index of local ability-to-pay.

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

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

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

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

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

Last Assessment Period: 10-1-2006 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Home Instruction SOE.DOE094

Local school division superintendents are required to monitor the progress of home-schooled students, and must notify the Superintendent of Public Instruction of the number of students in the division receiving home instruction. 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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Required Local Funding Effort for School Division

SOE.DOE095

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

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

Last Assessment Period: 8-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Fees and Charges

SOE.DOE096

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

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

Last Assessment Period: 8-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Suspension, Expulsion, Exclusion, and Readmission of Pupils SOE.DOE097

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Jointly Owned and Operated Schools or Programs SOE.DOE099

School divisions are required to obtain Board of Education consent when operating jointly owned schools or programs, including regional public charter schools or regional residential charter schools. 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 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

School Activity Funds

SOE.DOE100

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
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 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Student Code of Conduct

SOE.DOE103

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-253.13:7 and 22.1-276.2, 22.1-279.6

Last Assessment Period: 10-1-2005 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public School Construction Grants

SOE.DOE104

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

Type: Condition of Financial Aid
Agency: **Department of Education**
Secretariat: Education
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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Internet Use Policy

SOE.DOE105

Local school superintendents are required to file an Internet use policy, approved by the local school board, with the Superintendent of Public Instruction biennially. The policy must contain a component on Internet safety that is integrated in the school division's instructional program.

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

Remediation Programs Evaluation and Reporting

SOE.DOE107

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-199.2; State Board of Education Regulations 8 VAC 20-630-10 et seq.; Appropriation Act-Direct Aid to Education

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

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

Virginia Public School Educational Technology Grants Program SOE.DOE110

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

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

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

Evaluation of Superintendent, Teachers, and Administrators SOE.DOE111

School divisions must evaluate the division superintendent, teachers, and administrators annually consistent wit 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 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

Student Searches

SOE.DOE113

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

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

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

Commercial, Promotional, and Corporate Partnership Policy SOE.DOE114

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

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

Last Assessment Period: 4-1-04 through 5/31/04
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Optional K-5 Education Programs SOE.DOE116

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

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

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

Comment: Not currently scheduled for reassessment.

Teacher Intervention/Remediation Training SOE.DOE117

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

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

Last Assessment Period: 4-1-2004 through 5-31-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment Not currently scheduled for assessment.

Charter School Applications

SOE.DOE119

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

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia §§ 22.1-212.11 and 22.1-212.15

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not currently scheduled for assessment.

Scoliosis Screening

SOE.DOE120

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

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

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not currently scheduled for assessment.

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; Appropriation Act Central Office Operations, Regulation of Professions and Occupations.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2004. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2004. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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.

Type: Compulsory Order
Agency: **Department of Education**
Secretariat: Education
Authority: Code of Virginia § 22.1-3.4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

Voting Equipment and Systems

SOA.SBE001

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

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

Last Assessment Period: 5-1-2005 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Electoral Board and Registrar

SOA.SBE002

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

Type: Compulsory Order
Agency: **State Board of Elections**
Secretariat: Administration
Authority: Code of Virginia §§ 24.2-106, 24.2-110, 24.2-310, 24.2-404.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 24.2-416.1 through 24.2-416.5, 24.2-417.1, 24.2-428.1, 24.2-428.2, 24.2-600; Voting Rights Act of 1965 (Fed.), National Voter Registration Act (42 USC § 1973gg et seq.) (Fed.)

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

Assistance for Disabled and Elderly at Polling Place SOA.SBE003

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

Type: Compulsory Order
Agency: **State Board of Elections**
Secretariat: Administration
Authority: Code of Virginia §§ 24.2-604.1, 51.5-1; P.L. 98-435 (Fed.); 42 USC 1973ee et seq. (Fed.); 42 USC 12131 et seq. (Fed.)

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

Appoint Local Emergency 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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. Code of Virginia amended 2006.

Emergency Management Assistance

SPS.VDEM002

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

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

Last Assessment Period: 2-1-2005 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Emergency Operations Plan

SPS.VDEM003

All cities and counties are required to develop and maintain a local emergency operations plan, which assigns emergency duties and responsibilities to local government and support agencies, and sets forth procedures for emergency response and recovery. The plan should be updated annually and readopted every 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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. Code of Virginia amended 2007.

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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Disaster Assistance

SPS.VDEM006

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

Type: Condition of Financial Aid
Agency: **Department of Emergency Management**
Secretariat: Public Safety
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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hazardous Materials Response Team

SPS.VDEM007

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

Type: Condition of Financial Aid
Agency: **Department of Emergency Management**
Secretariat: Public Safety
Authority: Code of Virginia § 44-146.36

Last Assessment Period: 2-1-2005 through 4-30-2005
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

SARA Title III Requirements

SPS.VDEM008

Local governments must participate in Local Emergency Planning Committees established by the Virginia Emergency Response Council under the authority of Title III of the Superfund Amendments and Reauthorization Act (SARA), also known as the Emergency Planning and Community Right-to-Know Act of 1986. 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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Appoint Local Hazardous Materials Coordinator

SPS.VDEM009

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

Type: Compulsory Order
Agency: **Department of Emergency Management**
Secretariat: Public Safety
Authority: Code of Virginia § 44-146.38; P.L. 99-499, Section 303(c)(3) (Fed.)

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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 § 14-146.19G

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:

Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment. Alerting and warning is addressed in local Emergency Operations Plans. Localities should not incur additional expenses related to plan development. However, should localities purchase new alerting/warning equipment or upgrade present equipment, additional costs will be incurred.

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:
Last Assessment Finding:
Current Assessment Period:

Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment. No additional fiscal impact to localities. The Department of Emergency Management uses the nationally recognized Local Capability Assessment for Readiness (LCAR) tool as the means for data collection. This tool provides a means to assess capability and to gage progress annually.

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: Condition of State or Federal 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:
Last Assessment Finding:
Current Assessment Period:

Comment: NEW

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:
Last Assessment Finding:
Current Assessment Period:

Comment: NEW

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 through 9-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Clean Air Act Section 105 Grant

SNR.DEQ002

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

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

Last Assessment Period: 9-1-2005 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

Last Assessment Period: 9-1-2005 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Operator Certification SNR.DEQ005

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Permit SNR.DEQ006

Local governments that operate solid waste management facilities are required to have a permit from the Department of Environmental Quality to ensure proper 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 20-80-10 et seq.; P.L. 94-580 (Fed.); P.L. 98-616 (Fed.);
42 USC 6901 et seq. (Fed.); 40 CFR 257, 258 (Fed.)

Last Assessment Period: 6-1-2006 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Vegetative Waste Management and Yardwaste Composting Regulations SNR.DEQ009

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authority: Code of Virginia § 10.1-1408.1; Virginia Waste Management Board Regulation 9 VAC 20-101-10 et seq.; 42 USC 6901 et seq. (Fed.); 40 CFR 257, 258 (Fed.)

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Litter Control and Recycling Grant SNR.DEQ010

Local governments receiving annual litter control and recycling grants must follow guidelines established by the Department of Environmental Quality. New grant applications are due by June 30 annually, with the Performance and Accounting Reports for the previous grant cycle due by August 31 annually.

Type: Condition of Financial 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 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period;
Comment: Not currently scheduled for reassessment.

Litter Receptacles in Public Places SNR.DEQ011

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

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

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Fees for Solid Waste Management Facility Permits SNR.DEQ012

Local governments applying for new, amended, or modified permits for solid waste management facilities must pay a permit application fee in order for the permit to be considered complete. 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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Solid Waste Management Facility Compliance Notification SNR.DEQ013

Upon receipt of a request for certification that the location and operation of a solid waste management facility are consistent with all applicable ordinances, the local government is required to inform both the applicant and the Department of Environmental Quality of the facility's compliance or noncompliance within 120 days. 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 20-80-10 et seq.

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

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, 10.1-1411, 10.1-1413.1; Virginia Waste Management Board Regulation 9 VAC 20-130-10 et seq.

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hazardous Waste Management Requirements SNR.DEQ016

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Medical Waste Management

SNR.DEQ017

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 12-31-2006
Last Assessment Finding: Retain
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hazardous Materials Transportation

SNR.DEQ018

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 12-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Underground Storage Tank SNR.DEQ019

Local governments that have underground storage tanks are required to 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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Pollution Discharge Elimination System Permit SNR.DEQ020

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 25-60-10 et seq.; 9 VAC 25-260-10 et seq.; 9 VAC 25-720-10 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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Water Protection Permit

SNR.DEQ021

Local governments that intend to conduct 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 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, building docks, developing water intakes, drainage or excavation of non-tidal wetlands, etc., and is granted through a Virginia Water Protection Permit that may contain special conditions necessary to protect water quality.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Pollution Abatement Permit

SNR.DEQ022

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 62.1-44.15 et seq., 62.1-44.18; Virginia Water Control Board Regulation 9 VAC 25-20-10 et seq., 9 VAC 25-30-10 et seq.; 33 USC 1251 et seq. (Fed.); Clean Water Act § 402 (Fed.); 40 CFR 122 - 124 (Fed.)

Last Assessment Period: 7-1-2006 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Ground Water Withdrawal Permit

SNR.DEQ023

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 10-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 10-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Above-Ground Storage Tank

SNR.DEQ025

Local governments owning an above-ground oil storage 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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 off-set 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: Condition of Financial 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 20-150-10 et seq.

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

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 20-80-113, 9 VAC 20-130-160

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Water Quality Improvement Fund (WQIF) Point Source Program SNR.DEQ029

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

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

Last Assessment Period: 9-1-2006 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Compliance with Air Emission Standards

SNR.DEQ031

Local governments that operate landfills, incinerators, wastewater treatment facilities, boilers, or other facilities that generate air pollution must comply with air emissions standards 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; 9 VAC 5 Chapter 40, 9 VAC 5 Chapter 50, 9 VAC 5 Chapter 60; 9 VAC 5 Chapter 70, 9 VAC 5 Chapter 80, 9 VAC 5 Chapter 151, 9 VAC 5 Chapter 210, 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 through 11-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Exceptional Waters Notification

SNR.DEQ033

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

Type: Compulsory Order
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
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 through 11-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Transportation of Waste on State Waters

SNR.DEQ034

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

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authority: Code of Virginia § 10.1-1454.1; Virginia Waste Management Board Regulation 9 VAC 20-170-10 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment
Comment Not currently scheduled for assessment.

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. In addition to the design, owners must provide documents for a technical evaluation of the design, construction, installation, and operation of equipment and systems. Such information must verify that the proposed facilities will reliably achieve compliance with the Sewage Collection and Treatment Regulations and with permit requirements.

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

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
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). Not previously reported by administering agency. Not currently scheduled for reassessment.

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:
Last Assessment Finding:
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. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment
Comment Program effective November 2, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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 $100,000 or more must prepare and submit an environmental impact report to DEQ.

Type: Regulation of Optional Activity
Agency: **Department of Environmental Quality**
Secretariat: Natural Resources
Authority: Code of Virginia §10.1-1188

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

Fire Programs Fund

SPS.DFP001

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

Type: Condition of Financial Aid
Agency: **Department of Fire Programs**
Secretariat: Public Safety
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 through 4-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Training Standards for Fire Marshals

SPS.DFP002

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

Type: Regulation of Optional Activity
Agency: **Department of Fire Programs**
Secretariat: Public Safety
Authority: Code of Virginia §§ 27-34.2 and 27-34.2:1

Last Assessment Period: 2-1-2003 through 4-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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 methods and 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 through 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. Not currently scheduled for reassessment.

DNA Samples Required from Felons

SPS.DFS002

Local jailers shall collect a DNA sample from every person convicted of a felony 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:
Last Assessment Finding:
Current Assessment Period:

Comment: Newly reported by agency.

Testimony Regarding Identification of Drugs

SPS.DFS003

Local law enforcement officers may testify at preliminary hearing to the results of drug identification field tests when the field test kits utilized have been approved by the Department of Forensic Science.

Type: Regulation of Optional Activities
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:
Last Assessment Finding:
Current Assessment Period:
Comment: Newly reported by agency. Operates as a mandate because DFS representatives will no longer testify on field tests at hearings, thereby passing the responsibility to local law enforcement officers.

DNA Samples Required Upon Arrest

SPS.DFS004

A saliva or tissue sample must be collected from every person arrested for any commission or attempted commission of any violent felony or certain burglaries, 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 Division 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:
Last Assessment Finding:
Current Assessment Period:
Comment: Newly reported by agency.

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: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Agriculture and Forestry
Authority: P.L. 95-313-1978 (Fed.)

Last Assessment Period: 5-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Forest Protection Reimbursement

SAF.DOF003

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

Type: Condition of Financial Aid
Agency: **Department of Forestry**
Secretariat: Agriculture and Forestry
Authority: Code of Virginia § 10.1-1124

Last Assessment Period: 5-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

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

Carrying Loaded Firearm on Public Road

SNR.DGIF001

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

Type: Regulation of Optional Activity
Agency: **Department of Game and Inland Fisheries**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 15.2-915.2, 29.1-526

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting Damage Stamp

SNR.DGIF002

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

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

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting or Trapping Near Highway

SNR.DGIF003

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

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

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Boating Ordinances

SNR.DGIF004

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

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

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Hunting Firearm Restrictions

SNR.DGIF005

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

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

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Design-Build/Construction Management Review

SOA.DGS004

Local governments are authorized to enter into contracts for construction on a fixed-price or not-to-exceed price design-build or construction management basis under certain conditions. Before a locality may issue a Request for Proposal, the Design-Build/Construction Management Review Board must determine that the conditions have been met and that the use of design-build or construction management is reasonable. Localities with populations exceeding 100,000 may appear before the Design-Build/Construction Management Review Board and request a one-time certification to be exempt from further review for design-build or construction management projects.

Type: Regulation of Optional Activity
Agency: **Department of General Services**
Secretariat: Administration
Authority: Code of Virginia §§ 2.2-2404 through 2.2-2406, 2.2-4303, 2.2-4308, 2.2-1134

Last Assessment Period: 1-1-2007 through 3-31-2007
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 through 11-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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, 32.1-49, 32.1-54, 32.1-57; Department of Health Agreement With Local Government

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

Child Health Services Program

SHHR.VDH003

Local health departments are required to provide child health services including 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 through 11-30-2002
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Maternal Health Services Program

SHHR.VDH004

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

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 11-30-2002
Last Assessment Finding: Alter.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Family Planning Services Program

SHHR.VDH005

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

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authority: Department of Health Agreement with Local Government; Social Security Act, Title X (Fed.)

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

Environmental Health Services Program

SHHR.VDH006

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

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

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

Optional Communicable Disease Services Program SHHR.VDH008

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

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

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

Optional Child Health Services Program SHHR.VDH009

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

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

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

Optional Maternal Health Services Program SHHR.VDH010

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

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

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

Optional Family Planning Services Program SHHR.VDH011

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

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

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

Optional General Medical Services Program SHHR.VDH012

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

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

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

Optional Dental Health Services Program SHHR.VDH013

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

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

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

Emergency Medical Services Licensing

SHHR.VDH014

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

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Program expanded (Chapter 921, 2005 Virginia Acts of the Assembly) to require additional reporting requirements. Not currently scheduled for reassessment.

Local Health Care Facility Licensing

SHHR.VDH015

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

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Health Facility Medicare Requirements

SHHR.VDH016

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

Type: Condition of Financial Aid
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authority: Social Security Act, Titles XVIII, XIX (Fed.)

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Restaurant, Hotel or Summer Camp Licensing

SHHR.VDH017

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

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 5-420-10 et seq., 12 VAC 5-430-10 et seq., 12 VAC 5-440-10 et seq., and 12 VAC 5-450-10 et seq.

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Vital Records and Health Statistics Report

SHHR.VDH018

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

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

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Public Water System Permit

SHHR.VDH019

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

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Public Marina

SHHR.VDH020

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

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

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

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 through 4-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 and the State Medical Facilities Plan Regulations 12 VAC 5-220-10 through 12 VAC 5-360-10 et seq.

Last Assessment Period: 4-1-2002 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Clinical Laboratory Facility Requirements

SHHR.VDH024

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

Type: Regulation of Optional Activity
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 6-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Emergency Medical Services Funds Report

SHHR.VDH025

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

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 46.2-694

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Rescue Squad Assistance Fund

SHHR.VDH026

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

Type: Condition of Financial Aid
Agency: **Department of Health**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 32.1-111.12; Department of Health Regulation 12 VAC 5-31 et seq.

Last Assessment Period: 4-1-2001 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Variances and Exemptions for Rescue Squads

SHHR.VDH027

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

Type: Compulsory Order
Agency: **Department of Health**
Secretariat: Health and Human Resources
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 through 6-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Virginia Department of Health
Secretariat: Health and Human Resources
Authority: Code of Virginia § 15.2-955

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Newly reported by agency. Effective 2005.

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 standard, and comply with applicable sections of the Virginia Public Procurement Act.

Type: Condition of Financial 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 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Cultural Resource Survey and Planning Cost-Share Program SNR.DHR003

Local governments contracting with the Department of Historic Resources for assistance in conducting cultural resource surveys and planning projects are required to provide a 50% match.

Type: Condition of Financial Aid
Agency: **Department of Historic Resources**
Secretariat: Natural Resources
Authority: Code of Virginia §§ 10.1-2202, 15.2-2223

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 5-62-10 et seq.

Last Assessment Period: 5-1-94 through 11-30-94
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Program expanded by regulatory action of the Board of Housing and Community Development to incorporate the International Code Council Model building code. Program update effective November 16, 2005. The Board is currently in the process of updating the USBC to conform with the 2006 edition of the International Code Council model building code. Not currently scheduled for reassessment.

Statewide Fire Prevention Code SCT.DHCD002

Local governments electing to enforce a fire prevention code must comply with the Statewide Fire Prevention Code that establishes minimum statewide standards for fire safety in buildings and structures and provides regulations for the storage, handling, and use of specified substances, materials, and devices such as explosives and blasting agents.

Type: Regulation of Optional Activity
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
Authority: Code of Virginia §§ 27-94 et seq.; Department of Housing and Community Development Regulations 13 VAC 5-51-10 et seq.

Last Assessment Period: 3-1-2000 through 5-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Program expanded by regulatory action of the Board of Housing and Community Development to incorporate the International Code Council model building code. Program effective November 16, 2005. The Board is currently in the process of updating the Statewide Fire Prevention Code to conform with the 2006 edition of the International Code Council model codes. Not currently scheduled for reassessment.

Small Cities Community Development Block Grant Program SCT.DHCD004

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

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
Authority: Title I of the Housing & Community Development Act, as amended (Fed.); 24 CFR 570 Subpart I (Fed.)

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Home Investment Partnership Act Program (HOME) SCT.DHCD007

Local governments participating in the Home Investment Partnerships Act must comply with federal and State requirements.

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
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 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Enterprise Zone

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 5-111-10 et seq.

Last Assessment Period: 9-1-2000 through 11-30-2000
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: This program was revised by the 2005 General Assembly. Emergency regulations for this program are currently in effect and final regulations are scheduled to be adopted by the Board of Housing and Community Development in October 2006. Not currently scheduled for reassessment.

Regional Competitiveness Act

SCT.DHCD011

Local governments seeking to apply for Regional Competitiveness Act funds are required to form regional partnerships, prepare regional strategic economic development plans, and issue annual reports.

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
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 through 8-31-2000
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Although this program is not currently funded, it is still active. Not currently scheduled for reassessment.

Derelict Structures Fund

SCT.DHCD012

Local governments receiving grants from the Virginia Removal or Rehabilitation of Derelict Structures Fund must provide a 100% match and report to the Department of Housing and Community Development annually on the status of properties acquired with such grants.

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
Authority: Code of Virginia §§ 36-152 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:

Comment While this program was unfunded and not active, Item 112.10 C, Ch. 951, 2005 Acts of the Assembly provided funds for this activity. New program effective date July 1, 2005. Not currently scheduled for assessment.

Housing Revitalization Fund Grants

SCT.DHCD013

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

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
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. Not currently scheduled for assessment.

Industrial Site Development Fund

SCT.DHCD015

Local governments receiving financial aid from the Industrial Site Development Fund must comply with program requirements and must provide a 25% match.

Type: Condition of Financial Aid
Agency: **Department of Housing and Community Development**
Secretariat: Commerce and Trade
Authority: Item 107 H., Chapter 1073, 2000 Virginia Acts of Assembly

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Optional Health Insurance

SOA.DHRM001

Local governments electing to participate in the employee health insurance plan operated by the Department of Human Resource Management obligate themselves either (1) to contribute at least 80% of the cost of the employee-only premium and at least 20% of the cost of dependent coverage, or (20 to enroll 75% or more of all employees whom the local employer deems to be eligible for health insurance.

Type: Condition of Financial 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: This program is not currently funded and is inactive. Not currently scheduled for assessment.

Juvenile Correctional Facility Report

SPS.DJJ001

Local governments receiving State funds to support the operation of juvenile correctional facilities are required to issue a monthly report to the State on the number of child care days registered by each juvenile correctional program or facility operated.

Type: Condition of Financial Aid
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia § 16.1-322.3

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Delinquency Prevention

SPS.DJJ002

To obtain funds for a delinquency prevention program from the Department of Juvenile Justice, localities must develop a comprehensive plan based on an objective assessment of the community's needs and resources for developing, coordinating, and evaluating youth services within the locality; establish a youth services citizen board, and provide a 25% match.

Type: Condition of Financial Aid
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
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 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Court Service Unit Standards

SPS.DJJ003

Cities and counties operating local service units for juvenile and domestic relations courts must comply with minimum State staff and personnel standards, and provide services determined by the Department of Juvenile Justice.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia § 16.1-233; Board of Juvenile Justice Regulations 6 VAC 35-150-10 et seq.

Last Assessment Period: 3-1-2005 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Court Service Unit Office Space

SPS.DJJ004

Cities and counties must provide office space, utilities, furniture, and telephone service for State operated service units for juvenile and domestic relations courts.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Juvenile Detention, Probation, and Court Service Unit Standards SPS.DJJ005

Local governments providing specialized court services must develop and operate probation, detention, and related court services for the juvenile and domestic relations court in accordance with established regulations.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Transportation of Detained Youth SPS.DJJ006

Local governments operating detention homes having custody or responsibility for supervision of a child are responsible for transportation of the child to medical appointments, dental appointments, psychological, and psychiatric evaluations. Transportation of youth to special placements shall be the responsibility of the court service unit.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia § 16.1-254

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community-Based Juvenile Services and Sanctions

SPS.DJJ007

To receive funding under the Virginia Juvenile Justice Community Crime Control Act, local governments must have their biennial plans for community-based residential and nonresidential programs approved by the State Board of Juvenile Justice (SBJJ), and must comply with SBJJ standards and regulations in the operation of their programs.

Type: Regulation of Optional Activity
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia §§ 16.1-309.2 through 309.9

Last Assessment Period: 2-1-2005 through 3-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Mental Health Screening of Juveniles

SPS.DJJ008

The staff of local juvenile detention facilities must ascertain the need for a mental health assessment for incarcerated juveniles. If such assessment is needed, the assessment shall take place within twenty-four hours of determination.

Type: Compulsory Order
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia § 16.1-248.2

Last Assessment Period: 4-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Mental Health Transition Plans for Incarcerated Juveniles SPS.DJJ009

The regulations attempt to improve the utilization and coordination of services currently available for children with significant mental health issues upon their transition from a juvenile correctional center to their home localities. The regulations provide the framework for the Department to develop appropriate interagency linkages with state and local agencies and public and private institutions. Each court service unit (CSU) and postdispositional detention program will be required to 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 Va. Code § 2.2-5205 for each jurisdiction covered by the CSU or postdispositional detention program. Those entities involved in the CPMT include the Community Service Boards (CSBs) established pursuant to Va. Code § 37.2-501, juvenile CSUs, department of health, department of social services, and the local school division. The CPMT also includes a parent representative and a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality.

Type: Regulation of Optional Activities
Agency: **Department of Juvenile Justice**
Secretariat: Public Safety
Authority: Code of Virginia § 16.2-203.1; Regulatory action pending

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

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 §§ 40.1-51.6 et seq.; Department of Labor and Industry/Safety and Health Codes Board Regulations 16 VAC 25-50-10 et seq.

Last Assessment Period: 7-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

National Emissions Standards for Hazardous Air Pollutants (NESHAP) SCT.DOLI002

Local governments must comply with federal Environmental Protection Agency regulations, incorporated by reference by the Department of Labor and Industry, governing the demolition and renovation of facilities and the disposal of asbestos-containing wastes from such operations.

Type: Compulsory Order
Agency: **Department of Labor and Industry**
Secretariat: Commerce and Trade
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Occupational Safety and Health Act SCT.DOLI003

Local governments must provide for the occupational safety and health of their employees through compliance with the State enforcement of the federal Occupational Safety and Health Act of 1970, its rules and regulations, as well as any unique requirements of the Virginia State plan program.

Type: Compulsory Order
Agency: **Department of Labor and Industry**
Secretariat: Commerce and Trade
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Boiler and Pressure Vessel Operator Certification

SCT.DOLI004

Local governments that adopt ordinances requiring boiler and pressure vessel operators to be certified by the locality must utilize the Department of Labor and Industry's standards to determine the applicant's ability, proficiency, and qualifications. Certification examinations are provided and monitored by the Department.

Type: Regulation of Optional Activity
Agency: **Department of Labor and Industry**
Secretariat: Commerce and Trade
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Voluntary Apprenticeship Programs

SCT.DOLI005

Local governments that offer apprenticeship programs and choose to register the programs with the Department of Labor and Industry must comply with the Department's regulations governing the administration of apprenticeship programs.

Type: Regulation of Optional Activity
Agency: **Department of Labor and Industry**
Secretariat: Commerce and Trade
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 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

State Certified Librarian

SOE.LVA001

Local libraries serving a population of over 5,000 must employ librarians who meet the qualifications established by the State Library Board.

Type: Regulation of Optional Activity
Agency: **The Library of Virginia**
Secretariat: Education
Authority: Code of Virginia §§ 42.1-15.1, 42.1-51, 42.1-52; State Library Board Regulation 17 VAC 100-10-10 et seq.

Last Assessment Period: 2-1-2007 through 4-30-2007
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Library Operations Standards

SOE.LVA003

Local libraries must meet State requirements for personnel, materials and operating procedures in order to qualify for State or federal grants-in-aid.

Type: Condition of Financial Aid
Agency: **The Library of Virginia**
Secretariat: Education
Authority: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulation 17 VAC 110-10-10 et seq.

Last Assessment Period: 2-1-2007 through 4-30-2007
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Planning and Development Standards for Public Library Services SOE.LVA004

Local governments receiving State grants for public libraries must follow the standards endorsed by the State Library Board in planning and developing public library services.

Type: Condition of Financial Aid
Agency: **The Library of Virginia**
Secretariat: Education
Authority: Code of Virginia §§ 42.1-46 et seq.; State Library Board Regulation 17 VAC 110-10-10 et seq.

Last Assessment Period: 7-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public Records Act SOE.LVA005

Local governments are required to comply with regulations issued by the State Library Board regarding the creation, preservation, storage, filing, reformatting, management, and destruction of official public records.
Local governments must also comply with regulations issued by the Board for the inventory, scheduling, and microfilming of official public documents which have been determined to have permanent value.

Type: Compulsory Order
Agency: **The Library of Virginia**
Secretariat: Education
Authority: Code of Virginia §§ 42.1-76 et seq.

Last Assessment Period: 5-1-2005 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Library Acceptable Internet Use Policy

SOE.LVA006

Local library boards or localities without a library board which operate a public library are required to file an acceptable policy for Internet use with the Library of Virginia. Policies shall be filed on or before December 1, 1999 and biennially thereafter.

Type: Regulation of Optional Activity
Agency: **Library of Virginia**
Secretariat: Education
Authority: Code of Virginia § 42.1-36.1

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

Protection from Identity Theft

SOE.LVA007

Local governments shall protect individuals from identity theft by eliminating social security numbers in public records.

Type: Compulsory Order
Agency: **Library of Virginia**
Secretariat: Education
Authority: 2003 Virginia Acts of Assembly, Chapters 914, 918

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not currently scheduled for assessment.

Disclosure of Proffered Cash Payments and Expenditures

SCT.CLG001

Local governments with populations over 3,500 that accept cash proffers on new development are required to make an annual report to the Commission on Local Government concerning the amount received from cash proffers, the amount expended from cash proffers revenue, and the purpose of such expenditures.

Type: Compulsory Order
Agency: Commission on Local Government
Secretariat: Commerce and Trade
Authority: Code of Virginia § 15.2-2303.2

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:

Comment: Program expanded (Chapter 522, 2003 Virginia Acts of Assembly) to require additional accounting procedures. Not currently scheduled for assessment.

Wetlands Zoning Ordinance in Tidewater

SNR.MRC001

Tidewater localities that have adopted an ordinance regulating tidal wetlands must supply meeting space for the wetlands board and reasonable secretarial, clerical, legal, and consulting services as needed.

Type: Regulation of Optional Activity
Agency: **Marine Resources Commission**
Secretariat: Natural Resources
Authority: Chapter 13 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Coastal Primary Sand Dune Zoning Ordinance

SNR.MRC002

Certain designated localities in the Tidewater area that have adopted an ordinance regulating coastal primary sand dunes and beaches must supply meeting space to the local wetlands board and reasonable secretarial, clerical, legal, and consulting services, as needed.

Type: Regulation of Optional Activity
Agency: **Marine Resources Commission**
Secretariat: Natural Resources
Authority: Chapter 14 of Subtitle III in Title 28.2 of the Code of Virginia

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

State/Local Hospitalization Program

SHHR.DMAS001

Each city and county is required to participate in the State/Local Hospitalization Program. Localities are required to provide funds for a share of the total costs to provide hospital and medical care to qualified applicants.

Type: Compulsory Order
Agency: **Department of Medical Assistance Services**
Secretariat: Health and Human Resources
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 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Services Board Participation in Community Medicaid Initiative SHHR.DMHMRSAS002

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

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Item 334, Paragraph E, Chapter 4, Special Session I, 2004 Virginia Acts of Assembly

Last Assessment Period: 3-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Establishment of Community Services Board SHHR.DMHMRSAS003

Every county or city or any combination thereof shall establish a community services board, and each locality or combination of localities having established such shall, in consultation with its community services board, designate its board as an operating community services board, an administrative policy community services board, or a local government department with a policy-advisory community services board. Appointments to community services boards shall be broadly representative of the community with one-third being consumers and family members of consumers, one of whom shall be receiving services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-500, 37.2-501, 37.2-601

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Services Board Licensing

SHHR.DMHMRSAS004

Community services boards providing services to the mentally ill, mentally retarded, or substance abusing persons are required to be licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-203, 37.2-403, 37.2-405; Department of Mental Health, Mental Retardation and Substance Abuse Services Regulation 12 VAC 35-105-10 et seq.; 21 CFR 291.505, 1300 (Fed.)

Last Assessment Period: 9/1/2005 through 11/30/2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Services Board Emergency Services

SHHR.DMHMRSAS005

Community services boards and behavioral health authorities must provide emergency services, pre-admission screening, case management, and predischarge planning services for people with mental illness, mental retardation, or alcohol and other drug problems.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
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 through 2-28-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Support Services for Community Services Board

SHHR.DMHMRSAS006

Each local government establishing a single jurisdiction community services board or the local government that serves as the fiscal agent for a multijurisdictional community services board must audit the community services board's total revenues. Local governments are also required to arrange for legal services to a single or multijurisdictional community services board.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 37.2-501; P.L. 98-502 (Fed.)

Last Assessment Period: 2-1-2006 through 4-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Human Research

SHHR.DMHMRSAS008

Community services boards seeking to conduct or sponsor human research must be certified by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Regulation of Optional Activity
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 37.1-402; Department of Mental Health, Mental Retardation, and Substance Abuse Services Regulation 12 VAC 35-180-10 et seq.

Last Assessment Period: 2-1-2003 through 4-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Development of the Comprehensive State Plan

SHHR.DMHMRSAS009

Local community services boards and behavioral health authorities must develop and submit to the Department of Mental Health, Mental Retardation, and Substance Abuse Services information for the preparation of the Comprehensive State Plan for mental health, mental retardation, and substance abuse services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 5-1-2006 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Involvement of Consumers and Family Members

SHHR.DMHMRSAS010

Local community services boards and behavioral health authorities must take all necessary and appropriate actions to maximize the involvement and participation of consumers and family members of consumers in policy formulation and service planning, delivery, and evaluation.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 12-1-2001 through 1-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Predischarge Planning

SHHR.DMHMRSAS011

Local community services boards and behavioral health authorities are required to complete a predischarge plan for any person who is to be discharged from a State mental health facility or training center.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§37.2-505, 37.2-606

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

Annual Performance Contract

SHHR.DMHMRSAS012

Local governments must approve the annual performance contract of the community services board or behavioral health authority before it is eligible to receive State grants. The contract must include specific outcome measures negotiated with the Department of Mental Health, Mental Retardation, and Substance Abuse Services. In addition, localities are required to provide a 10% match.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-508, 37.2-509, 37.2-608

Last Assessment Period: 10-1-2001 through 11-30-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Dispute Resolution

SHHR.DMHMRSAS013

Local community services boards and behavioral health authorities must institute dispute resolution mechanisms approved by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-508, 37.2-605

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

Chief Administrative Officer

SHHR.DMHMRSAS014

Local community services boards must appoint an executive director and behavioral health authorities must appoint a chief executive officer to be employed under an annually renewable contract.

Type: Compulsory Order
Agency: **Department of Mental Health, Mental Retardation, and Substance Abuse**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 37.2-504, 37.2-605

Last Assessment Period: 10-1-2006 through 12-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Regulation of Coal Surface Mining and Reclamation SCT.DMME001

Local governments electing to engage in coal surface mining activities are subject to the requirements of the federal Surface Mining Control and Reclamation Act of 1977. State primacy is implemented through the Virginia Coal Surface Mining and Reclamation Act.

Type: Regulation of Optional Activity
Agency: **Department of Mines, Minerals, and Energy**
Secretariat: Commerce and Trade
Authority: Code of Virginia §§ 45.1-229, 45.1-234, 45.1-259; Department of Mines, Minerals, and Energy Regulations 4 VAC 25-130-10 et seq.; P.L. 95-87 (Fed.); 30 CFR 700 - 999 (Fed.)

Last Assessment Period: 5-1-2005 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Regulation of Mineral Mining Operations SCT.DMME002

Local governments electing to regulate mining operations in their jurisdictions under a waiver of the State regulatory program must adopt standards at least as stringent as those set forth in Chapter 16 of Title 45.1 of the Code of Virginia.

Type: Regulation of Optional Activity
Agency: **Department of Mines, Minerals, and Energy**
Secretariat: Commerce and Trade
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 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Abandoned Motor Vehicles

STO.DMV001

Upon certification by a local government that an inoperable motor vehicle left on property within the locality has been disposed of as provided in the Code of Virginia, the Department of Motor Vehicles shall reimburse the locality $50 for each inoperable 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 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Unmarked Police Vehicle License Plates

STO.DMV002

In order to receive regular license plates for use on unmarked vehicles, local governments must certify that the motor vehicles will be used solely for police work.

Type: Regulation of Optional Activity
Agency: **Department of Motor Vehicles**
Secretariat: Transportation
Authority: Code of Virginia § 46.2-750.1

Last Assessment Period: 5-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Community Traffic Safety Grant STO.DMV003

Local governments may receive Community Traffic Safety grant funds through the Department of Motor Vehicles. To be eligible under this program, localities must establish programs to reduce the number and severity of traffic crashes through enhanced response to accidents, selective traffic law enforcement, identification of pedestrian safety problems, and identification and improvement of locations that have high or potentially high accident experience. Localities receiving this grant funding are required to provide matching funds and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Motor Vehicles**
Secretariat: Transportation
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 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Vehicle Registration Withholding Program STO.DMV004

The treasurer or director of finance of any locality may enter into an agreement with the Department of Motor Vehicles (DMV) for DMV to withhold a vehicle registration renewal if the applicant is delinquent in paying local vehicle license fees, personal property tax, or parking citations. If the locality participates in the programit 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 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Vehicle Registration Program

STO.DMV005

Local governments that enter into an agreement with the Department of Motor Vehicles (DMV) for DMV to collect local vehicle license fees must comply with statutory requirements and the formal agreement between the locality and DMV.

Type: Regulation of Optional Activity
Agency: **Department of Motor Vehicles**
Secretariat: Transportation
Authority: Code of Virginia §§ 46.2-752, 46.2-756

Last Assessment Period: 6/1/06 through 8/31/06
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for assessment.

Developmental Disabilities Grant

SHHR.VBPD001

Local governments receiving competitive Developmental Disabilities grant funds must establish programs to improve service delivery to and 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: Condition of Financial 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 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Port Assistance Grant

STO.VPA001

Local governments requesting financial assistance for port facilities must submit a request to the Virginia Port Authority's Board of Commissioners showing that the project will further the interests of the Commonwealth. Localities are required to provide matching funds.

Type: Condition of Financial Aid
Agency: **Virginia Port Authority**
Secretariat: Transportation
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 through 4-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Asbestos Inspector Licensing

SCT.DPOR001

Local government employees who perform asbestos inspections, create asbestos project designs or management plans, or engage in asbestos abatement or monitoring activity must be licensed by the Department of Professional and Occupational Regulation.

Type: Regulation of Optional Activity
Agency: **Department of Professional and Occupational Regulation**
Secretariat: Commerce and Trade
Authority: Code of Virginia § 54.1-503; Department of Professional and Occupational Regulations 18 VAC 15-20-10 et seq.

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

Waterworks and Wastewater Works Operators License

SCT.DPOR002

Local government employees who are in charge of a waterworks or a wastewater works as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations, must be licensed by the Department of Professional and Occupational Regulation.

Type: Regulation of Optional Activity
Agency: **Department of Professional and Occupational Regulation**
Secretariat: Commerce and Trade
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 through 5-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Federal Mass Transportation Grants

STO.DRPT003

Local governments receiving federal mass transportation grants which provide funds for planning, operation, capital, and administrative assistance to local public transportation agencies must accept federal mandates as to procurement, project management oversight, project review, safety standards, new bus model testing, alcohol and controlled substance testing of employees, nondiscrimination, labor standards, energy policy, environmental protection, and uniform audits and reporting.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
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, 661, 663, and 665 (Fed.); FTA Circular 4220.1D (Fed.)

Last Assessment Period: 7-1-2005 through 9-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Public Transit System Financial and Statistical Reports STO.DRPT004

Public transit systems must file financial and other required statistical data annually with the Commonwealth Transportation Board.

Type: Regulation of Optional Activity
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-223.1

Last Assessment Period: 7-1-2005 through 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.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 2.1-374 through 2.1-376.1; 23 USC § 324 (Fed.); 42 USC §§ 2000d et seq. (Fed.); 49 USC §§ 47107 and 47113 (Fed.); 49 CFR Part 26 (Fed.)

Last Assessment Period: 7-1-2005 through 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: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: P.L. 101-549 (Fed.); 104 Stat. 2470 (Fed.); 42 USC § 7506(c) (Fed.); 40 CFR Parts 85 and 86 (Fed.)

Last Assessment Period: 7-1-2005 through 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: Condition of Financial 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 through 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 that are reasonably estimated to cost $300,000 or more, or, of a lesser amount, if so required by the Commonwealth Transportation Board, the contracting processes must comply with applicable State procurement statutes.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 33.1-185 and 11-35

Last Assessment Period: 7-1-2005 through 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: Condition of Financial 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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. Crosscutting requirement that applies to many or all federal assistance programs.

Drug and Alcohol Testing of Employees Engaged in Rail or Transit Operations

STO.DRPT012

Local governments receiving federal rail or transit grant funds must comply with the Omnibus Transportation Employee Testing Act of 1991 by testing for prohibited drug use and alcohol misuse by rail or transit employees.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment
Comment Not currently scheduled for reassessment.

Commonwealth Mass Transit Funds

STO.DRPT013

Local governments receiving funds from the Commonwealth Mass Transit Fund or the Commonwealth Transit Capital Fund for public transportation are required to provide a match of 5% or more as set by the Commonwealth Transportation Board.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 58.1-638(A)(4)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Rail Industrial Access Program

STO.DRPT014

Local governments participating in the Department of Rail and Public Transportation's Rail Industrial Access Program must request funds by resolution of the governing body, provide right of way at no cost to the program, and provide a 50% match for any funds received in excess of $300,000.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-221.1:1, 24 VAC 25-10-10 et seq.

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Rail Preservation Program

STO.DRPT015

Local governments receiving State grants for rail preservation or improvement projects are required to provide for 30% of project funding using non-State sources. The Commonwealth's interests in such projects must be 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: Condition of Financial 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: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Alternative Fuel Bus Funds

STO.DRPT016

Local governments in urban areas with populations over 100,000 persons receiving federal grants for urban bus alternative fuels demonstration projects must provide a 20% match.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: P.L. 102-486, Title IV, § 410 (Fed.); 106 Stat. 2884 (Fed.); 42 USC 13236(b) (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Federal Uniform Administrative Requirements

STO.DRPT017

Local governments receiving transportation grants or entering into cooperative agreements with the federal Department of Transportation or its agencies are subject to uniform administrative requirements.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
Authority: 49 USC 322(a) (Fed.); 49 CFR Part 49 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Federal Highway Administration Grants STO.DRPT018

Local governments receiving Transportation Demand Management grants from the Department of Rail and Public Transportation in connection with highway construction projects funded by the Federal Highway Administration are required to comply with certain federal mandates as to nondiscrimination, record keeping, safety, water and air quality, and lobbying activities.

Type: Condition of Financial Aid
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Voter Registration for Disabled Users of Transit and Paratransit Services STO.DRPT019

Certain local governments that operate transit agencies are required to serve as voter registration sites for people with disabilities.

Type: Compulsory Order
Agency: **Department of Rail and Public Transportation**
Secretariat: Transportation
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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment. Applies only to the Cities of Charlottesville, Danville, Fairfax, Fredericksburg, Harrisonburg, Manassas, Manassas Park, and Williamsburg; the Counties of Buchanan, Fairfax, Franklin, Goochland, James City, Prince William, Spotsylvania, and York; and the Towns of Blacksburg and Bluefield.

Disability Services Boards (DSBs) SHHR.DRS001

Local governments shall establish a disability services board to provide input to state agencies on service needs and priorities of persons with physical and/or sensory disabilities, provide information and resource referral to local governments regarding the Americans with Disabilities Act, provide other assistance and advice to local governments as may be requested, administer the Rehabilitative Services Incentive Fund grants, and conduct an assessment of needs of people with physical and/or sensory disabilities every three years.

Type: Compulsory Order
Agency: **Department of Rehabilitative Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia Section 51.5-47

Last Assessment Period: 6-1-2005 through 8-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Energy Assistance Program SHHR.DSS001

Local social services agencies must accept applications and determine the eligibility of clients for the energy assistance 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 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment Not currently scheduled for reassessment.

Merit System of Personnel Administration

SHHR.DSS002

Local social services agencies must conform to a merit system of personnel administration for administrative staff.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-100, 63.2-326; 5 CFR 900.603 (Fed.)

Last Assessment Period: 2-1-2006 through 4-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Social Services Staffing Report

SHHR.DSS007

Local social services agencies must submit reports on staffing to the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-205, 63.2-315

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

Social Services Administration/Record Retention and Reporting SHHR.DSS008

Local 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; Department of Social Services Local Administrative Manual, Ch. F

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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; Department of Social Services Local Administrative Manual, Ch. C

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Administrative Records Confidentiality Required

SHHR.DSS010

Local social services agencies must ensure and maintain the confidentiality of administrative records.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-102, 63.2-104; Department of Social Services Local Administrative Manual, Ch. C; 45 CFR Part 205.50 (Fed.)

Last Assessment Period: 9-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Employee Qualification Standards

SHHR.DSS011

Local social services agencies must ensure that workers who investigate out-of-family complaints meet the State Board of Social Services' qualifications and that the workers receive assistance from the State Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-1503

Last Assessment Period: 7-1-2002 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Long-Term Care Screening Team Participation Required SHHR.DSS012

Local social services agencies are required to participate in a community based screening team to evaluate individuals who will be eligible for long-term care services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 32.1-330, 63.2-1602(1); Department of Social Services Policy Manual, Ch. D

Last Assessment Period: 7-1-2006 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Office Space Compliance Required SHHR.DSS014

Local social services agencies must conform to policies for office space and facilities established by the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-400; Department of Social Services Local Administrative Manual, Vol. I, Ch. D

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Eliminate.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Auxiliary Grant Program for SSI Recipients

SHHR.DSS015

Local social services agencies must determine the eligibility of clients for the auxiliary grant program for supplemental security income (SSI) recipients and provide local funding for a share of the program costs in accordance with State regulations.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-800; Department of Social Services Manual Volume II, Parts I - III; Department of Social Services Medicaid Pending System Guide; Department of Medical Assistance Services Medicaid User's Guide; Social Security Act §§1616, 1618 (Fed.); 20 CFR 416.2099, 416.2095 - 416.2099 (Fed.)

Last Assessment Period: 7-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Food Stamp Program

SHHR.DSS016

Local governments must determine eligibility for the Food Stamp 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 Food Stamp Policy Manual Volume V; 7 CFR 271 through 282 (Fed.); P.L. 88-525, Sec. 2013 (Fed.)

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

General Relief Program Standards SHHR.DSS018

Local governments electing to provide the General Relief program must adhere to 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 through 3-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Refugee Resettlement Administration and Eligibility Determination SHHR.DSS020

Local social services agencies must determine the eligibility of clients for the refugee assistance program in compliance with procedures as established by the Department of Social Services in accordance with the federal Refugee Resettlement Program.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
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 Volume XVIII, Department of Medical Assistance Services Medicaid User's Guide; 45 CFR 400.4, 400.23, 400.50, 400.90, 400.202, 401.12 (Fed.)

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

Temporary Assistance for Repatriates Program SHHR.DSS021

Local social services agencies must 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; Department of Social Services Manual of Policy and Procedure, Vol. II, Part VI; 42 USC 1313 (Fed.); 45 CFR 212.1 - 212.10 (Fed.)

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Medicaid Administration and Eligibility Determination SHHR.DSS022

Local social services agencies must determine the eligibility 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 Manual Volume XIII, Medicaid Pending System User Guide; Department of Medical Assistance Services Medicaid User's Guide; Social Security Act, Sec. 1902 (a) (5), (8), (19); 42 CFR 431.10, 431.200, 431.800, 435.905, 435.911, 435.912 (Fed.)

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

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

SHHR.DSS023

Local social services agencies must determine if children taken into the custody of a local department of social services meets the eligibility criteria for the Aid to Families with Dependent Children program 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 through 9-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Caseload Reporting

SHHR.DSS026

Local social services agencies must submit reports on caseloads to the Department of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
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 through 3-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Social Services Board Records Retention Policy

SHHR.DSS027

Local social services agencies are required to preserve for such length of time as the Department of Social Services may prescribe a record of the decision of the local social services board and all supporting documents and records including the findings and recommendations of the local superintendent.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-516

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

Family-Based Social Services Policy

SHHR.DSS029

Local social services agencies are required to implement a family-based social services policy for specified populations of families.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-217, 63.2-900, 63.2-1500; Department of Social Services Regulation 22 VAC 40-800-10 et seq.

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Family Preservation Services Requirements

SHHR.DSS030

Local social services agencies are responsible for the development and delivery (or purchase) of family preservation services, including services to prevent or eliminate the need for foster care or other out-of-home placements.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-217, 63.2-319, 63.2-900, 63.2-903, 63.2-1105; Department of Social Services Manual, Vol. VII, Ch. E; Department of Social Services Regulation 22 VAC 40-800-10 et seq.; Social Security Act, Title IV-B (Subpart 2), Title IV-E (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Child Protective Services

SHHR.DSS031

Local social services agencies are required to provide child protective services and to administer the program in accordance with State regulations.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-1503; 22 VAC 40-720-10 et seq.; Department of Social Services Program Manual Volume VII §III, Ch. A; P.L. 100-294, as amended by P.L. 104-235 (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Foster Care Services

SHHR.DSS032

Local social services agencies are required to provide foster care. In addition, local social services agencies must follow State board regulations, including those for the interstate and 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; Department of Social Services Regulations 22 VAC 40-210-10 et seq.; Department of Social Services Service Program Manual Vol. VII, Ch. B, D, and E; Social Security Act, Title IV-E §§ 470 through 472 (Fed.); 45 CFR 1355-57 (Fed.)

Last Assessment Period: 8-1-2002 through 10-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Adoption and Other Services

SHHR.DSS033

Local social services agencies are required to provide adoption services and to administer the program in accordance with State regulations.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 16.1-283, 63.2-100, 63.2-319, 63.2-1302; Department of Social Services Regulations 22 VAC 40-220-10 et seq.; Department of Social Services Service Program Manual Volume VII § III, Ch. C, D; Social Security Act, Title IV-B § 421 and Title IV-E § 47 (Fed.)

Last Assessment Period: 2-1-2004 through 4-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Adult Protective Services SHHR.DSS037

Local social services agencies are required to identify specific protective services for adults found to need protective services and to provide those services to the extent that federal or State matching funds are available.
The local agency must conduct investigations into reports that older and/or incapacitated adults are abused, neglected, or exploited, and must also submit reports on protective services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-1603 through 63.2-1610; Department of Social Services Service Program Manual Volume VII § IV, Ch. B

Last Assessment Period: 1-1-2003 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Adult Foster Care Program Requirements

SHHR.DSS038

Local social services agencies participating in the adult foster care program 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 Service Program Manual Volume VII, Ch. D

Last Assessment Period: 10-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Services to Person Discharged from State Hospital

SHHR.DSS040

Local social services agencies are required to assume responsibility for the provision of social services to persons discharged from State hospitals.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-1602(4); Department of Social Services Policy Manual, Vol. VII, Ch. A through D

Last Assessment Period: 1-1-2003 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Home-Based Services SHHR.DSS041

Local social services agencies are required to provide home-based services to the extent that federal or State matching funds are available.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-1600; State Board of Social Services Policy, January 1975; and Department of Social Services Service Program Manual Volume VII § IV, Ch. C and D.

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

Long-Term and Transitional Child Day Care Services SHHR.DSS042

Local social services agencies must provide child day care services to eligible recipients of Temporary Assistance to Needy Families (TANF), the Virginia Initiative for Employment Not Welfare (VIEW), participants in the Food Stamp Employment and Training Program (FSET), and eligible Head Start families.. In addition, local social service agencies must provide on a sliding fee scale basis transitional child day care services to eligible, employed former recipients of TANF.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
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 Development Block Grant) (Fed.); Food Stamp Act, as amended (Fed.)

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

Food Stamp, Employment, and Training Program (FSET) SHHR.DSS043

Local social services agencies not meeting the federal waiver criteria for high unemployment or labor surplus area must provide employment services to recipients of food stamp assistance 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; Food Stamp Employment and Training Program Annual Plan; Food Stamp Act (Fed.); P.L. 88-525, § 2013, as amended (Fed.); 7 CFR 271 through 273, 277 (Fed.)

Last Assessment Period: 2-1-2003 through 4-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: This program applies to a selected group of 41 local social services agencies. Not currently scheduled for reassessment.

Purchase of Child Day Care Services SHHR.DSS045

Local social services agencies must purchase child day care services, to the extent that funding is available, for low income families who need child care to support education and/or training activities (Fee System/Block Grant child day care program) and to support those employed (Fee System/ Block Grant and Fee System At-Risk child day care programs). Eligible clients contribute to the cost of care in accordance with a sliding fee scale.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: P.L. 101-508 (Fed.); Omnibus Budget Reconciliation Act of 1990 §§ 5081, 5082 (Fed.)

Last Assessment Period: 1-1-2003 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Integration of Community Services

SHHR.DSS046

Local social service agencies are required to develop, with the community services boards, joint annual written agreements to specify what services will be provided to clients. Local social services agencies are also required to serve on prescription teams to facilitate the integration of community services necessary for 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 §§ 37.1-197(12), 37.1-197.1, 63.2-1602(4); Department of Social Services Service Program Manual Volume VII § IV, Ch. D

Last Assessment Period: 10-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Intake Services

SHHR.DSS047

Local social services agencies are required to provide the following intake services: (1) accepting and processing service applications; (2) arranging for family planning; and (3) periodic screening, diagnosis, and treatment for children.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-217

Last Assessment Period: 5-1-2002 through 7-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Case Management Services

SHHR.DSS048

Local social services agencies are required to provide case management services including disposition of service applications, service planning, service delivery, monitoring and case closure.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
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; Department of Social Services Regulation 22 VAC 40-780-10 et seq.

Last Assessment Period: 1-1-2003 through 3-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Out-of-Home and In-Home Services Approval

SHHR.DSS050

Local social services agencies must approve out-of-home and in-home providers.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-100, 63.2-904; Department of Social Services Regulation 22 VAC 40-770-10 et seq.

Last Assessment Period: 10-1-2002 through 12-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Child Day Centers, Camps, and Schools Licensing SHHR.DSS051

Local governments that operate child day centers, nursery schools, child day care camps, before and after school child care programs, family day systems, or child caring institutions must be licensed by the Department of Social Services.

Type: Regulation of Optional Activity
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
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 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Confidentiality of Client Social Services Program Records SHHR.DSS052

Local social services agencies must ensure and maintain the confidentiality of client records for social service programs.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-102; Department of Social Services Local Administrative Manual, Ch. C

Last Assessment Period: 7-1-2002 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Adult Day Care Centers and Adult Homes Licensing

SHHR.DSS053

Local governments that operate adult day care centers for profit or 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 through 9-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

AmeriCorps Grant

SHHR.DSS057

Local governments receiving AmeriCorps grant funds must establish volunteer programs to address local problems, with such programs employing at least 20 full-time or 40 part-time individuals age 17 years or older. Localities receiving funds for such activities are required to provide a match of 15% to 35% and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: National and Community Trust Act of 1993

Last Assessment Period: 2-1-2004 through 4-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Spouse Abuse Grant

SHHR.DSS058

Local governments receiving Virginia Family Violence Prevention Spouse Abuse grant funds must develop programs to initiate and strengthen basic community services for victims of domestic violence; expand community education on domestic violence issues; increase outreach services, support, and advocacy for victims of domestic violence; and increase services for batterers. Localities receiving funds for such activities are required to provide a 25% match and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-1502(3), 63.2-1614, 63.2-1615

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Child Abuse and Neglect Prevention Grant

SHHR.DSS059

Local governments receiving Virginia Family Violence Prevention Child Abuse and Neglect Prevention grant funds must establish programs aimed at preventing the factors causing child abuse and neglect. Localities receiving funds for such activities are required to provide a 25% match and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-1502(3)

Last Assessment Period: 9-1-2002 through 11-30-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Child Abuse and Neglect Treatment Grant

SHHR.DSS060

Local governments receiving Child Abuse and Neglect Treatment grant funds must establish programs to provide direct services to victims of child abuse and neglect. Localities receiving funds for such activities are required to provide a match of 20% to 35%, or an in-kind match, and to comply with other program requirements.

Type: Condition of Financial Aid
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-1502(3); 42 USC 10601 (Fed.)

Last Assessment Period: 6-1-2002 through 8-31-2002
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Local Board and Director of Social Services

SHHR.DSS061

Local governments shall have a local Board and Director of Social Services.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-300, 63.2-324

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Assessment in Assisted Living Facilities SHHR.DSS062

Local social services agencies must assess residents of assisted living facilities (ALF) and applicants for residency using the Uniform Assessment Instrument to determine care needs. Any subsequent change in a resident's condition which would affect admission to an ALF shall cause a new assessment to be completed.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia §§ 63.2-1602(2), 63.2-1804; 22 VAC 40-745-10 et seq.

Last Assessment Period: 2-1-2005 through 5-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Temporary Assistance to Needy Families (TANF) SHHR.DSS063

Local social services agencies must determine eligibility for the Temporary Assistance to 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; P.L. 104-193 (Fed.); 45 CFR, Part 260

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Initiative for Employment not Welfare (VIEW) SHHR.DSS064

Local social services agencies must operate the Virginia Initiative for Employment not Welfare (VIEW) program to assist recipients of Temporary Assistance to Needy Families (TANF) to become economically self-sufficient by assisting in the removal of barriers and disincentives to work and to offer opportunities and work skills training.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-601; P.L. 104-193 (Fed.)

Last Assessment Period: 4-1-2006 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

New Hires Reporting SHHR.DSS065

Local governments must report new hires, unless exempted by statute or regulation, to the Virginia New Hire Reporting Center, operated under the Division of Child Support Enforcement, within 20 days of the initial hire.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-1946

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

Fraud Control Program

SHHR.DSS066

Local social services agencies must establish fraud prevention and investigation units in compliance with State Board of Social Services regulations. Such units may be established in cooperation with other local social services agencies.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 63.2-526

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

Annual Reports by Guardians

SHHR.DSS067

Local social services agencies receiving annual reports by guardians must file a copy of such reports within 60 days to the clerk of the circuit court that appointed the guardian. Additionally, twice each year local agencies must file with the clerk of the circuit court a list of all guardians more than ninety days delinquent in filing an annual report.

Type: Compulsory Order
Agency: **Department of Social Services**
Secretariat: Health and Human Resources
Authority: Code of Virginia § 37.2-1021

Last Assessment Period: 1-1-2004 through 3-31-2004
Last Assessment Finding: Retain
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 4-30-2004
Last Assessment Finding: Retain
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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, 62.2-114.1, 63.2-1923, 63.2-1924; Uniform Interstate Family Support Act (Fed.)

Last Assessment Period: 6-1-2004 through 9-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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 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:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective July 1, 2005. Fiscal Impact: Data not available. Not currently scheduled for assessment.

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 the national fingerprint criminal history record check or may require the individual to pay the cost. 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; P. L. 109-248 (Adam Walsh Child Protection and Safety Act of 2006) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

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

Vehicle Inspection Station Standards

SPS.VSP002

Local governments that operate motor vehicle inspection stations must comply with Department of State Police regulations governing such operation.

Type: Regulation of Optional Activity
Agency: **Department of State Police**
Secretariat: Public Safety
Authority: Code of Virginia § 46.2-1163

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Criminal Information Network

SPS.VSP003

Local law enforcement agencies that join the Virginia Criminal Information Network must comply with Department of State Police regulations governing its operation, including mandated training of operators, and must bear a portion of the cost of establishing, operating, and maintaining such systems.

Type: Regulation of Optional Activity
Agency: **Department of State Police**
Secretariat: Public Safety
Authority: Code of Virginia §§ 19.2-389, 52-12, 52-14, 52-15; 28 USC 20 (Fed.); 28 USC 534 (Fed.); P.L. 101-647 (Fed.)

Last Assessment Period: 8-1-2003 through 10-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Uniform Crime Reporting System

SPS.VSP005

Local law enforcement agencies must report certain crimes and offenses to the Department of State Police for statewide crime reporting and for transmittal to the Federal Bureau of Investigation Uniform Crime Reporting System. 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/Condition of Financial Aid
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 through 4-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 7-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 through 4-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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

Sex Offender and Crimes Against Minors Registry SPS.VSP009

Local law enforcement agencies are required to 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 through 9.1-918; 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 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Criminal Street Gang Reporting SPS.VSP010

Local law enforcement agencies 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 through 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.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authority: Code of Virginia § 18.2-308

Last Assessment Period: 3-1-2006 through 5-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Unserved Felony Warrants or Capias Reporting

SPS.VSP012

Local law enforcement agencies are required to enter unserved felony warrants and capias information into the Virginia Criminal Information Network and the National Crime Information Center within 72 hours of receipt.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authority: Code of Virginia § 19.2-390

Last Assessment Period: 2-1-2006 through 4-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Registration of Machine Guns

SPS.VSP013

Local law enforcement agencies are required to register their department's machine guns with the Department of State Police within 24 hours of acquisition.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
Authority: Code of Virginia § 18.2-295

Last Assessment Period: 6-1-2006 through 8-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Protective Order Reporting

SPS.VSP015

Local law enforcement agencies are required to enter valid protective order information into the Virginia Criminal Information Network upon receipt.

Type: Compulsory Order
Agency: **Department of State Police**
Secretariat: Public Safety
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: 9/1/06 through 11/30/06
Last Assessment Finding:: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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:
Last Assessment Finding:
Current Assessment

Comment Program effective July 1, 2004. Not previously reported by administering agency. Not currently scheduled for assessment.

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:
Last Assessment Finding:
Current Assessment Period:

Comment: Program effective July 1, 1994. Not previously reported by administering agency. Not currently scheduled for assessment.

Banks' Returns on Net Capital

SFIN.TAX001

Commissioners of revenue are required to certify copies of banks' returns on net capital and schedules and transmit certified copies to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia § 58.1-1207

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Taxpayer Assistance

SFIN.TAX002

Commissioners of revenue must provide taxpayer assistance necessary for the preparation of any return required to be filed with his or her office or as directed by the State tax commissioner.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia §§ 58.1-202, 58.1-3108

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

Annual Assessment Sales Ratio Study

SFIN.TAX003

The clerk of the circuit court for each jurisdiction must forward the recordation receipts for all property conveyances for each month to the Department of Taxation. In addition, local assessing officers must make available to the State Tax Commissioner data necessary to conduct an annual assessment sales ratio study.
Upon publication of the study, the local assessing officer must post a copy of the study in his or her office.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
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 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Income and Fiduciary Tax Returns

SFIN.TAX004

Cities and counties must obtain income and fiduciary tax returns, audit the returns, make any necessary assessments, deposit any tax due payments, and forward the returns to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia §§ 58.1-305, 58.1-307, 58.1-382, 58.1-3107

Last Assessment Period: 10-1-2001 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Estimated Tax Payment

SFIN.TAX005

Certain individuals, trusts, and estates must file a declaration of estimated tax with the commissioner of the revenue and make necessary payments to the treasurer. The commissioner of the revenue and treasurer are required to record the payment information daily and submit the information to the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia §§ 58.1-490 et seq.

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

Recordation and Will Taxes

SFIN.TAX006

Clerks of the circuit court for each city and county must collect and deposit recordation taxes and taxes on wills.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
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 through 12-31-2001
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Real Estate Reassessment Standards

SFIN.TAX007

Local governments must reassess real estate at certain intervals. The intervals are determined by the locality type and the population of the locality. Local governments must assess real estate at 100 percent fair market value.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia §§ 58.1-3201, 58.1-3250 through 3254

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

Tax-Exempt Real Property Inventory

SFIN.TAX008

Local assessing officers must assess tax exempt real estate at its fair market value and maintain an inventory of tax exempt and tax immune real estate. A total of assessed valuations and a computation of the percentage of the exempt and immune property to all property assessed must be published annually and a copy must be filed with the Department of Taxation.

Type: Compulsory Order
Agency: **Department of Taxation**
Secretariat: Finance
Authority: Code of Virginia § 58.1-3604

Last Assessment Period: 6-1-2003 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: 8-1-2005 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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, 58.1-3378 - 58.1-3380, 58.1-3384, 58.1-3984

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Program effective January 1, 2004. Not previously reported by administering agency. Not currently scheduled for assessment.

Metropolitan Transportation Planning

STO.VDOT001

Local governments in urbanized areas that receive federal capital or operating financial assistance through the Federal Aid Highway Act and the Urban Mass Transportation Act must have a comprehensive, cooperative, and continuing transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area. These plans and programs support transportation improvements and subsequent project development activities in the area.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: 23 USC 134 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 4-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: 23 USC 135 (Fed.); 23 CFR 450 (Fed.)

Last Assessment Period: 9-1-2003 through 11-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

VDOT Revenue Sharing Program

STO.VDOT003

Localities participating in the Department of Transportation's Revenue Sharing Program must provide matching funds up to $1,000,000 for approved transportation projects. Such projects include (1) maintaining, improving, or constructing roads in the urban, primary or secondary systems; or (2) bringing certain subdivision streets up to standards sufficient to qualify for State maintenance.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-23.05

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period;
Comment: Not currently scheduled for reassessment.

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: Condition of Financial 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 through 4-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Residential Cut-Through Traffic Policy

STO.VDOT005

Local governments (except Arlington and Henrico Counties) must hold public hearings and make formal requests to the Department of Transportation before cut-through traffic restrictions are implemented on secondary highways.

Type: Regulation of Optional Activity
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 46.2-809.1, Commonwealth Transportation Board Resolution dated May 9, 1996.

Last Assessment Period: 9-1-2003 through 11-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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, provide right of way at no cost to the program, and provide matching funds up to $150,000 for allocations over $300,000.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-221

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Airport Access Road

STO.VDOT007

Local governments participating in the Department of Transportation's Airport Access Roads Program for publicly owned airports must request funds by resolution of the governing body, provide right-of-way at no cost to the program, and provide matching funds up to $150,000 for allocations over $300,000.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-221

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Recreational Access Road

STO.VDOT008

Local governments participating in the Department of Transportation's Recreational Access Program must request funds by resolution of the governing body, provide right of way at no cost to the program, provide matching funds up to $100,000 for allocations over $250,000 for a road and up to $15,000 for a bikeway; adopt a zoning ordinance prior to requesting funds for a bikeway; and designate the road as a scenic highway or byway.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-223

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Subdivision Street Development Control

STO.VDOT009

Localities must adopt a subdivision ordinance requiring subdivision streets to meet Virginia Department of Transportation standards as prerequisite to the State's acceptance of those streets into the secondary system for maintenance and improvement.

Type: Regulation of Optional Activity
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 15.2-2240, 33.1-12, 33.1-69, 33.1-72.1, 33.1-229; Department of Transportation Subdivision Street Requirements

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment
Comment Not currently scheduled for reassessment.

Urban Street Construction

STO.VDOT010

Cities and towns with a population over 3,500 (and certain towns under 3,500) must contribute 2% of the cost of any project to construct, reconstruct, or improve streets and highways within their jurisdiction. For towns with a population under 3,500 and which maintain their own streets, the State will pay 100% of such projects.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
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 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-41.1

Last Assessment Period: 4-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Entrance to State Highway Standards

STO.VDOT012

All entrances to State highways must be in accordance with Virginia Department of Transportation's "Minimum Standards of Entrances to State Highways."

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 33.1-197, 33.1-198

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Traffic Signs, Signals, and Markings

STO.VDOT013

Traffic signs, signals, and markings placed or erected by local governments must conform in size, design, and color to those erected for the same purpose by the Department of Transportation.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 46.2-1312

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Maintenance and Construction Operations

STO.VDOT014

Local governments performing construction and maintenance operations on streets and highways in the State must comply with the guidelines and uniform traffic control contained in Part VI of the Virginia Supplement to the Manual on Uniform Traffic Control Devices.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 46.2-1312

Last Assessment Period: 4-1-2005 through 6-30-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Removal of Outdoor Advertising STO.VDOT015

Local governments that remove, under local ordinances, lawfully erected and maintained outdoor advertising signs visible from interstate, 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 C.F.R. Part 750.705 (e) (Fed.)

Last Assessment Period: 9-1-2003 through 11-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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 in function, proximity, or impact, and the activities should increase the value or worth of a project or make it more esthetically pleasing. Local governments receiving funds for such activities are required to provide a 20% match and comply with various other federal laws and regulations.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: 23 USC 133(d)(2) (Fed.)

Last Assessment Period: 8-1-2005 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Road and Bridge Standards

STO.VDOT017

Local governments requiring curbs along their streets that incorporate accessible pedestrian routes must also require that curb ramps be constructed at intersections for use by persons with mobility impairments. 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 through 7-31-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Bridge Safety Inspection Standards

STO.VDOT018

Local governments must have all bridges and culverts on public roads inspected at regular intervals according to National Bridge Inspection Standards.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-12; 23 CFR 650, Subpart C (Fed.); National Bridge Inspection Standards (Fed.)

Last Assessment Period: 8-1-2005 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Use of Transportation Funds

STO.VDOT022

If a local government wants to use transportation funds to construct transportation facilities or requests the Department of Transportation to administer a contract using its funds for the construction of such facilities, the contracting process and quality control processes must comply with applicable State procurement statutes and Department of Transportation policies and procedures.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 33.1-12 and 33.1-75.3

Last Assessment Period: 8-1-2005 through 10-31-2005
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Six-Year Secondary Improvement Plan

STO.VDOT023

The governing body of each county in the secondary highway system, 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: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-70.01

Last Assessment Period: 7-1-2005 through 6-30-2006
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

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: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-23.5:1

Last Assessment Period: 4-1-2003 through 6-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Americans With Disabilities Act

STO.VDOT027

Local governments receiving State and federal financial assistance for transportation programs must comply with the provision of the Americans with Disabilities Act.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 51.5-40; P.L. 101-336 (Fed.); Department of Transportation Act Section 5 (49 USC 1654 et seq.) (Fed.); Executive Order No. 2 (2006) Community Integration for Virginians with Disabilities

Last Assessment Period: 5-1-06 through 7-31-06
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Local Transportation Improvement District

STO.VDOT028

Adjoining counties wishing to create a transportation improvement district must adhere to a petition, notification, hearing, and resolution process set forth in statute.

Type: Regulation of Optional Activity
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia §§ 33.1-409 et seq.

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

Highway Safety Improvement Program (HSIP)

STO.VDOT029

The Department of Transportation is required to reserve 10% of the Surface Transportation Funds it receives under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to improve areas where there is an abnormally high incidence of accidents or to reduce the occurrence and potential of railroad grade crossing accidents. Local governments receiving funds for such projects are required to provide a 10% match. In addition, grantees must also comply with various federal regulations concerning personnel matters, purchasing, etc.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: 23 USC 152 (Fed.); P.L. 109-59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005) (Fed.)

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

Coordination of State and Local Transportation Planning STO.VDOT030

Local governments must submit comprehensive plans, plan amendments, rezoning proposals, site plans, or subdivision plats that substantially affect transportation on a state controlled highway to VDOT for review and comment.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 15.2-2222.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

Load and Resistance Factor Bridge Design STO.VDOT031

If federal funds will be used to construct a bridge, local governments must use the American Association of State Highway and Transportation Officials (AASHTO) Load and Resistance Factor Design (LRFD) Specification for any bridge designs started after October 1, 2007.

Type: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Federal Highway Administration (FHWA) letter dated June 28, 2000

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

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:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

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 30-120-160). 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:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

Prohibition on Local Removal of Outdoor Advertising

STO.VDOT034

Local governments are prohibited from ordering the removal of an outdoor advertising sign without payment of just compensation unless the outdoor advertising sign would prohibit development of the property due to site constraints. Local government are prohibited from making removal of an outdoor advertising sign a condition of development approval.

Type: Compulsory Order
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: Code of Virginia § 33.1-370.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW

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. Eligible infrastructure projects are sidewalk, traffic calming, crossing, traffic diversion, and bicycle facilities improvements within approximately two miles of schools. 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: Condition of Financial Aid
Agency: **Department of Transportation**
Secretariat: Transportation
Authority: 23 USC 133(d)(2) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment
Comment: NEW

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

Investment of Virginia Public School Authority Bond Proceeds SFIN.TD003

Local governments participating in any Virginia Public School Authority pooled financing are required to invest the proceeds from the sale of their local school bonds in the Virginia State Non-Arbitrage Program.

Type: Regulation of Optional Activity
Agency: **Department of the Treasury**
Secretariat: Finance
Authority: Virginia Public School Authority General Pooled Bond Policy § 11; Internal Revenue Code §§ 1.103 and 1.148 (Fed.)

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Public Building Authority Jail Construction Reimbursement Program

SFIN.TD004

Local governments seeking reimbursement from the Commonwealth for a portion of the capital costs and financing costs or interest costs of constructing a jail facility must apply for reimbursement through the Department of the Treasury.

Type: Regulation of Optional Activity
Agency: **Department of the Treasury**
Secretariat: Finance
Authority: Code of Virginia §§ 53.1-82.2, 53.1-82.3; Virginia Public Building Authority Guidelines

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Depositing Requirements for State Funds

SFIN.TD006

Each treasurer shall deposit all State moneys collected or received from all sources directly into the account of the State treasury without any deduction and make a statement of all State revenue collected since the last report to the comptroller.

Type: Compulsory Order
Agency: **Department of the Treasury**
Secretariat: Finance
Authority: Code of Virginia §§ 2.2-806, 58.1-3168

Last Assessment Period: 7-1-2003 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:

Comment: Not currently scheduled for reassessment.

Exception Reporting by Public Depositor

SFIN.TD007

Pursuant to the Virginia Security for Public Deposits Act and related regulations, public depositors must notify the State Treasurer of any 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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Uniform Disposition of Unclaimed Property

SFIN.TD008

The Uniform Disposition of Unclaimed Property Act requires the State Treasurer to identify, collect, and return property that has been held for specified dormancy periods to rightful owners. Local treasurers, directors of finance, clerks of court, general receivers, or any other local government entity holding property more than one year for owners who can not be located are required to report and remit this property by November 1 of each year. 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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Abandoned Real Property

SFIN.TD009

Local treasurers or other designated local officials are required to report to the appointed escheator and State Treasurer by May 31 of each year real property that appears to meet the criteria for escheat on his or her records as of the end of the prior calendar year. The report shall be certified as to its accuracy by the commissioner of revenue or designated local official prior to 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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Blanket Fidelity Bond Program

SFIN.TD010

Constitutional officers, general receivers, and clerks are required to participate in the blanket fidelity bond program established and administered by the Department of the Treasury, Division of Risk Management.

Type: Compulsory Order
Agency: **Department of the Treasury**
Secretariat: Finance
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 through 9-30-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Information Technology Access for the Visually Impaired SOTECH.VITA001

Local governments that use funds provided by the Commonwealth to purchase information technology for use by employees, program participants, or the public are required to ensure that such technology is adaptable for access by individuals who are visually impaired, provided that the essential elements of the technology are not visual or that nonvisual equivalence is unavailable.

Type: Compulsory Order
Agency: **Virginia Information Technologies Agency**
Secretariat: Technology
Authority: Code of Virginia §§ 2.2-3500 et seq.

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

Internet Privacy Policy SOTECH.VITA002

Local governments having an Internet web site must develop an Internet privacy policy and an Internet privacy statement explaining the policy to the public. The policy must be consistent with requirements set out in the Code of Virginia.

Type: Compulsory Order
Agency: **Virginia Information Technologies Agency**
Secretariat: Technology
Authority: Code of Virginia § 2.2-3803

Last Assessment Period: 8-1-2003 through 10-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Last assessed as SOTECH.DTP002. Not currently scheduled for reassessment.

Implementation of E-911 Services

SOTECH.VITA003

Local governments are 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 through 8-31-2003
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Not currently scheduled for reassessment.

Virginia Workforce Development Program

GOV.OWD001

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

Type: Condition of Financial Aid
Agency: **Governor's Office for Workforce Development**
Secretariat: Not Applicable
Authority: Code of Virginia § 9-329.1; Title 2.2, Chapter 4.2, §§ 2.2-2669, 2.2-2670, 2.2-2674.1, 2.2-435.6 and 2.2-435.7; Office of the Governor, Executive Order 25 (2006); 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 through 6-30-2004
Last Assessment Finding: Retain.
Current Assessment Period:
Comment: Mandate transferred from Virginia Employment Commission by Executive Order 25 (2006). Previously assessed as SCT.VEC002. Not currently scheduled for reassessment.

Part B

Mandates Administered by Nonexecutive Agencies and Mandates without State Oversight

Part B lists those mandates not subject to assessment, either because they are administered by nonexecutive branch agencies or because there is no State oversight of the required action. The format for mandates listed in Part B includes the same general information as that used in Part A, but in this section references to the secretariat, assessment schedule, and findings have been omitted.

Annual Financial Report

LEG.APA001

Local governments must submit a standardized financial report with the Auditor of Public Accounts annually. Towns having a population of fewer than 3,500 are excluded unless they maintain a separate school division.

Type: Compulsory Order
Agency: **Auditor of Public Accounts**
Secretariat:
Authority: Code of Virginia § 15.2-2510

Last Assessment Period:
Last Assessment Finding:
Current Assessment
Comment Not subject to review: No executive agency oversight.

Annual Audit

LEG.APA002

Local governments must have an annual audit performed on all accounts and records by an independent certified public accountant. Towns having a population of less than 3,500 are excluded unless they maintain a separate school division.

Type: Compulsory Order
Agency: **Auditor of Public Accounts**
Secretariat:
Authority: Code of Virginia § 15.2-2511

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Employee Retirement System

IND.VRS001

Local governments with a population of 5,000 or more must provide a retirement system for eligible employees either by participating directly in the Virginia Retirement System (VRS) or by establishing a local retirement system which provides a service retirement allowance that equals or exceeds two-thirds of the service retirement allowance at age 65 or older to which the employee would have been entitled had the allowance been computed under the provisions of the VRS. All school divisions are required enroll teachers in the Virginia Retirement System or a comparable local retirement system.

Type: Compulsory Order
Agency: **Virginia Retirement System**
Secretariat:
Authority: Code of Virginia §§ 51.1-132 through 51.1-135, 51.1-800

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Support for Courts and Magistrates

JUD.SUPCT001

Localities must provide quarters, equipment, furniture, and other necessary support for courts and magistrates.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia §§ 15.2-1656, 15.2-1638, 16.1-69.50, 16.1-69.51:1, 16.1-234, 17.1-118, 17.1-212,17.1-241, 17.1-246, 19.2-48.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment
Comment Not subject to review: No executive agency oversight.

Indigent Representation

JUD.SUPCT002

Localities must provide representation for indigents charged with local offenses that might result in imprisonment.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia § 19.2-163

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Office Space for Constitutional Officers

JUD.SUPCT003

The governing body of each county and city is required to provide offices for the treasurer, attorney for the Commonwealth, sheriff, commissioner of revenue, commissioner of accounts, and division superintendent of schools for such county or city.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia § 15.2-1639

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Virginia Freedom of Information Act

JUD.SUPCT004

Local governments must comply with the Virginia Freedom of Information Act by providing ready public access to records in the custody of public officials and by allowing free entry to meetings of public bodies where public business is being conducted.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia §§ 2.2-3700 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Juror Costs

JUD.SUPCT005

Localities must provide reimbursement for jurors in all civil cases and in the trial of misdemeanor cases when the defendant is charged on a local warrant or summons.

Type: Compulsory Order
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia § 17.1-619

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Drug Treatment Court Programs

JUD.SUPCT006

Localities with drug treatment courts are required to establish advisory committees for these courts. No locality may establish a drug treatment court subsequent to March 1, 2004 without specific statutory authorization.

Type: Condition of Financial Aid
Agency: **Supreme Court of Virginia**
Secretariat:
Authority: Code of Virginia § 18.2-254.1 (Drug Treatment Court Act)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Virginia Alcohol Safety Action Program

IND.VASAP001

Local governments that establish a Virginia Alcohol Safety Action Program must provide assessment, education, and probation of persons arrested and convicted of driving under the influence of alcohol or other self administered substances. Participating local governments must comply with the minimum standards and criteria for the implementation and operation of this program.

Type: Regulation of Optional Activity
Agency: **Commission on the Virginia Alcohol Safety Action Program**
Secretariat:
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.

Last Assessment Period:
Last Assessment Finding:
Current Assessment
Comment Not subject to review: No executive agency oversight.

Virginia Workers' Compensation Act IND.VWC001

Local governments must provide benefits to workers under the Virginia Workers' Compensation Act for injuries or occupational diseases that are the result of employment.

Type: Compulsory Order
Agency: **Virginia Workers' Compensation Commission**
Secretariat:
Authority: Code of Virginia §§ 65.2-100 et seq.; Rules of the Workers' Compensation Commission Rules 6 and 7

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Workers' Compensation Information IND.VWC002

Local government officials who license employers to conduct business under Chapter 37 of Title 58.1 must provide employers requesting such licenses with information concerning the statutory workers' compensation insurance requirements. The information to be distributed by the local government officials is supplied by the Virginia Workers' Compensation Commission.

Type: Compulsory Order
Agency: **Virginia Workers' Compensation Commission**
Secretariat:
Authority: Code of Virginia § 65.2-800

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No executive agency oversight.

Notification of Rights for Victim of Crime

IND.VWC003

Local law enforcement officers in counties, cities, and towns must make reasonable efforts, where practicable, to notify victims of crime of their rights by distributing notices to each victim.

Type: Compulsory Order
Agency: **Virginia Workers' Compensation Commission**
Secretariat:
Authority: Code of Virginia § 19.2-368.17

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review. No executive agency oversight.

Service of the Commission's Subpoenas

NSO.VWC004

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**
Secretariat:
Authority: Code of Virginia § 65.2-202(B)

Last Assessment Period:
Las Assessment Finding:
Current Assessment Period:
Comment: Newly identified by agency. Not subject to review. No executive agency oversight.

National Affordable Housing Act Program

NSO.001

Local governments that wish to receive federal funding from State housing programs through the 1990 National Affordable Housing Act must develop a five-year comprehensive housing affordability strategy.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: 24 CFR 91

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Vehicle Inspection Sticker

NSO.002

Vehicles found to be free of defects in inspections conducted by local law enforcement officers in a selected set of cities and counties who are certified to conduct such safety inspections must be issued 90-day stickers.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 46.2-1001

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Noise Abatement

NSO.003

On nonfederal aid highway projects, the Department of Transportation will construct and maintain reasonable and feasible noise abatement measures, provided; (1) the local jurisdiction through which the project traverses agrees to assume 50 percent of the cost of the abatement measure and (2) the local jurisdiction has an ordinance requiring developers to provide noise abatement for all new residential and other noise sensitive developments adjacent to existing or approved future highway corridors.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: Department of Transportation Regulation 24 VAC 30-80-10 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Multi-County Transportation Improvement District

NSO.004

Adjoining counties wishing to create a primary highway transportation improvement district must adhere to a petition, notification, hearing, and resolution process set forth in statute. No district is allowed to be created under Code of Virginia § 15.1-1372.1 et seq. after June 30, 1993.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 15.2-4600 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Preparation of Local Plan by Licensed or Certified Professional NSO.005

Local governments must establish a procedure to ensure that plans, specifications, or calculations prepared in connection with improvements to real property be prepared by a licensed or certified architect, professional engineer, land surveyor, or landscape architect.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 54.1-410

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Local Planning Commission NSO.006

Local governments must create a local planning commission to promote the orderly development of the locality and its environs.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-2210

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Comprehensive Plan Adoption

NSO.007

Local governments must adopt comprehensive plans for land use development. In preparing the plan, the local planning commission shall survey and study such matters as set forth in statute. At least once every five years the comprehensive plan shall be reviewed by the local commission to determine whether it should be amended.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 15.2-2223, 15.2-2224, 15.2-2230, 15.2-2232

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Subdivision Ordinance Adoption

NSO.008

Local governments must adopt ordinances regulating the subdivision of land and its development.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-2240

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Board of Zoning Appeals

NSO.009

Local governments enacting zoning ordinances are required to establish a board of zoning appeals to hear appeals on specific sections of the ordinances that create undue hardships on the public.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-2308

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Affordable Housing Promotion

NSO.010

Local governments must promote the construction and maintenance of affordable housing sufficient to meet current and future needs of residents at all levels of income in the locality.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-2223

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Local Government 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.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 15.2-1506, 15.2-1507

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Anti-Discrimination Policy NSO.014

Local governments must comply with federal anti-discrimination policy.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Civil Rights Act of 1964

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Constitutional Officer Personnel Benefits NSO.015

Every county and city shall annually provide for each employee of constitutional officers at least two weeks paid vacation, at least seven paid sick days, and such holidays as are prescribed by State law. If any such employee or deputy is required to work on a legal holiday, he or she will be provided with an equal amount of paid compensatory time in the same calendar year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-1605

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Paid Leave for Military Duty NSO.016

Local governments must provide all officers and employees of local governments with paid leave of absence for military duty, not to exceed 15 workdays per federal fiscal year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 44-204

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Uniform Fiscal Year

NSO.017

Local governments must use a uniform fiscal year that begins on July 1 and ends on June 30. Towns having a population of less than 3,500 are excluded, but any school district they operate must use this fiscal year.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 15.2-2500

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Standards for Local Budget

NSO.018

Local governments must follow a budget process that complies with State requirements for content, form, publication, and public hearings. These requirements are optional for localities that have a charter or special law containing budget provisions.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 15.2-2503 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Virginia Public Procurement Act

NSO.019

Local governments must do their purchasing of goods and services, including professional services, in accordance with the Virginia Public Procurement Act or adopt alternative provisions based on competitive principles. Towns having a population of fewer than 3,500 are exempt from most provisions of the Act.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 11-35 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Real Estate Reassessment Notification

NSO.020

Local governments must provide notice by mail to each property owner of any reassessment of real estate, or of any change in the assessed value of any real estate.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 58.1-3330 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Contractors License Required for Building Permit NSO.021

Local government building officials are required to ascertain that contractors hold valid State contractors licenses prior to issuing building permits.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 54.1-1111

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Community Oriented Policing Services Grant (COPS) NSO.022

Local governments receiving Community Oriented Policing Services (COPS) grant funds must hire and train new police officers or rehire officers that have been laid off due to budgetary reductions. In addition, some grant funds will be available for activities that increase the number of officers deployed in community-oriented policing. Localities receiving funds for such activities are required to provide a 25% match.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: Violent Crime Control and Law Enforcement Act of 1994

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Family and Medical Leave

NSO.023

Local governments having more than 50 employees must provide up to 12 weeks of unpaid, job-protected leave per year, with health insurance, for the birth or adoption of a child or the serious illness of the employee or an immediate family member.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P.L. 103-3 (Family and Medical Leave Act) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Lobbying Disclosure

NSO.024

Local governments seeking federal funds are required to submit a lobbying disclosure form.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 101-121 (Fed.); 15 CFR 28 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Crosscutting requirement that applies to many or all federal assistance programs. Not subject to review: No State oversight.

Homeownership and Opportunity for People Everywhere Program (HOPE) NSO.025

Local governments receiving federal funding through the Homeownership and Opportunity for People Everywhere Programs must comply with program requirements. The program provides grants for public and Indian housing homeownership in order to expand the number of tenants in such housing who can purchase their units.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 101-625 (Title IV, Subtitle B) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Head Start Program NSO.026

Local governments participating in the Head Start Program must comply with certain federal program requirements. The program's objectives are to provide comprehensive health, educational, nutritional, social, and other services primarily to preschool economically disadvantaged children.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P.L. 97-35 (Fed.); Omnibus Budget Reconciliation Act of 1981 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Summer Food Service Program NSO.027

Local governments participating in the Summer Food Service Program for children must comply with the program requirements. This provides nonprofit food service programs for needy children during the summer months and at other approved times, when area schools are closed for vacation.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P.L. 79-396 (Fed.); 7 CFR 225 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Mandatory Arrest in Family Violence Cases NSO.028

Local law enforcement officers are required to arrest the primary physical aggressor in cases of family violence, or to file reports setting out special circumstances for not making an arrest. Local police departments are required to establish arrest policy and procedures that meet minimum statutory standards.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia §§ 19.2-81.3 and 19.2-81.4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Police Misconduct

NSO.029

Local governments with ten or more law enforcement officers are required to establish procedures allowing citizens to register complaints about police misconduct.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia § 2.1-116.9:6

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Labor Standards

NSO.030

Local governments receiving federal mass transit grants must follow federal labor standards.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: Federal Transit Act of 1964, as amended, § 13(c) (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Crosscutting requirement that applies to many or all federal assistance programs. Not subject to review: No State oversight.

Single Audit NSO.031

The federal Office of Management and Budget (OMB) has established specific audit requirements for local governments that receive federal financial assistance. The OMB has also defined federal government responsibilities for implementing and monitoring the requirements.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: Office of Management and Budget Circular A-128 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:

Comment: Crosscutting requirement that applies to many or all federal assistance programs. Not subject to review: No State oversight.

Age Discrimination Act of 1975 NSO.032

Prohibits discrimination based on age in programs receiving federal financial assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 94-135; 95-478

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:

Comment: Not subject to review: No State oversight.

Age Discrimination in Employment Act Amendments of 1986 NSO.033

Prohibits mandatory retirement at age 70, with a seven-year delay in coverage for police, fire fighters, and college professors. Also, prevents discrimination on the basis of age in local government employment. These requirements were enacted as part of the amendments to the Age Discrimination in Employment Act of 1967.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 90-202; P. L. 93-259; P. L. 99-592

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Architectural Barriers Act NSO.034

Requires federally funded buildings, facilities, and public conveyances to be accessible to the physically handicapped.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 90-480

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Base Closure and Community Redevelopment Act of 1994 NSO.035

Requires local governments to submit to the U. S. Department of Housing and Urban Development their plans for reuse of closed military bases which balance the needs of the homeless against the economic and redevelopment needs of the community.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 103-421

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Cable Communications Policy Act of 1984 NSO.036

Preemption of local regulation of basic cable rates by the Federal Communications Commission.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P. L. 98-549

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Child Nutrition Act of 1966 NSO.037

Prohibits local sales taxes on food purchases made with funds from the Special Supplemental Nutrition Program for Women, Infants, and Children.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 99-591

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Act of 1964 NSO.038

Prohibits employment discrimination against any person under any local program or activity receiving federal financial assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 88-352; P. L. 90-202; P. L. 92-318; P. L. 97-424

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Act of 1968 NSO.039

Prohibits discrimination against any person in the sale or rental of federally assisted housing.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 90-284

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Civil Rights Restoration Act of 1987 NSO.040

Expands institutional coverage of laws prohibiting racial, gender, handicapped, and age discrimination by recipients of federal assistance.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-259

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Clean Air Act

NSO.041

Requires local governments to participate in state plans to implement regulations and statutes governing air emissions from stationary and mobile sources. For those localities in non-attainment areas the statute requires that a number of corrective activities be undertaken.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 91-604; P. L. 95-95

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Clean Water Act

NSO.042

Requires local government facilities discharging into public water to meet certain regulations. Those regulations also set standards for improving and maintaining water quality and requires permitting of point source discharges.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P. L. 92-500; P. L. 95-217; P. L. 96-88; P. L. 100-1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Consolidated Omnibus Budget Reconciliation Act of 1985 NSO.043

Extends Medicare hospital insurance taxes and coverage to all new local government employees.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 99-509

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Davis-Bacon Act NSO.044

Requires that locally prevailing wages are paid to construction workers employed under federal contracts and assistance programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 74-403

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Drug-Free Schools and Community Act NSO.045

School divisions receiving federal funds are required to adopt a school drug-free policy.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 101-226

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Drug-Free Workplace Act of 1988 NSO.046

Requires certification by all federal grantees and contractors of a drug-free workplace and creation of employee awareness, sanctions, and treatment programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-690

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Education Amendments of 1972 NSO.047

Prohibits discrimination on the basis of sex in federally assisted education programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 92-318

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Individuals with Disabilities Education Act NSO.048

Provides a free appropriate education to all children with disabilities.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: 20 USC 1400 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Endangered Species Act of 1973 NSO.049

Provides for the conservation, protection, restoration, and propagation of species of fish, wildlife, and plants facing extinction. Various federal agencies work to implement the Act by monitoring potential destruction of natural habitats by local government construction projects. This mandate was amended further by the Endangered Species Act of 1982 (P. L. 97-304).

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 93-205

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Equal Access Act NSO.050

Requires public secondary schools to allow student religious groups to meet at the school under certain conditions.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 98-377

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Equal Employment Opportunity Act of 1972 NSO.051

Prohibits discrimination on the basis of race, color, religion, sex, or national origin in local government employment.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 92-261

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Fair Housing Act Amendments of 1988 NSO.052

Prohibits discrimination in housing and extends Civil Rights Act of 1968 to cover the handicapped and families with children.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-430

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Fair Labor Standards Act Amendments of 1974 NSO.053

Extends federal minimum wage and overtime pay protection to local government employees.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 75-718; 93-259

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Federal Water Pollution Control Act NSO.054

Requires local governments undertaking construction projects which necessitate the dredging and filling of wetlands and land adjacent to other water bodies to obtain a permit from the U. S. Army Corps of Engineers. Also establishes federal effluent limitations to control the discharge of pollutants from public treatment facilities.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P. L. 92-500; P. L. 95-217; P. L. 100-4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Flood Disaster Protection Act of 1973 NSO.055

Requires local governments to participate in the National Flood Insurance Program and to adopt land use regulations for their flood plain which meet the federal criteria before federal assistance can be granted for the acquisition or construction of property in identified flood hazard areas.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 93-234

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Food Stamp Act of 1977 NSO.056

Prohibits local sales taxes on purchases made with Food Stamps.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 99-198

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Housing and Community Development Act of 1974 NSO.057

Prohibits discrimination based on race, color, national origin, sex, age, or handicap.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 97-35

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

ICC Termination Act of 1995 NSO.058

Prohibits local governments from discriminating against railroads when imposing local taxes.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 104-88

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Immigration Reform and Control Act of 1986 NSO.059

Requires local governments to use the Systematic Alien Verification for Entitlement (SAVE) program to verify the immigration status of alien applicants for certain state administered federal programs. Local government employers are also prohibited from discrimination against job applicants on the basis of their national origin or citizenship status.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 99-603

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Juvenile Justice and Delinquency Prevention Act of 1974 NSO.060

Requires local governments to provide separate facilities for juveniles in detention centers that hold both juveniles and adults.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 102-586

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Lead Containment Control Act of 1988 NSO.061

Requires local and private nonprofit elementary and secondary school and day care centers to test drinking water coolers to test and remedy lead contamination problems. This requirement is a component of the Safe Drinking Water Act Amendments.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-572

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Multiethnic Placement Act NSO.062

Prohibits an agency or entity that receives federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 103-382

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Apprenticeship Act of 1937 NSO.063

Requires local governments offering apprenticeship related programs registered with the U. S. Department of Labor to comply with equal opportunity and affirmative action regulations.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P. L. 75-308

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Environmental Policy Act of 1969 NSO.064

Local governments undertaking construction projects using federal funds may be required to prepare an environmental impact statement.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 91-190; 94-52; 94-83

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

National Historic Preservation Act of 1966 NSO.065

Requires local governments undertaking projects with federal funds to take into account the effect such actions might have on properties listed or eligible for listing on the National Register of Historic Places.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 89-665

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Ocean Dumping Ban Act NSO.066

Prohibits ocean dumping of sludge from local government sewage treatment facilities.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-688

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Older Worker's Benefit Protection Act NSO.067

Requires public employee benefit programs to be adjusted in order to provide equal benefits to older and younger workers.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 101-433

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Omnibus Budget Reconciliation Act of 1990 NSO.068

Requires mandatory Social Security coverage to all local government employees not otherwise covered by a public employee retirement system.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 101-508

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Public Health Service Act

NSO.069

Requires local governments to expand community health services to the mentally ill, drug users, substance abusers, pregnant women, and other persons enumerated in the Act.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 102-321

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Rehabilitation Act of 1973

NSO.070

Prohibits discrimination on the basis of physical or mental handicap in federally assisted programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 93-112

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Residential Lead-Based Paint Hazard Reduction Act of 1992 NSO.071

Requires local governments responsible for federally assisted housing to assess, inspect, reduce, or abate lead hazards in such housing. This requirement is found in Title X of the Housing and Community Development Act of 1992.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 102-550

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Social Security Amendments of 1983 NSO.072

Prohibits local governments from withdrawing from Social Security coverage, and accelerates scheduled increases in payroll taxes and payment of payroll taxes by local governments.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 98-21

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
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: **Not applicable**
Secretariat:
Authority: P. L. 101-353

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Stewart B. McKinney Homeless Assistance Act NSO.074

Requires local governments to provide community mental health services for the homeless.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-77

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Tax Reform Act of 1986 NSO.075

Requires issuers of tax-exempt bonds (e.g., local governments) to rebate excess arbitrage profits to the United States. Requires that an information statement, Form 8038, be filed with the Internal Revenue Service for all governmental bond issues.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: P. L. 99-514

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Uniform Relocation and Real Properties Acquisition Policies Act of 1970 NSO.076

Establishes federal policies and reimbursement procedures for property acquisition under federally assisted programs.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 91-646

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Urban Mass Transportation Act of 1964 NSO.077

Requires local governments receiving loans or grants for urban mass transportation systems to comply with the standards of the Davis-Bacon Act.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: P. L. 88-365

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Voting Rights Language Assistance Act NSO.078

Requires local governments to provide bilingual assistance to voters if a locality has more than 10,000 citizens who share a minority or if more than 5% of the voting-age citizens are members of a language minority.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 89-110; 97-205; 102-344

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Water Quality Act of 1987 NSO.079

Requires local governments to comply with requirements for identifying and controlling nonpoint pollution. Establishes new requirements for testing and permitting discharges from storm sewers owned by local governments. Directs the Environmental Protection Agency to develop regulations governing toxic wastes in sewage sludge.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 100-4

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Water Resources Development Act of 1986 NSO.080

Requires local governments that participate in federal water resources projects to share the costs of such projects.

Type: Condition of Financial Aid
Agency: **Not applicable**
Secretariat:
Authority: Water Resources Development Act of 1986

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Not subject to review: No State oversight.

Health Insurance Portability and Accountability Act of 1996 NSO.081

Requires local governments to provide documentation of prior health coverage to persons leaving their employ. Further, local governments employing persons possessing documentation of prior health coverage must credit such coverage against the preexisting health condition requirements of their health care plans.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: P. L. 104-191

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
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: **Not applicable**
Secretariat:
Authority: 20 USC Sec. 1703

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2223

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2286.1

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2223.1(A)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. Not subject to review: No State oversight.

Principles of New Urbanism and Traditional Neighborhood Development NSO.086

Local governments must include, in their comprehensive plans, the principles of new urbanism and traditional neighborhood development, 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) satisfaction of requirements for stormwater management; (vi) mixed-use neighborhoods, including mixed housing types; (vii) reduction of front and side yard building setbacks; and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections.

Type: Compulsory Order
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2223.1(B)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Deficit Reduction Act of 2005 (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2511.2

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2260

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-934

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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, including any road and transportation improvements, proposed to be undertaken in the ensuing fiscal year and in the following four years.

Type: Regulation of Optional Activity
Agency: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2239

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 3.1-796.85 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Newly identified mandate. Not subject to review: No State oversight.

Classification and Taxation of Certain Commercial and Industrial Real Property

NSO.093

Counties and cities within the boundaries of the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 58.1-3221.2

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. Not subject to review: No State oversight.

Road Impact Fees

NSO.094

Certain eligible localities 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2317 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2328 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: Code of Virginia Sec. 15.2-2403 et seq.

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: NEW. 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: **Not applicable**
Secretariat:
Authority: P.L. 101-336, 42 USC 12101 et seq. (Fed.)

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment: Newly identified mandate. Not subject to review: No State oversight.

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Type:
Agency:
Secretariat:
Authority:

Last Assessment Period:
Last Assessment Finding:
Current Assessment Period:
Comment:

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Appendices

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Appendix A

Executive Memorandum 1-98

Establishment of Schedule and Format for Agency Assessment of Mandates on Local Government

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COMMONWEALTH OF VIRGINIA

OFFICE OF THE GOVERNOR
Executive Memorandum 1-98

Establishment of Schedule and Format for Agency Assessment of Mandates on Local Government

Purpose

To establish a process, pursuant to the provisions of Section 2.1-7.1 and Section 15.2-2903(6) of the Code of Virginia, by which the executive agencies of the Commonwealth shall critically assess and periodically reassess all the state and/or federal mandates which they administer for the purpose of determining which mandates, if any, may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety, and welfare of the residents of Virginia.

Mandates Defined

(a) For purposes of implementing Section 15.2-2903(6) of the Code of Virginia, a mandate shall be defined as a constitutional, statutory, or administrative measure or action that places a requirement on local governments.

(b) Mandates placing requirements on local governments shall be classified as compulsory orders, conditions of financial aid, or the regulation of optional activities. These classifications shall be defined as follows:

(i) Compulsory Orders are measures or actions that impose requirements with which localities must comply in the performance of their prescribed responsibilities.

(ii) Conditions of Financial Aid are requirements, which are imposed as a condition of receiving state and/or federal financial aid.

(iii) Regulation of Optional Activities are measures which impose state and/or federal government requirements relative to the performance of activities that are not mandated but are subject to such regulations if performed.

Requirements

1. Assessment of Current Mandates

The executive agencies of the Commonwealth shall assess all local government mandates, which they current administer, as determined by the Commission on Local Government and specified in the most recent edition of the *Catalog of State and Federal Mandates on Local Governments*, as follows:

(a) All assessments performed by agencies pursuant to Section 2.1-7.1 and Section 15.2-2903(6) of the Code of Virginia shall be conducted consistent with the standardized assessment form appended to this Memorandum

(b) Agencies shall solicit in the conduct of each assessment evaluative comment from affected local governments on the mandate in question and shall report and respond to such comment as they deem appropriate in their assessment statements.

(c) Agencies shall complete the assessment of all mandates within the scheduled assessment period established by the Commission pursuant to the provisions of this Memorandum.

(d) Agencies shall submit their assessments with recommendations to the appropriate Cabinet Secretary for endorsement or amendment.

(e) Agency assessments and Secretary review shall be initiated, conducted, and completed within the scheduled assessment period.

(f) Completed assessments, signed by the Agency Head and approved by the Cabinet Secretary, shall be submitted by the agency to the Commission on Local Government no later than the terminal date of the scheduled assessment period.

(g) The Commission on Local Government shall distribute copies of all completed assessments received from state agencies to the Governor, the Secretary of Administration, the Clerks of the House of Delegates and Senate, the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), and to other interested parties upon request.

2. Annual Specification of Scheduled Assessment Period

(a) Agencies shall submit to the Commission on Local Government by October 15 of each year a proposed schedule establishing specific dates for the assessment period for new or newly identified mandates, as specified in Section 4 of this memorandum, or for the reassessment of existing mandates as may be appropriate pursuant to Section 5 of this Memorandum.

(b) The Commission on Local Government shall, in November of each year, adopt the schedule for assessment periods proposed by the agencies unless in its judgment substantial reason exists for modification.

(c) The Commission on Local Government shall submit to the Secretary of Administration and the Governor for their review and approval the schedule, which it has adopted in December of each year.

(d) Subsequent to the approval of the schedule of assessment periods by the Secretary of Administration and the Governor, the Commission shall forward copies of the adopted schedule to the affected agencies.

(e) The Commission on Local Government shall file with the Clerks of the House of Delegates and the Senate copies of all scheduled mandates assessment periods and any modifications thereof following their approval by the Secretary of Administration and the Governor. The Commission shall also file copies of the schedule and any modifications with VACo, VML, and with the Registrar of Regulations for appropriate publication in The Virginia Register.

3. Modification of Scheduled Assessment Period

(a) With due notice and sufficient cause, approved agency assessment periods may be subsequently modified by the Commission upon request of the administering agency, affected local governments, VACo, VML, or upon its own initiative.

(b) All modifications in agency assessment periods approved by the Commission shall be subject to the concurrence of the Secretary of Administration.

4. New and Newly Identified Mandates

(a) Each year the Commission on Local Government shall endeavor to identify for inclusion in the subsequent annual catalog of state and federal mandates, as prescribed by Section 15.2-2903(7) of the Code of Virginia, all local government mandates not previously cataloged.

(b) Executive agencies are directed to assist the Commission on Local Government in identifying new mandates, which they will administer and any currently administered mandates not previously identified.

(c) Executive agencies administering such mandates shall be responsible for their assessment consistent with relevant sections of this Memorandum.

(d) No mandate shall be subject to assessment by any agency until it has been in effect for a minimum of 24 months.

5. Reassessment of Mandates

(a) Pursuant to Section 15.2-2903(6) of the Code of Virginia, the Commission on Local Government shall at its discretion, after consultation with the affected agencies, periodically call for scheduling the reassessment of mandates.

(b) No mandate shall be subject to assessment more than once in any four-year period until it has been subject to modification so substantial as to have created in essence, a new mandate.

(c) All reassessments shall be scheduled and conducted consistent with relevant sections of this Memorandum.

Effective Date

This Executive Memorandum supersedes Executive Memorandum 5-94 issued by Governor Allen on April 22, 1994. It shall become effective on October 13, 1998, and shall remain in force and effect until superseded or rescinded by further Executive Memorandum or Executive Order.

James S. Gilmore

October 29, 1998

FORMAT
FOR
ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)

_____ _____
(Administering Agency) **(Date of Submission)**

[Instructions: Please type your assessment on separate paper following the headings provided below.]

A. Short Title of Mandate (5 words or less):

B. Specific Provisions of Mandate (10 lines or less):

C. Source/Authority:

1. Specify Each Applicable (with citations):

a) Federal Statute:

b) Federal Regulation:

c) State Statute:

d) State Regulation:

e) Other:

2. Extension of Federal Mandates by State Authority:

(Where the mandate is founded concurrently on State and federal authority, describe specifically those additional elements or details prescribed by State authority.)

D. Method by Which Agency Oversees Implementation of Mandate:

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

2. Funding of Mandate:

a) Funding Formula:

(Indicate separately both State and federal contributions to cost of mandate in dollar amount and as a percentage of total cost of implementation.)

b) Estimated Range of Costs to Localities:

(Give the range of costs of compliance for localities and indicate specific factors affecting local impact.)

c) Explanation of Estimation Methodology:

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

(Explain briefly the overall objective this mandate is intended to accomplish.)

2. Description of Essentiality to the Public Safety:

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

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

2. Fiscal Impact of Alternative Approaches:

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

(Give the anticipated change in range of costs of compliance for localities and indicate specific factors affecting the variation in local impact.)

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

c) Explanation of Estimation Methodologies:

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency:

2. Rationale:

I. Agency Contact re Assessment:

1. Name/Title:

2. Address/Telephone:

_____

(Signature of Agency Head)

Approval of Assessment:

_____

(Signature of Cabinet Secretary)

Appendix B

Executive Order 58 (New Policies and Procedures For Executive Agency Assessment of Cataloged Mandates)

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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 C

Changes in Mandates Since Issuance of the 2006 Catalog of State and Federal Mandates on Local Governments

Appendix C: Changes in Mandates Since Issuance of the 2006 Catalog of State and Federal Mandates on Local Governments

Appendix C offers a condensed listing, for ease of reference, of new mandates on local governments, newly identified mandates not previously reported, significantly modified (expanded) existing mandates, mandates that have been eliminated, and other changes reflected in this 2007 edition of the catalog.

Except those mandates that were eliminated since the publication of the 2006 catalog, each mandate identified in this section has a complete entry in the body of the catalog. Mandates listed in Appendix C are grouped according to administering agency with the citations containing the short title, identification number, and the number of the page in the catalog on which the relevant entry is found.

Changes in Mandates
Since the Publication of the 2006 Edition of the Catalog

NEW MANDATES	Code Number	Page Number
Agriculture and Consumer Services, Department of		
Control of Dangerous and Vicious Dogs	SAF.VDACS009	12
Education, Department of		
Severance Benefits	SOE.DOE126	86
Emergency Management, Department of		
State and Local Hazard Mitigation Plans	SPS.VDEM012	93
Disaster Pet Planning/Animal Protection	SPS.VDEM013	94
Environmental Quality, Department of		
Environmental Impact Reports for Local Road Projects	SNR.DEQ038	110
Juvenile Justice, Department of		
Mental Health Transition Plans for Incarcerated Juveniles	SPS.DJJ009	143
Transportation, Department of		
Coordination of State and Local Transportation Planning	STO.VDOT030	222
Load and Resistance Factor Bridge Design	STO.VDOT031	222
Vegetation Control for Outdoor Advertising Signs	STO.VDOT032	223
Maintenance and Repair of Nonconforming Signs	STO.VDOT033	223
Prohibition on Local Removal of Outdoor Advertising	STO.VDOT034	224
Safe Routes to School Program	STO.VDOT035	224
No State Oversight		
Road and Transportation Improvements Map	NSO.083	280
Cluster Zoning	NSO.084	280
Urban Development Areas	NSO.085	281
Principles of New Urbanism and Traditional Neighborhood Development	NSO.086	281
Eligibility of Virginians Applying for Medicaid Benefits	NSO.087	282

Fraud, Waste, and Abuse Hotline	NSO.088	282
State Agency Review of Preliminary Plats	NSO.089	283
Displacement of Private Waste Companies	NSO.090	283
Capital Improvement Programs	NSO.091	284
Classification and Taxation of Certain Commercial and Industrial Real Property	NSO.093	285
Road Impact Fees	NSO.094	285
General Impact Fees	NSO.095	286
Urban Transportation Service Districts	NSO.096	286

NEWLY IDENTIFIED MANDATES

Forensic Science, Department of

DNA Samples Required from Felons (prior to 2002)	SPF.DFS002	112
Testimony Regarding Identification of Drugs (prior to 2002)	SPF.DFS003	113
DNA Samples Required Upon Arrest (2003)	SPF.DFS004	113

Health, Department of

Maintenance of Emergency Medical Services (2005)	SHHR.VDH028	131

Social Services, Department of

Criminal History and Central Registry Check for Placements of Children (2002)	SHHR.DSS072	197

State Police, Department of

Requirement to Report Suspected Aliens (1994)	SPS.VSP017	204

No State Oversight

Service of the Commission's Subpoenas (prior to 1991)	NSO.VWC004	239
Dog Licenses (prior to 1994)	NSO.092	284
Americans with Disabilities Act (1990)	NSO.097	287

EXPANDED MANDATES

Commission on Local Government

Disclosure of Proffered Cash Payments and Expenditures (SCT.CLG001) now requires more local governments to make an annual report to the Commission on Local Government, due to expanded cash proffer authority. This change effected by the 2006 General Assembly.

Education, Department of

Internet Use Policy (SOE.DOE105) now requires public school superintendents to file an internet use policy with the Superintendent of Public Instruction that includes a component on internet safety for students that is integrated in a school division's instructional program. This change effected by the 2006 General Assembly.

School Board Background Checks for Employees and Contractors (SOE.DOE006) now provides that as a condition of awarding a contract for the provision of services that requires the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The change also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This change effected by the 2007 General Assembly.

Felony/Child Abuse/Molestation/Crime of Moral Turpitude Offense (SOE.DOE003) now requires school boards to require contractors to certify as to such matters prior to receiving a contract award. This change effected by the 2006 General Assembly.

Local School Division Policies (SOE.DOE026) now requires parental consent before surveys requesting sexual information of students may be administered. This change effected by the 2006 General Assembly.

Emergency Management, Department of

Appoint Local Emergency Management Director (SPS.VDEM001) now requires towns with populations greater than 5,000 that operate a program separate from a county to appoint a coordinator of emergency services as well a director of emergency management. All incorporated towns must now appoint a coordinator of emergency management. This change effected by the 2006 General Assembly.

Local Emergency Operations Plan (SPS.VDEM003) now requires cities and counties to update and readopt their plans every four years rather than every five years. This change effected by the 2007 General Assembly.

Social Services, Department of

Foster Care Services (SHHR.DSS032) now requires local agencies to determine whether a child has a relative who is eligible to become a kinship foster parent. This change effected by the 2006 General Assembly.

No State Oversight

Real Estate Assessment Notification (NSO.020) now requires local governments to include certain additional information on assessment notices concerning changes in the applicable tax rate and levy, and rights of appeal. This change effected by the 2006 General Assembly.

ELIMINATED MANDATES

Library of Virginia

Library Network (SOE.LVA002) has been effectively eliminated. The library network grant program is no longer funded and the State Networking Users Advisory Board was eliminated by the 2003 General Assembly. This change made at the request of the administering agency.

OTHER CHANGES

Virginia Employment Commission

Virginia Workforce Development Program (SCT.VEC002) was transferred to the Governor's Office for Workforce Development by Executive Order 25 (2006). Accordingly, the mandate has been renumbered GOV.OWD001. This change effected at the request of the administering agency.

Education, Department of

Literary Fund Loan (SOE.DOE108) now requires a school board's application to be authorized by the governing body and the school board. Requirements for examination of title to property on application for a loan, the certificate of the clerk of court or copy of lease upon application for a loan, and the submission of the application and certificate of title to the Attorney General have been eliminated. This change effected by the 2007 General Assembly.

School Crisis, Emergency Management, and Medical Emergency Response Plan (SOE.DOE090) now requires that local school boards annually review the written school crisis, emergency management, and medical emergency response plans and that the local division certify that review in writing to the Virginia Center on School Safety no later than August 31 of each year. This change effected by the 2007 General Assembly.

School Transportation (SOE.DOE037) now provides that local school boards may display decals relating to local school division bus safety hotlines. Local school divisions must bear the cost of such decals. Any new bus placed into service after July 1, 2007 must be equipped with certain warning devices. These changes effected by the 2007 General Assembly.

Jointly Owned and Operated Schools or Programs (SOE.DOE099) now authorizes the participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. This change effected by the 2007 General Assembly.

Comprehensive Plan (SOE.DOE014) now requires the plan to include strategies for improving student achievement, particularly the achievement of educationally-at-risk students. This change effected by the 2007 General Assembly.

Local School Division Policies (SOE.DOE026) now requires a current copy of the school division's policies, including the Student Conduct Policy, to be posted on the school divisions' websites. This change effected by the 2007 General Assembly.

Programs for Educationally at Risk Students (SOE.DOE053) now requires prevention, intervention, and remediation programs to include components that are research-based. Local school boards must offer an early identification program for students with difficulties in reading and mathematics. This change effected by the 2007 General Assembly.

Environmental Quality, Department of

Recycling Program and Annual Recycling Rate Report (SNR.DEQ015) now requires certain solid waste planning units (individual local governments or regional authorities) to maintain a 15% recycling rate rather than a 25% rate. All other planning units must maintain a 25% rate. This change effected by the 2006 General Assembly.

Motor Vehicles, Department of

Abandoned Motor Vehicles (STO.DMV001) now requires localities to submit forms for reimbursement of $50 for inoperable motor vehicles removed from the owner's property as well as for inoperable abandoned vehicles left on property in the locality.

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Appendix D

Principal Federal Mandates Affecting Virginia Localities

Appendix D: Principal Federal Mandates Affecting Virginia Localities

Appendix D provides a separate listing, for convenient reference and added comment, of the principal federal mandates that affect localities in Virginia. Whereas Parts A and B of this catalog include State mandates, federal mandates, and mandates based on both State and federal sources of authority, this section lists only federal mandates. The source of authority for a particular mandate may seem inconsequential from the standpoint of a locality endeavoring to comply with numerous intergovernmental mandates, but distinguishing between federal and State mandates is important, since it is the first step in determining accountability. However, federal mandates on local governments can be difficult to identify.

First, although the federal government may impose mandates on local governments directly (e.g., the Americans with Disabilities Act), it may also do so indirectly. For example, it may require the State to impose certain mandates on localities, to be administered according to federal guidelines by State agencies as pass-through mandates (e.g., Temporary Assistance to Needy Families Program). The federal government may also require the State to administer certain programs according to State regulations, provided the State adopts the federal standards or more stringent standards of its own (e.g., the Clean Water Act). Similarly, some federal mandates direct the State to meet the requirements of one program or risk termination or reduction of assistance in another program (e.g., the Urban Mass Transportation Act of 1964). In each of these cases, an essentially federal mandate is ultimately implemented on the basis of both federal and State law.

Second, federal mandates often operate differently from State-imposed actions, and with different effects. For example, unlike State grants, federal grants to localities often include not only individual program requirements but also a variety of unrelated national policy requirements affecting civil rights, environmental protection, occupational health and safety, fair employment standards, and the like. The merit of such policies aside, compliance with these additional "cross-cutting" mandates may increase a locality's administrative burdens and costs, as well as the opportunity costs of subordinated local priorities. Yet the federal nature of these grants-in-aid may not be apparent, if the grant programs or the associated cross-cutting mandates are administered by State agencies.

Examples of all of these types of federal mandates are found in Parts A and B of this catalog with full entries. The list provided in Appendix 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 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: **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: **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: **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 state administered federal programs. Local government employers are also prohibited from discrimination against job applicants on the basis of their national origin or citizenship status.

Authority: P. L. 99-603

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: **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: **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: **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: **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 to individuals with disabilities, and that a reasonable number of accessible voter registration sites be provided.

Authority: P. L. 98-435

Comment:

Short Title: **Voting Rights Language Assistance Act**

Description: Requires local governments to provide bilingual assistance to voters if a locality has more than 10,000 citizens who share a minority or if more than 5% of the voting-age citizens are members of a language minority.

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 Comment: Water Resources Development Act of 1986

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Appendix E

Virginia Statutes Affecting Mandates on Local Governments

Virginia Statutes Affecting Mandates on Local Governments

The Code of Virginia has several provisions relating to State and federal mandates imposed on local governments. Those provisions are summarized below:

AGENCY ASSESSMENT

Each State executive agency is required to assess the mandates it administers to determine which mandates, if any, may be altered or eliminated. (Code of Virginia § 2.2-613)

GUBERNATORIAL SUSPENSION OF MANDATES

The Governor may suspend for up to one year any administrative mandate imposed on a local government, except for those administered by the Department of Education, if the local government faces fiscal stress and the Governor determines that the suspension of the mandate would help alleviate the fiscal hardship faced by the local government. Before the mandate is suspended, information regarding the request for a suspension must be published in the Virginia Register. The Governor also must report annually to the General Assembly on any local requests for a mandate suspension and his response to the request. (Code of Virginia § 2.2-113)

FEDERAL MANDATES

The Implementation of Federal Mandates Act establishes a procedure by which the Governor and General Assembly will critically review all State agency budgetary requests resulting from federal mandates to ensure that federally mandated programs are properly based on federal constitutional and statutory authority and are implemented in the most cost effective manner possible. State agencies are directed to report to the Department of Planning and Budget any monetary savings and reduced regulatory burdens that could be effected by alternative strategies for implementation of federal mandates designed to meet the intent of federal statutes without having to follow all applicable federal guidelines. (Code of Virginia §§ 2.2-618 and 2.2-619)

PILOT PROGRAM FOR REGULATIONS

An agency proposing a regulation imposing a statewide mandate shall consider, where appropriate, implementing the mandate on a limited basis with a representative number of localities. Such a pilot program may be used to determine the effectiveness or impact of proposed regulations prior to statewide adoption. (Code of Virginia § 2.2-4010)

ASSESSMENT SCHEDULE AND CATALOG

The Commission on Local Government is required to coordinate the assessment of mandates which agencies must conduct. The Commission must establish a schedule for the assessment of mandates and advise the Governor and the General Assembly as to which mandates, according to the assessments, can be altered or eliminated without interruption of local

service delivery or undue threat to the health, safety, and welfare of residents. No assessment shall be required to be performed more than once every four years. The Commission is also required to prepare, and annually update, a catalog of State and federal mandates imposed on local governments, including, where available, a summary of the fiscal impact of new mandates. (Code of Virginia § 15.2-2903)

FISCAL IMPACT STATEMENTS

The Commission on Local Government is required to prepare a fiscal impact statement on legislation which may require local governments to render a new service or expand any existing service, or which may require a net reduction in revenues by any county, city, or town. The Division of Legislative Services is directed to refer any legislation appearing to meet that criterion to the Commission for the preparation of the fiscal impact statement. No bill that mandates a net additional expenditure for a locality may be considered by the General Assembly unless filed on or before the first calendar day of the session or unless otherwise specifically exempted. (Code of Virginia §§ 30-19.03, 30-19.03:1, and 30-19.03:1.1)

AGENCY ASSESSMENT

§ 2.2-613. Agency mandates on localities; assessment. – Pursuant to § 15.2-2903, all agencies, as defined in § 2.2-128, shall conduct an assessment of all mandates imposed on local governments administered by such agency to determine which mandates, if any, may be altered or eliminated.

GUBERNATORIAL SUSPENSION OF MANDATES

§ 2.2-113. Temporary suspension of state mandates. – The Governor may suspend, temporarily and for a period not to exceed one year, any mandate, or portion thereof, prescribed by an administrative department, division or agency of the executive branch of government on a county, city, town, or other unit of local government upon a finding that such local government or other unit of local government faces fiscal stress and the suspension of such mandate or portion thereof would help alleviate the fiscal hardship of the local government or other unit of local government.

No application shall be made by the locality until approved by resolution of the governing body.

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) estimated reduction in current budget from such suspension, and (v) the time period requested for suspension. Publication in the Virginia Register shall occur at least twenty days in advance of such suspension by the Governor.

No later than January 1 of each year, the Governor shall submit to the General Assembly a report that identifies each locality and petitioning body, the mandate or portion thereof for which suspension has been sought, and the response provided to the locality.

Nothing in this section shall apply to the Department of Education.

In making a determination of fiscal stress, the Governor may give consideration to, but not be 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.

STATE PROGRAMS TO IMPLEMENT FEDERAL STATUTES

§ 2.2-618. State programs to implement federal statutes. – Any agency of the executive branch of state government that is authorized to develop a state program to implement any mandates contained in a federal statute shall develop the state program and adopt any necessary regulations using the following criteria:

1. State programs shall be developed by the agency to meet the requirements of federal statutes in good faith with a critical view toward any federal regulations, guidelines, or policies.
2. State programs shall be developed with due consideration of the financial restraints of the Commonwealth, local governments, and the citizens of Virginia.
3. Any state program that implements the goals of the federal statute shall use the most efficient method possible with careful consideration given to cost of the program and the impact

of the program on Virginia citizens and local governments, and the long-range public health, safety, and welfare of citizens of the Commonwealth.

§ 2.2-619. Governor to report to the General Assembly. – A. The Governor shall report to the General Assembly regarding the proposed implementation of this section.

B. If any state program is authorized or mandated by a federal statute, no state funds for the program shall be appropriated unless:

1. The state program is necessary to protect the public health, safety, and welfare;

2. The state program is necessary to implement the federal statute;

3. The operation of the state program benefits the state by providing a cost-effective implementation of the federal statute by the Commonwealth, local government, and business; or

4. The state program benefits the Commonwealth, local government, and business by providing a cost-effective means to meet a higher public health, safety, and welfare standard established under state law.

C. Each agency making a budget request for state appropriations for a state program authorized or mandated by federal statute shall include in its budget request citations to the federal constitutional provisions and the state constitutional or statutory provisions that authorize the state program. The Governor shall review the budget request and determine whether additional state statutory authority is required in order to implement the state program and shall make recommendations to the General Assembly.

D. The General Assembly, after receiving a recommendation from the Governor, shall determine whether a state program is necessary and whether federal constitutional authority and state constitutional or statutory authority exist. The General Assembly shall exercise a critical review toward the interpretation of the federal statute found in federal regulations, guidelines, or policies. Enactment of state appropriations 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 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 which are not subject to appropriation by the General Assembly.

PILOT PROGRAM FOR REGULATIONS

§ 2.2-4010. Pilot programs for regulations imposing local government mandates. – Where an agency proposes to consider the exercise of authority to promulgate a regulation that will impose a statewide mandate on the Commonwealth's localities, the agency shall consider, where appropriate, implementing the regulation on a limited basis with a representative number of localities. An agency may use such a pilot program to determine the effectiveness or impact of proposed regulations prior to statewide adoption.

ASSESSMENT SCHEDULE AND CATALOG

§15.2-2903. General powers and duties of Commission. –

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;
2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;
3. To serve as a mediator between localities;
4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:
   a. To annex territory,
   b. To be declared immune from annexation,
   c. To establish a town or independent city,
   d. To settle or adjust boundaries between localities,
   e. To make a transition from city status to town status,
   f. To make a transition from a county to a city,
   g. To consolidate two or more localities, at least one of which is a county, into a city, or
   h. To enter into economic growth-sharing agreements among localities;
5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;
6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Administration, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;
7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog; and

8. To perform such other duties as may be imposed upon it, from time to time, by law.

FISCAL IMPACT STATEMENTS

§ 30-19.03. Estimates to be prepared for legislation affecting local government expenditures and revenues. – Whenever any bill requiring a net additional expenditure by any county, city, or town, as defined in § 30-19.03:1, or whenever any bill requiring a net reduction of revenues by any county, city, or town, as defined in § 30-19.03:1.1, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such legislation. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local Government those bills requiring the preparation of fiscal estimates pursuant to this section.

As soon thereafter as may be practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth are directed to make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

§ 30-19.03:1. Bills requiring net additional expenditures by local governments to be filed by first calendar day of session. – No bill which mandates a net additional expenditure by any county, city, or town shall be considered by the General Assembly at a regular session unless the bill has been filed on or before the first calendar day of any session of the General Assembly, unless requested by the Governor or is filed in accordance with the rules of the General Assembly. A bill shall be deemed to mandate an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

The provisions of this section shall not apply to a program or service that is required or arises from a court order or judgment, nor to a program or service that is provided at the option of the county, city, or town under a law that is permissive rather than mandatory.

The enactment of any statute that mandates a net additional expenditure by any county, city or town shall be conclusive proof that the procedural requirements of this section have been satisfied or waived.

§ 30-19.03:1.1. Bills requiring net reduced revenues by local governments to be filed by first calendar day of session. – No bill which mandates a net reduction of revenues collected by any county, city, or town shall be considered by the General Assembly at a regular session unless the bill has been filed on or before the first calendar day of any session of the General Assembly, unless requested by the Governor or filed in accordance with the rules of the General Assembly. A bill shall be deemed to mandate a net reduction of revenues if it has the effect of requiring any county, city, or town to (i) relinquish an existing or potential source of local revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue by classification or exclusion.

For the purposes of this section, "net reduction of revenues" means the reduction anticipated in local revenues, including, but not limited to, general levies, special levies, revenues received pursuant to §§58.1-605 and 58.1-606 and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

The provisions of this section shall not apply to a reduction in local revenues that is required or arises from a court order or judgment, nor to a revenue reduction that is adopted at the option of any county, city, or town under a law that is permissive rather than mandatory, nor to a revenue reduction which is the result of a measure providing tax relief on a statewide basis. Further, and not withstanding any other law, the General Assembly may consider tax relief measures at any time in which the Assembly is in regular or special session.

The enactment of any statute that mandates a net reduction of revenues for any county, city, or town shall be conclusive proof that the procedural requirements of this section have been satisfied or waived.