

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

CENTER FOR PUBLIC POLICY - L. DOUGLAS WILDER SCHOOL OF GOVERNMENT AND PUBLIC AFFAIRS

**2013 General Assembly Update****Week 6 Update—February 15, 2013**

The 2013 General Assembly session began Wednesday, January 9, 2013. The session runs 46 days and is scheduled to end on February 23, 2013. The last day for committee action is Monday, February 18 and the deadline for the budget conference report to be released is Tuesday, February 19.

The House Education Committee meets on Mondays at 9:00 a.m. in House Room C and Wednesdays at 8:30 a.m. in the Appropriations Room. The Senate Education and Health Committee meets on Thursdays at 8:30 a.m. in Senate Room B. Sub-committees will meet periodically throughout the session. Click [here](#) for the schedule of weekly meetings.

**Budget Update**

A conference committee of senior legislators has begun meeting to try to reach a compromise spending plan for the remainder of the current biennium. Members of the budget conference committee are Senators Stosch (Henrico), Norment (James City), Hanger (Augusta), Watkins (Powhatan), Colgan (Prince William) and Howell (Fairfax), and Delegates Putney (Bedford), Cox (Chesterfield), Sherwood (Frederick), Landes (Augusta), Jones (Suffolk) and Joannou (Portsmouth). They face a deadline of next Tuesday night to recommend a compromise funding package; in recent years, legislators have missed their initial deadline for reaching a compromise, so it is possible that deadline could be missed again. Though the House and Senate approved their respective budgets by wide margins, the path to a compromise spending plan may not be as easy. The Senate's inclusion of provisions to expand Medicaid will not be accepted by the House negotiators, which could lead to another budget standoff. Last year's budget stalemate stretched into May, just weeks before the start of a new fiscal year. However, with the approval last year of a state budget for both FY13 and FY14, a budget for the coming fiscal year is in place should legislators fail to reach agreement on an amended budget (such a scenario last occurred in 2001).

Earlier this past week, Governor McDonnell announced that state general fund revenue collections for the month of January increased 19.5% over the same month a year ago. The increase was driven largely by an additional deposit day which helped boost individual withholding payments, and by the Internal Revenue Service's delay in opening the federal electronic filing program, which resulted in a corresponding postponement in state refund activity in January. Through the first seven months of the fiscal year, total revenue collections have increased 6.2%, ahead of the annual forecast of 3.6% growth. The governor continued to express caution about the positive numbers, given the continued threat of federal sequestration and its impacts on the Virginia economy should automatic spending cuts occur.

Click [here](#) for additional information about the House and Senate-approved budget amendments.

## Education Legislation

There was plenty of action on education-related legislation this past week. For the second straight year, the Senate Education and Health Committee has narrowly defeated the so-called “Tebow” bill ([HB 1442](#)) on an 8 to 7 vote. The bill would have prohibited public schools from joining the Virginia High School League if the organization did not allow participation by qualifying home school students in interscholastic activities. The House had endorsed the bill earlier in the session by a 56 to 43 count.

The Senate Committee also continues to be the stumbling block for backers of bills that would return control of the school calendar to local school boards. [HB 1467](#), which passed the House on a 72 to 28 vote, would have eliminated the post-Labor Day school opening requirement; however, the bill was defeated in Senate Education and Health on a 10 to 5 vote.

The two chambers continue to debate [HB 2096](#) and [SB 1324](#), which would create a statewide school division called the Opportunity Educational Institution to be administered and supervised by a statewide board of legislators and citizens. The bills provide that any school that has been denied accreditation would be transferred to such statewide division; a school that is accredited with warning for three years could be transferred. This past week, a Senate committee included a condition on the House bill that it would take effect only if funds to implement the bill were included in the budget. Both bills await floor votes next week. Meanwhile, the House proposal ([HJ 693](#)) to amend the Virginia Constitution to accommodate such an institution was amended in Senate committee to also require the transfer to the Institution of schools accredited with warning. The bill then was approved on a party-line vote, but it faces an uncertain fate on the Senate floor, where the Senate companion bill was defeated on a tie vote several weeks ago.

The House and Senate are at odds over [HB 1999](#) and [SB 1207](#). The bills require the Board of Education (BOE) to develop a grading system for individual school performance in addition to the Standards of Accreditation; the grading system would be based on an A to F grading scale and would include the school's accreditation rating. However, the Senate wants the BOE to not assign grades until student growth factors are included in the determination of grades, but the House does not include that stipulation.

The bills we told you about last week that were introduced by the governor to implement recommendations of his School Safety Task Force are faring well. The House bills have cleared committee and are awaiting votes on the House floor, with the exception of [HB 2346](#), which already has passed the House. It would require, among other things, that each public school conduct at least two lock-down drills. Likewise, the Senate package has cleared committee and awaits votes on the Senate floor.

The House has amended [SJ 328](#) to have a proposed study of public education funding to emphasize efficiency. The substitute bill directs JLARC to focus its work on evaluating findings from school efficiency reviews and implementation of their recommendations, along with examining how and to what extent other states fund public education. The Senate version would have focused the work on determining if adequate state support is being provided to the state's public schools and if not, how state support may be increased and used more efficiently.

The Senate has revised [HB 1350](#), which directs school divisions to provide targeted math remediation and intervention to students in grades six through eight who show non-calculator computational deficiencies. The bill was amended in the Senate to direct consideration, during the 2016 review of the mathematics Standards of Learning (SOL), of ensuring elementary students demonstrate proficiency in non-calculator computational skills.

The following bills have passed the House and Senate:

[HB 1864](#) requires the BOE and the Department of Criminal Justice Services to develop a model cooperative agreement between schools and local law-enforcement agencies for dealing with school-based offenses before delinquency charges are filed.

[HB 1866](#) removes certain weapons from the definition of weapons that require mandatory expulsion from school for up to one year; such weapons are not included in the definition of "firearm" in the federal Gun-Free Schools Act of 1994.

[HB 2066](#) and [SB 1172](#) permit local school divisions to assign certain support personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

[HB 2068](#) and [SB 1171](#) direct local school divisions to provide 1) early intervention services to K-2 students who demonstrate deficiencies based on their individual performance on diagnostic reading tests; and 2) algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test.

[HB 2083](#) and [SB 1185](#) establish the Strategic Compensation Grant Initiative and Fund to provide incentives for school divisions to improve teacher and school performance.

[HB 2084](#) and [SB 1175](#) provide for the operation of Teach for America in Virginia beginning in the 2013-14 school year. The bills create a two-year provisional license for participants in Teach for America, a program that recruits and trains the recent, top college graduates from various disciplines to accept full-time teaching assignments in hard-to-staff schools.

[HB 2144](#) permits the BOE to grant a two-year waiver from the third grade science or history SOL test for schools that, among other things, have less than a 75% pass rate in reading and hire a reading specialist to work with 3rd grade students and teachers. A related bill, [SB 1364](#), would have directed a survey of students and teachers in waiver schools in addition to providing for the waivers. It was defeated in the House Appropriations Committee.

### **E-mail Response**

Questions or More Information? Please [contact CEPI](#) if you have any questions or need additional information about the 2013 General Assembly.