



CAPITOL ISSUES January 23, 2026

2026 GENERAL ASSEMBLY

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The 2026 General Assembly session officially opened on January 14, 2026. This past week, the first full week of the 2026 General Assembly, has seen a flurry of activity. Here are some important dates for this year's session:

- **January 14** - Deadline for prefiling bills
- **January 14** - Opening session
- **January 16** - Deadline for submitting budget amendments
- **February 18** - Crossover Day
- **February 22** - Presentation of legislative budget amendments by both chambers
- **February 26** - Expected deadline for each chamber to pass its budget bill
- **March 14** - Expected adjournment day

The Democratic Party in Virginia has control of both chambers of the General Assembly. They have a slight majority in the Senate (21-19) and a super majority in the House of Delegates (63-36 with one vacancy). They also have control of the Executive Branch.

Even years of the General Assembly are also biennial budget years. This means that legislatures are responsible for proposing a budget for the next two years. You can find information on the budget process by clicking [HERE](#). Both chambers have created their budget bills. You can find the Senate budget bill [HERE](#) and the House budget bill [HERE](#) in the last budget cycle (2024), Republicans controlled the House of Delegates, which led to many negotiations and compromise. This year, with Democrats wielding power, it is anticipated that the process should be smoother.

Just like every General Assembly session, VASSP will be monitoring bills closely as they progress through the legislative process. Please try to find some time and peruse the bills listed.

Tuesday, February 17th is the last day for bills to be acted upon in their chambers of origin, other than the budget bills. Bills must “cross over” to the opposite chamber by Wednesday,

February 18. In reviewing these bills, please do not hesitate to share with me your thoughts or ask any questions about the proposed legislation. I can be contacted at dellena@vassp.org.

You can find a comprehensive list of House bills that we are monitoring [HERE](#). The Senate list can be found [HERE](#).

Here is a general overview of some of the bills that VASSP will be paying special attention to. Included in each line is a link to the PDF version of the bill and a brief description.

HOUSE BILLS

[HB38](#)-Public schools; mental health awareness training and instruction; requirements. Requires each teacher and other relevant personnel, as determined by the applicable school board, employed on a full-time basis to complete mental health awareness training that addresses the needs of youth populations that are at a high risk of experiencing mental health challenges and disorders in accordance with evidence-based best practices developed by the American Psychological Association. Current law requires such teachers and personnel to complete mental health awareness training but does not contain any requirements relating to the specific topics such training must address. The bill prohibits any of its provisions or any policy adopted in accordance with its provisions from being construed to permit biased or discriminatory treatment of any youth population deemed to be at a high risk of experiencing mental health challenges and disorders.

[HB138](#)-Public high schools; personnel; career coach required. Requires each school board to employ at least one career coach in each public high school in the local school division whose duties shall include assisting students with securing internships, externships, and credentialing opportunities as required by the Profile of a Virginia Graduate, providing students with information on apprenticeship programs, and connecting students to career opportunities. The bill provides that each such individual shall work under the direction of school counselors to assist with direct counseling, as such term is defined in relevant law, relating to college and career readiness. The bill also provides that each such individual shall be employed in addition to and not as a replacement for the required school counselor positions, specialized student support positions, or support services positions.

[HB201](#)-School board policies; parental notification; safe storage of prescription drugs and firearms in the household. Requires each local school board to develop and implement a policy to require the annual notification of the parent of each student enrolled in the local school division, to be sent by email and, if applicable, SMS text message within 30 calendar days succeeding the first day of each school year, of (i) the importance of securely storing any prescription drug, as defined in relevant law, present in the household and (ii) the parent's legal responsibility to safely store any firearm present in the household. The bill requires each school board to make such parental notification available in multiple languages on its website. SB109 is identical.

[HB298](#)-Public elementary or secondary school students; evidence-based restorative disciplinary practices. Prohibits any public elementary or secondary school student from being suspended,

expelled, or excluded from attendance at school unless the school first implements at least one evidence-based restorative disciplinary practice, as defined in the bill, except in the case of certain serious enumerated firearm or drug offenses or aggravating circumstances, as defined in the bill. The bill requires the Department of Education to (i) add the use of evidence-based restorative disciplinary practices to the Student Behavior and Administrative Response survey in order to annually collect and analyze data on the use of such practices and to subsequently create and post publicly an annual report that contains an evaluation of the effectiveness of such practices based on the data collected and (ii) adopt and make available guidelines and support materials for implementing, monitoring, and evaluating evidence-based restorative disciplinary practices, including professional development and technical assistance.

[HB333](#)-Public schools; programs and courses of instruction; instruction on January 6 insurrection; requirements and limitations. Permits a school board to provide a program of instruction on or relating to the January 6, 2021, insurrection at the United States Capitol to public school students only in accordance with the requirements of the bill. The bill prohibits any such program of instruction, any accompanying curriculum or instructional materials, or any instruction provided by a teacher as a part of such program of instruction from (i) describing, portraying, or presenting as credible a description or portrayal of the actions precipitating or involved in the January 6, 2021, insurrection as peaceful protest or (ii) stating, suggesting, or presenting as credible a statement or suggestion that there was extensive election fraud that could have changed or actually changed the results of the 2020 presidential election. The bill requires any such program of instruction, any accompanying curriculum or instructional materials, or any instruction provided by a teacher as a part of such program of instruction to describe the January 6, 2021, insurrection at the United States Capitol as an unprecedented, violent attack on U.S. democratic institutions, infrastructure, and representatives for the purpose of overturning the results of the 2020 presidential election.

[HB355](#)-Public school students in grades six through 12; annual mental health screening. Requires, no later than September 1, 2027, the Board of Education, in consultation with the Department of Behavioral Health and Developmental Services and any other stakeholder that the Board deems appropriate, to (i) develop, identify, or procure and make available to each school board at no cost an evidence-based tool or evidence-based tools for the mental health screening of each public school student in grades six through 12 and (ii) develop, adopt, distribute to each school board, and post publicly and conspicuously on its website guidance and model procedures for annual mental health screenings for each such student, with certain content enumerated in the bill. The bill requires, beginning with the 2028-2029 school year, each school board to ensure that each student in grades six through 12 in the local school division is screened at least annually using such screening tool, unless the student's parents opt the student out of such screening.

[HB359](#)-Use of public funds for private elementary or secondary school tuition; standards. Establishes several requirements and conditions relating to the use of certain public funds enumerated in the bill to fund student tuition at private elementary and secondary schools in the Commonwealth, including (i) requiring all students enrolled at schools who receive such funds to take Standards of Learning assessments; (ii) requiring all such schools to receive

accountability ratings from the Board of Education; and (iii) prohibiting such schools from discriminating in admissions, enrollment, discipline, retention, or access to educational programs and services on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, disability, special education status, language proficiency, or socioeconomic status.

[HB362](#)-Public elementary and secondary student textbooks; print as primary curriculum basis. Requires, unless otherwise indicated in a student's individualized education program, print textbooks and other high-quality instructional materials to serve as the primary curriculum basis for a grade-level subject or course but permits digital textbooks and other high-quality instructional materials to serve as the secondary curriculum basis for a grade-level subject or course.

SENATE BILLS

[SB108](#)-School boards; student cell phone and smart device possession and use policies; prohibition. Amends the requirements for the student cell phone and smart device possession and use policies that each school board is required to develop and each public elementary and secondary school is required to implement pursuant to applicable law to require such policies to, except as provided in applicable law, prohibit student cell phone and smart device possession and use on school property from bell to bell. Current law only requires such policies to restrict student cell phone and smart device possession and use on school property from bell to bell.

[SB122](#)-Public elementary and secondary schools; student diabetes medical care and management. Establishes several provisions relating to student diabetes medical care and management in public elementary and secondary schools in the Commonwealth, including (i) defining relevant terms; (ii) requiring and permitting certain diabetes management-related tasks by certain trained school employees; and (iii) permitting, within certain parameters, students to engage in certain diabetes self-care tasks in a school setting.

[SB264](#)-Department of Education; individualized education programs; social skills development. Requires the Department of Education to establish guidelines for individualized education program (IEP) teams to indicate whether a child has a disability that affects social skills development and whether the child is vulnerable to bullying, harassment, or teasing. The bill directs the Department to promulgate regulations requiring local school boards to develop and implement neurodivergence and autism awareness student education programs.

[SB265](#)-Autism's Law; elementary and secondary schools; institutions of higher education; aggravated bullying and cyberbullying unlawful; policies and procedures; penalty. Makes it a Class 1 misdemeanor to commit an act of aggravated bullying or aggravated cyberbullying, as defined in the bill, against any student enrolled in any elementary or secondary school or institution of higher education. The bill requires the administrator of each elementary or secondary school and each institution of higher education, or his designee, to, upon receiving satisfactory proof of an incident of aggravated bullying by a student enrolled in such school or institution, address such incidents, discipline the student guilty thereof, and report such incidents to local law-enforcement. The bill also requires (i) reports to be made to the division

superintendent and the principal or his designee on all incidents involving an act of aggravated bullying or aggravated cyberbullying occurring on a school bus, on school property, or at a school-sponsored activity; (ii) each principal to immediately report to the local law-enforcement agency any incident involving an act of aggravated bullying or aggravated cyberbullying occurring on a school bus, on school property, or at a school-sponsored activity; and (iii) the Board of Education to include in its guidelines and model policies for codes of student conduct developed pursuant to applicable law standards for school board policies on aggravated bullying. Finally, the bill requires each school board to include in its code of student conduct policies and procedures prohibiting aggravated bullying and aggravated cyberbullying, including (a) a citation to the provision of the bill that makes committing an act of aggravated bullying a Class 1 misdemeanor; (b) detailed procedures for reporting any incident of aggravated bullying or aggravated bullying in accordance with the bill; (c) clear, escalating, and appropriate disciplinary procedures for addressing incidents of aggravated bullying; and (d) information and resources relating to any civil rights of action or remedies available to victims of an act of aggravated bullying or cyberbullying.

[SB491](#)-Public schools; right to free public elementary and secondary education; discrimination based on immigration status prohibited; requirements; civil cause of action. Prohibits any child in the Commonwealth from being denied a free public education through secondary school on the basis of the actual or perceived immigration or citizenship status of the child or the child's parents, in accordance with the Constitution of Virginia and consistent with the requirements of the Fourteenth Amendment to the United States Constitution. The bill prohibits any school board, public elementary or secondary school, school resource officer employed by a local law-enforcement agency in any public elementary or secondary school, or any individual who is an employee, contractor, or agent of a school board from engaging in certain enumerated actions and practices that involve or result in the denial of a free public education, or denial of the benefits or exclusion from participation in any program or activity thereof, of a child on the basis of the actual or perceived immigration or citizenship status of the child or the child's parents. The bill also requires each public elementary and secondary school to develop and implement procedures for (i) reviewing and authorizing requests from law-enforcement agents, as that term is defined in the bill, to enter a public school or public school facility and (ii) prohibiting any school board employee, contractor, or agent, or any school resource officer from permitting, assisting with, or participating in the execution of any nonjudicial warrant, as defined by the bill, by a law-enforcement agent present on school property for purposes relating to immigration enforcement or investigation, or permitting any law-enforcement agent from accessing any area of school property that is not open to the public without a warrant signed by a judge or magistrate. The bill establishes a civil cause of action for any party aggrieved by conduct that violates the provisions of the bill, in accordance with the provisions of the bill. The bill directs the Department of Education to develop and make available to each school board by August 1, 2026, guidance for school personnel on the requirements of the bill and training guidelines and materials for the training of all public school principals and administrators on compliance with the provisions of the bill. Finally, the bill directs each school board to (a) develop and implement by August 1, 2026, policies and procedures in accordance with the provisions of the bill and (b) require each public school principal and administrator to

complete training on compliance with the provisions of the bill by the beginning of the 2026-2027 school year.



There will be a session dedicated to the actions of the General Assembly and the effects on school administrators during the School Law Clinic at the 98th Annual Virginia Middle and High School Principals Conference & Exposition at the DoubleTree by Hilton Hotel in Williamsburg, June 22- 25, 2026.



To register for the annul conference click [HERE](#).