

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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

2013 General Assembly Update**Week 7 Update—March 4, 2013**

The 2013 General Assembly concluded its work on time on Saturday, February 23. Senior lawmakers crafting changes to the current, two-year state budget reached a compromise late on Friday the 22nd, setting the stage for floor votes on the spending plan amendments late Saturday afternoon. Both the House and Senate voted overwhelmingly to approve about 450 changes to the plan that Governor McDonnell introduced in December.

The governor now has 30 days from the session's end to propose any additional changes to the budget and to approved legislation, which then will be considered when lawmakers return to Richmond on April 3 for the annual reconvened session.

This report includes highlights of approved education-related provisions that amend the FY13/14 state budget as introduced by Governor McDonnell in December (see the Week 1 update for details on the introduced budget). Also included are updates on legislation that was agreed to in the closing days of the General Assembly session.

Budget

The spending plan includes just over \$70 million (assuming revenue collections that do not fall 1% or more below projections) for the state share (matched by the locality based on the local composite index) of a 2% salary incentive increase, effective August 1, 2013, for funded Standards of Quality (SOQ) instructional and support positions (the introduced plan had funded such hikes only for SOQ instructional positions). School divisions will have to certify by June 15, 2013, that the salary hike has been provided to be effective by January 1, 2014. The increase cannot be used to offset the cost of required member Virginia Retirement System contributions. The funding is not intended as a mandate to increase salaries. Budget language also expresses the intent of the General Assembly that school divisions annually provide their employees with a statement of total compensation.

The approved budget designates \$1.3 million for grants to school divisions to purchase security equipment to improve and help ensure school safety. Each school division would be eligible to apply for a competitive grant of up to \$100,000 each year; a 25% local match is required. The intent is to provide this amount yearly through FY19. The budget also provides an additional \$1.3 million in FY14 for the school resource officer incentive grant program and directs the Department of Criminal Justice Services (DCJS) to prioritize grants to localities requesting school resource or school security officers in elementary, middle, and high schools where none currently are in place. In addition, DCJS is to review the application of best practices and the potential for utilizing the intelligence-led policing model in Virginia law enforcement agencies; a report is due in mid-October.

The budget provides \$9.4 million in FY14 for a cost of competing adjustment for funded SOQ support positions in primarily Northern Virginia school divisions. The introduced budget eliminated more than \$12 million for this purpose in FY14, thus the amendment restores about 75% of the eliminated amount.

The compromise budget provides \$5.5 million in FY14 to support a Strategic Compensation Grants Initiative to award competitive grants to school divisions that design and implement compensation systems for teachers that provide incentives based on participation in division strategic goals and objectives (the introduced budget proposed \$15 million).

The spending plan provides implementation criteria for the reading specialist initiative contained in the introduced budget, which targeted \$1.4 million in FY14 for the state share of one reading specialist per elementary school that scored below 75% on the third grade reading Standards of Learning (SOL) test. Qualifying school divisions must certify that they have hired a reading specialist to provide such services, and that they have applied for and received a waiver from third grade science or history SOL tests in order to create instructional time for specialists to work with students reading below grade level.

The budget increases funding to just over \$800,000 in FY14 (from the current \$100,000) to provide incentive awards to attract and recruit teachers with up to three years of teaching experience to teach science, technology, engineering, or mathematics (STEM) at the middle or high school level. Funding of \$708,000 is restored in FY14 to continue and better target the Teaching Scholarship Loan Program to help attract top students into the teaching profession. In addition to the current requirements, beginning next year, eligible undergraduate students must have been in the top 10% of their high school class; the amount of the award also is updated from \$3,720 to \$10,000. The introduced budget proposed eliminating the program in FY14.

The plan restores \$225,000 for the School Efficiency Review Program to help address the wait list of school divisions desiring to utilize this program. Thirty-eight school divisions have participated in this program to date, resulting in annual school savings of over \$40 million. It also provides \$150,000 in FY14 to the Department of Education (DOE) to support implementation of the Opportunity Educational Institution, which will supervise and operate local public schools that have been denied accreditation; budget language establishes parameters under which the Institute is to function.

The budget includes \$87,500 in FY14 for a College Readiness Center pilot for an extended school calendar middle school program (funding of \$175,000 was approved last year for FY13) and targets \$412,500 for planning grants (of up to \$50,000 each) for local school divisions interested in creating new year-round school programs for division-wide or for individual schools. In addition, budget language requests school superintendents, by August 30, to submit to DOE a brief description of the division's interest in pursuing year-round schools to improve academic performance for those students who are at high risk of educational failure, minority, English-as-a-Second Language or economically disadvantaged. The DOE is directed to consider those submissions when developing its school aid budget for the 2014 legislature.

The approved budget adds \$75,000 in FY14 (on top of the \$350,000 contained in the introduced budget) for Project Discovery's college access programs that primarily serve disadvantaged high school students.

The approved spending plan also contains a number of language amendments:

- Language directs the Joint Legislative Audit and Review Commission to study options for restructuring the state's lowest performing schools or school divisions. The study shall consider, among other things, (i) options used and outcomes in other state; (ii) other current, successful approaches for high-poverty urban schools and whether they could be replicated in other areas; and (iii) state resources and expertise that would be needed to implement and oversee any such models. A report is due by June 30, 2014.

- Language provides school divisions with flexibility to spend health services funding, removing the requirement that school divisions must spend the school nurse funding on licensed school nurses. The introduced budget would have directed the DOE to change the school nurse funding methodology.
- Existing budget language is expanded to allow waivers to the pre-Labor Day school opening law to be continued for the 2013-14 school year for those school divisions receiving a waiver this year.
- Language directs the Secretary of Education, in consultation with the Virginia Community College System and the Board of Education and various stakeholders, to consider and review potential planning steps necessary to develop and implement a conceptual model for an Integrated School of the Future.

Click [here](#) additional information about the House and Senate-approved budget amendments related to elementary and secondary education.

Education Legislation

The session's final days saw a number of bills ultimately resolved. Bills to create a statewide school division called the Opportunity Educational Institution to take over failing schools finally were debated and voted on by the full House and Senate. First, the House approved [SB 1324](#), sending it on its way to the governor's desk. The approved bill includes a condition that it would take effect only if funds to implement the bill were included in the budget. The initial transfer of any schools to the Institution could not occur until after the next school year. Under the provisions of the bill, 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. The next day, following a lengthy debate, the Senate narrowly defeated a similar bill, [HB 2096](#), on a 21 to 19 vote.

The House and Senate were at odds during the last few days of the session over [HB 1999](#) and [SB 1207](#). As ultimately approved, the bills direct the Board of Education (BOE) to approve student growth indicators by July 31, 2013, and then by October 1, 2014, to assign each public school a grade, using an A-to-F grading system, that includes school performance on the standards of accreditation, state and federal accountability requirements and student growth indicators. However, the legislature also approved [SB 1167](#), which directs the BOE to develop student growth indicators by October 1, 2014; such indicators are to be used in the standards of accreditation of schools and in teacher evaluations.

The legislature approved [HB 2098](#) and [SB 1189](#) to authorize school boards to request, and the BOE to grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. They also authorize the BOE to waive certain instructional staffing requirements, permitting school boards to assign such personnel to the schools with the greatest needs, as long as the division meets divisionwide employment and pupil/teacher ratio requirements. The school board requesting such waiver shall describe how they will increase instructional quality and student achievement. Recall that the legislature also approved [HB 2066](#) and [SB 1172](#) that would 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.

A number of bills that were introduced by the governor to implement recommendations of his School Safety Task Force were approved overwhelmingly by the General Assembly in the closing days of the session. Included in the package of approved bills are the following:

- [HB 2343](#), which provides for the issuance of bonds for the funding of matching grants to school divisions to purchase and install security equipment in schools, as stipulated in the approved budget.
- [HB 2344](#), which requires the Virginia Center for School Safety to provide technical assistance to school divisions in developing and implementing threat assessment-based protocols and to develop a model critical incident response training program for public school personnel (these provisions also are contained in [HB 2345](#)); the measure also requires local school divisions to establish threat assessment

teams (model policy to be provided by the Center and DOE) under the oversight of the division superintendent.

- [HB 2346](#), which would require, among other things, that each public school conduct at least two lock-down drills (one in September and one in January of each school year); and that each superintendent establish a school safety audit committee (currently an option of the school board) to review completed school safety audits and submit any needed plans to the superintendent.
- [SB 1376](#), which provides that any person shall be immune from civil liability for reporting, investigating or causing to be investigated, a report that any person poses a credible danger of serious bodily injury or death to any other person on school property, so long as such report is made or investigation is conducted in good faith and without malice.

[HB 2028](#) and [SB 986](#), which contain numerous provisions related to automated external defibrillators (AEDs), were approved. They allow school boards to require current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of AEDs for bus drivers. They increase the number of staff (in school buildings where more than 10 people are employed) required to have such training from two to three per building, and they require such training for those seeking initial teacher licensure, license renewal or a provisional license. For first-time ninth grade students in the 2016-2017 school year, the bill adds a requirement that they must receive training in emergency first aid, CPR, and the use of AEDs in order to receive a diploma. Finally, the bills allow local school boards to develop a plan for the placement, care, use and funding of an AED in schools.

[HB 1642](#) and [SB 908](#) concerning the rights of parents have passed. The bills state that “A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child.” Language in the bill also indicates that it is the expressed intent of the General Assembly that this act codifies the opinion of the Supreme Court of Virginia in *L.F. v. Breit*, issued on January 10, 2013, as it relates to parental rights.

[HB 2193](#) was approved. It requires that local departments of social services notify school boards if any employee of their school division is the subject of a founded child abuse and neglect report; current law applies only to teachers.

E-mail Response

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