

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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2016 General Assembly
K-12 Education Update**January 15, 2016**

The 2016 General Assembly session gavels to order on Wednesday, January 13. The session runs 60 days and is scheduled to end on March 12. During the session, legislators will consider more than 2,500 bills and hundreds of resolutions. A two-year state budget for fiscal years 2017 and 2018 also will be developed. "Cross-over day," the last day for each house to act on its own bills, is February 16. House and Senate versions of the FY17/18 budget are slated to be released on February 21.

The House Education Committee is scheduled to meet on Mondays and Wednesdays during the session at 8:30 a.m. in House Room D. The Senate Education and Health Committee will meet 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.

During the course of the session, legislative updates will be available weekly on the CEPI website at [General Assembly Updates](#). Specific information about the General Assembly session, action on bills and resolutions, committee and subcommittee meetings, and information about legislators can be found at [2016 Session](#). If you have a question about a legislative issue during the session, contact David Blount, CEPI Policy Associate, at dcblount2@vcu.edu.

Overview

Public education received a lot of attention from state policymakers this past week. Governor McAuliffe announced education proposals he hopes to advance during the session. Key among them is to promote redesigning the high school for the 21st century. It has been noted that the high school model being used today was developed in the late 1800's. The governor's initiative would require the Board of Education (BOE) to establish new expectations for high school graduates and change the way credits are earned, in order to put a greater emphasis on hands-on learning, early college courses and industry credentials. To further link high school and workforce training, he will look to enable schools to hire current and retired industry experts as temporary or part-time career and technical education teachers, and enable students to receive academic credit for previously-earned industry certifications when pursuing a community college degree. In making these proposals, the governor remarked, "By making smart investments in education, transforming our approach to high school education and strengthening our workforce training pipeline, we can create new opportunities for Virginia students and businesses to thrive."

Republican leaders, meanwhile, also will be focusing on K-12 education this session and throughout the year. The chairmen of the House and Senate Education Committees have indicated their desire for the two panels to work more closely on education issues. They plan to establish an informal joint subcommittee on the future of education, which would meet during the course of the year to explore issues raised during the session in a more in-depth manner. At the same time, it should be noted that the BOE will be looking at the state's accountability system and how to better provide oversight of school divisions, in light of the recently-enacted update to the federal education law, dubbed the Every Student Succeeds Act, which should provide states with more flexibility regarding student testing and school accountability.

Finally, recall that new State funding for K-12 education totals over \$900 million in the governor's introduced budget, including nearly \$430 million to re-benchmark Standards of Quality (SOQ) costs for the biennium. The initiative proposed by the governor to add \$139 million for local school divisions to hire additional instructional positions is getting some scrutiny already, with some lawmakers concerned about how equitable the proposal would be across wealthy and poor schools, large and small schools and those with declining enrollments.

Education Legislation

Just over 2,200 bills and resolutions have been introduced to date, with the final bill introduction deadline a week away. Below is a list of some of the key education legislation introduced so far (by subject areas); additional bills will be listed in next week's report.

FINANCE/FISCAL:

[HB 47](#) establishes a competitive grants fund to make awards for field-testing innovative strategies and evidence-based practices for mixed-delivery preschool services.

[HB 69](#) requires school divisions to provide a health insurance credit of \$4 per year of service to all local school division retirees; currently, the \$4 per year credit is provided only to teachers. Local costs are estimated at \$8.7 million per year.

[HB 191](#) directs the utilization of "use" value of real estate in calculating the local composite index (LCI); [HB 532](#) calls for considering locality population, as well as the number of at-risk students and English-language learners, in calculating the LCI.

[HB 242](#) removes the requirement for local governing bodies to provide matching funds in order to qualify for grants under the Virginia Preschool Initiative.

[HB 389](#) permits the parent of a public school student to apply to the relevant local school division for a one-year, renewable Parental Choice Education Savings Account, to consist of 90 percent of all applicable state per pupil and sales tax funds applicable to the student, for use at a private or religious school or for various other education expenses.

[HB 665](#) creates a 19-member Commission on Employee Retirement Security and Pension Reform to study and make recommendations on the financial soundness of the state and local retirement plans. Its initial focus would be on soundness of the plans and strategies for reducing unfunded liabilities. The Commission would expire July 1, 2021.

[SB 151](#) creates a tax credit of up to \$500, beginning in 2017, for teachers who paid for materials used in teaching, provided that such payments were not reimbursed or claimed as a deduction on the teacher's federal tax return (which allows for a \$250 deduction).

[SB 500](#) requires every locality and school division located within the locality to post on the public government website of the locality a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information.

GOVERNANCE and OPERATIONS:

[HB 3](#) and [SB 588](#) direct a referendum at the November election on whether to grant the BOE the authority to establish charter schools within local school divisions, an authority currently reserved for local school boards. [HJ 1](#) and [SJ 6](#) contain the proposed change to the Constitution that would grant such authority.

[HB 353](#), [HB 406](#), [SB 250](#) and [SB 275](#) authorize local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips; current law authorizes such agreements for transportation to and from school.

[HB 357](#) and [SB 211](#) require at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for K-5 students, effective with the 2018-19 school year.

[HB 516](#) directs the BOE to establish a policy that sets forth school obligations and parent options concerning the use of instructional materials that include sexually explicit content.

[HB 565](#) makes several changes to the charter schools law, including requiring them to be administered and managed by a nonprofit education organization under the control of a governing board, in lieu of a management committee.

[HB 659](#) requires local school divisions to ensure that the health education curriculum for high school students includes training and education on safe and healthy relationships.

[SB 224](#) requires school boards, by July 2017, to develop and implement a policy to prohibit the use of tobacco products on a school bus, on school property, or at a school-sponsored activity.

[SB 493](#) stipulates that nothing in the personnel exemption under the Freedom of Information Act authorizes a closed meeting by a local governing body or elected school board to discuss across-the-board pay increases for such bodies.

STANDARDS of LEARNING (SOL)/TESTING/ACCREDITATION:

[HB 71](#) directs local school boards to administer SOL assessments on the date the board deems most appropriate; the Department of Education (DOE) is required to make such tests available December 1.

[HB 228](#) and [HB 831](#) provide that the standard units of credit in foreign language required to graduate with an advanced studies diploma may be satisfied by completing a computer programming/science course approved by the BOE.

[HB 241](#) authorizes the use of an English language proficiency assessment as an alternative to the eleventh grade SOL end-of-course English reading assessment for students with limited English proficiency; [HB 573](#) makes similar authorization for such students in grades three through eight.

[HB 259](#) prohibits the BOE from replacing the SOL with Common Core State Standards without prior approval of the General Assembly.

[HB 365](#) establishes the Adaptive Learning Tools Grant Fund for the purpose of establishing a grant program whereby the DOE awards grants on a competitive basis to local school divisions that demonstrate the effective use of adaptive learning tools.

[HB 381](#) authorizes local school boards to design and administer a customized assessment, consistent with BOE guidelines, for children with disabilities, as an alternative to the traditional SOL assessment.

[SB 203](#), [SB 441](#) and [SB 498](#) reduce the total number and type of required SOL assessments to the minimum requirements established by the federal law.

[SB 321](#) directs the BOE to promulgate regulations, by July 1, 2018, that require that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

[SB 336](#) removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit, and requires establishment of a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school.

[SB 370](#) requires the BOE to include in its standards for family life education, age-appropriate instruction at all grades in the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation and child sexual abuse.

PERSONNEL:

[HB 167](#) authorizes local school boards to allow any school board employee who is a former law-enforcement officer to possess a gun on school property, on a school bus or at a school-sponsored event.

[HB 279](#) directs the BOE to establish a Virginia STEM adjunct faculty provisional license and a renewable license for qualified individuals to teach high school science, technology, engineering or mathematics courses on a part-time basis.

[HB 459](#) permits a superintendent or local school board to waive the requirement that prospective teachers in the division seeking initial licensure with an endorsement in career and technical education have an industry certification credential in the endorsement area being sought. Similarly, [HB 682](#) permits the superintendent to waive teacher licensure requirements for such prospective teachers who have at least 4,000 hours of recent and relevant employment experience.

[HB 487](#) relieves school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

[HB 524](#) requires data collected by or for the DOE or local school board or made available to (not just used by) the local school board to judge the performance or quality of a teacher, to be confidential in most instances.

STUDENTS:

[HB 749](#) and [HB 750](#) make numerous changes to provisions relating to the protection of student personal information by school service providers.

[HB 827](#) requires the BOE to amend the Return to Learn Protocol (for concussions in student-athletes) to include case management procedures, minimum standards and practical strategies for teachers to implement in the classroom for the return to academic activities of a student who has suffered a concussion.

[SB 458](#) provides that a student may only be suspended after all feasible alternatives to suspension have been considered.

SCHOOL BUS CAMERAS:

[HB 50](#), [HB 243](#), [HB 341](#), [HB 915](#), [SB 16](#), [SB 74](#) and [SB 120](#) are bills that all generally provide that a locality that has authorized, by ordinance, the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus, to execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

POST-LABOR DAY OPENING:

[HB 93](#), [HB 571](#), [HB 753](#), [HB 788](#) and [SB 340](#) make local school boards responsible for setting the school calendar and determining the opening day of the school year, thus eliminating the post-Labor Day opening requirement and "good cause" scenarios for which the BOE may grant waivers.

OTHER:

[HB 8](#) establishes the Virginia Virtual School for the purpose of providing online educational programs and services. For each student enrolled, the average per-pupil share of state SOQ funding would be transferred to the virtual school. This bill passed last year, but must be approved again this year in order to become effective.

[HB 187](#) requires plans or blueprints for the construction of a new public school building to include an indoor active shooter gunshot detection and alerting system.

[HB 196](#) requires the BOE to adopt policies so as to not require schools or school divisions to provide certain duplicate information or certain information that is not necessary or required by state or federal law.

[HB 423](#) and [HB 424](#) provide for penalties for knowingly possessing any firearm while in a school zone, which is defined as the area within a distance of 1,000 feet of a school.

[HB 486](#) makes it permissive, rather than a requirement, that Commonwealth Attorneys prosecute compulsory school attendance cases.

SB 245 requires each community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of students into a program preparing students to pass 1) a high school equivalency examination offered by the local school division, and 2) a postsecondary credential, certification or license attainment program offered by the community college.

E-mail Response

Questions or seeking more information? Please [contact CEPI](#) if you have any questions or need additional information about the 2015 General Assembly.