



# VCU L. Douglas Wilder School of Government and Public Affairs

## THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE

AN INSTITUTE IN THE CENTER FOR PUBLIC POLICY

### 2016 General Assembly Approved Legislation for K-12 Education

*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](#). This is a final compilation of approved legislation dealing with K-12 education.*

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## Finance

[HB 148](#) (*Fowler*) and [SB 445](#) (*McDougle*) change from April 15 to May 15 the date by which a county, city or town is required to fix the real property tax rate for taxes due on or before June 30.

[HB 557](#) (*Orrock*) and [SB 502](#) (*Locke*) eliminate the 25% match required of local school divisions that request an efficiency review from the Department of Planning and Budget, in order to conform to the Appropriation Act, which requires school divisions to pay the full cost of the review. The bill also revises the operational areas examined by the review and provides that such review does not constitute an academic review that may be required by the Standards of Quality (SOQ).

[HB 665](#) (*Howell*) creates a 21-member Commission on Employee Retirement Security and Pension Reform in the legislative branch to study and make recommendations on the financial soundness of the state and local retirement plans. The Commission's initial focus will be on strategies for reducing unfunded liabilities under the plans. The Commission is set to expire July 1, 2021.

[SB 589](#) (*Obenshain*) makes various clarifying, reporting and technical changes to the education improvement scholarship tax credit program.

## Governance and Operations

[HB 353](#) (*Greason*) and [SB 250](#) (*Black*) 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](#) (*Loupassi*) and [SB 211](#) (*Miller*) requires school boards to implement programs that provide 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.

[HB 942](#) (*Wilt*) requires school boards to provide reasonable and appropriate access to school property to youth-oriented, community organizations, such as the Boy Scouts of America and Girl Scouts of the USA, and their volunteers and staff, to distribute and provide instructional materials in order to encourage participation in such organizations and their activities.

[HB 954](#) (*Keam*) requires each local school division policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn" protocol that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury.

[HB 1117](#) (*Loupassi*) allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity.

[HB 1377](#) (*LeMunyon*) provides that, after September 30 of any school year, anytime the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parents of students in the class of such fact. The notification shall state the

reason the class size exceeds the limit and describe measures the local school division will take to reduce the class size.

[SB 493](#) (*Surovell*) clarifies that nothing in the personnel exemption in the open meetings provisions of the Freedom of Information Act (FOIA) authorizes a local governing body or elected school board to hold a closed meeting to discuss compensation matters affecting the members of such body or board collectively.

[SB 734](#) (*Obenshain*) makes several changes to the existing charter school law, including providing greater specificity regarding (i) the applicability of various laws, regulations, policies and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts.

[SB 776](#) (*Barker*) allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. Local school divisions may require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement, as well as a power of attorney authorizing the adult relative to make educational decisions concerning the child.

[SB 780](#) (*Black*) allows a school board or division superintendent to disclose, to the extent provided by the written consent of a student's parent, certain information that is provided by a parent or student regarding the election to provide home instruction to the student.

## Instruction, Assessment and Accountability

[HB 36](#) (*R.P. Bell*) requires instruction in high school government courses to include all information and concepts contained in the civics portion of the U.S. Naturalization Test.

[HB 241](#) (*Lingamfelter*) and [SB 538](#) (*Surovell*) require the Board of Education (BOE) to consider assessments aligned to the Standards of Learning (SOL) that are structured in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as BOE-approved alternatives to SOL end-of-course English reading assessments.

[HB 381](#) (*Greason*) requires the BOE to prescribe alternative methods of assessment administration for children with disabilities who meet criteria established by the Board to demonstrate achievement on the SOL; an eligible student's Individual Education Program team shall decide whether such alternative method is appropriate for the student.

[HB 436](#) (*Austin*) requires the Department of Education (DOE) to award recovery credit to any student in grades three through eight who fails an English reading or mathematics SOL test, receives remediation, and subsequently retakes and passes such an assessment.

[HB 525](#) (*LeMunyon*) requires the SOL Innovation Committee to review and make recommendations to the BOE and the General Assembly on the number, subjects and question composition of standardized tests administered to high school students.

[HB 659](#) (*Filler-Corn*) requires high school family life education curricula to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment and sexual violence.

[HB 831](#) (*Greason*) requires the SOL and the K-12 program of instruction in public schools to include computer science and computational thinking, including computer coding.

[HB 895](#) (*Greason*) and [SB 336](#) (*Miller*) require the BOE to utilize stakeholders in developing and implementing a “Profile of a Virginia Graduate” that identifies the knowledge and skills students should attain during high school, with consideration given to critical and creative thinking, collaboration, communication and citizenship. Such profile also will emphasize the development of core skill sets in the early years of high school and establish multiple paths toward college and career readiness for students in the later years of high school. Each pathway shall include opportunities for internships, externships, and credentialing. New graduation requirements, which will remove existing provisions related to standard and advanced studies diplomas and standard and verified units of credit, will apply to students who enroll in high school as freshmen after July 1, 2018.

[SB 427](#) (*Miller*) prohibits the BOE from including in its calculation of the passage rate of an SOL assessment for the purposes of state accountability, any student whose parent has decided not to have his child take such test, unless such exclusion would result in the school not meeting any required state or federal participation rate.

## Personnel

[HB 252](#) (*Kory*) allows a person who has met the qualifications prescribed by the Board of Audiology and Speech-Language Pathology to practice as an assistant speech-language pathologist in accordance with regulations of the Board. The bill also requires the Board to review the need for and impact of licensure or certification of assistant speech-language pathologists.

[HB 261](#) (*Yancey*) requires the BOE to provide for the issuance of a provisional license, valid for up to three years, to any former member of the Armed Forces or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training, but does not meet requirements for a renewable teacher license.

[HB 279](#) (*Byron*) and [SB 573](#) (*Ruff*) directs the BOE to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than half of the instructional day or year.

[HB 524](#) (*LeMunyon*) requires data collected by or for the DOE or a local school board, or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment.

[HB 682](#) (*Peace*) requires the DOE to establish a procedure that allows it to waive teacher licensure requirements for an individual whom a local school board hires or seeks to hire to teach in a trade and industrial education program and who has obtained or is working toward a related industry credential and has at least 4,000 hours of recent and relevant employment experience.

[HB 821](#) (*LeMunyon*) includes local and regional governments and school divisions under the Fraud and Abuse Whistle Blower Protection Act, which allows employees to freely report instances of wrongdoing or abuse committed by governmental agencies.

[HB 842](#) (*Cline*) requires persons seeking initial licensure or license renewal to complete awareness training, provided by the DOE, on the indicators of dyslexia and the evidence-based interventions and accommodations for dyslexia.

[SB 360](#) (*Howell*) requires the Superintendent of Public Instruction to develop and provide to local school divisions a model exit questionnaire for teachers.

[SB 364](#) (*Chafin*) authorizes the Department of Human Resource Management to establish a health insurance plan, similar to the state health insurance plan, for employees and retirees of local governments and school divisions and their dependents. Such plan may provide for a single rating group. The Department shall adopt regulations regarding the establishment of the plan.

[SB 564](#) (*Norment*) excludes records of an application for licensure and renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the FOIA.

## School Environment

[HB 198](#) (*Lingamfelter*) requires that any application to the court by a local government or school board official or employee for the appointment of a special conservator of the peace include a written assessment from the locality's chief law-enforcement officer stating the need for the appointment.

[HB 487](#) (*McClellan*) deletes the duty to enforce school board rules and codes of student conduct from the list of the purposes of school resource officers employed pursuant to the School Resource Officer Grants Program; their remaining responsibilities are to help ensure safety and prevent truancy and violence in schools.

[HB 1213](#) (*Albo*) provides that in any proceeding where a juvenile is alleged to have committed a delinquent act that would be a misdemeanor if committed by an adult on school property, the juvenile may introduce into evidence documents created prior to the commission such act that relate to certain educational plans or behavioral assessments.

[HB 1279](#) (*Anderson*) requires each public school to hold a fire drill at least twice during the first 20 school days and at least two more times during the remainder of the year; under current law, a fire drill is required at least once a week during the first 20 school days and at least once a month the remainder of the year. The bill also increases the number of required lock-down drills, to require that they also be held at least twice during the first 20 school days and at least two more times during the remainder of the year.

[SB 527](#) (*Stuart*) authorizes a locality to provide by ordinance that a person convicted of a felony violation of bomb threat statutes shall be liable for reasonable expenses, not to exceed \$1,000, related to an appropriate emergency response to the threat.

## Students

[HB 205](#) (*Webert*) and [SB 381](#) (*Vogel*) revise various provisions dealing with allowable tasks for student “pages” participating in Election Day programs for high school students.

[HB 475](#) (*Filler-Corn*) requires the DOE to review relevant federal regulations and suggest revisions to its guidance documents on such regulations relating to a “Return to Learn” protocol for students who have been treated for pediatric cancer.

[HB 519](#) (*LeMunyon*), [HB 749](#) (*Greason*) and [HB 750](#) (*Greason*) revise provisions adopted in 2015 related to the protection of student personal information by school service providers that operate certain websites, mobile applications or online services. HB 519 extends various security protections for student information used by private, school-affiliated entities, such as booster clubs and parent/teacher organizations. HB 749 prohibits target advertising by such providers, while HB 750 excludes any website, mobile application or online service offered by such providers that is used for the purposes of college and career readiness assessment.

[SB 665](#) (*Marsden*) prohibits a public middle school student from trying out for or participating on any school athletic team or squad that practices regularly and competes with other middle schools, unless such student has submitted to the school principal a signed report from a specified licensed medical provider that such student has been examined within the preceding 12 months and found to be physically fit for athletic competition.

## Miscellaneous

[HB 46](#) (*Greason*) directs the Secretary of Education to establish a School Readiness Committee, to be composed of legislators and education practitioners, to develop and align an effective professional development and credentialing system for the early childhood education workforce. The Virginia Early Childhood Foundation is to facilitate the work of the Committee.

[HB 47](#) (*Greason*) establishes the Mixed-Delivery Preschool Services Fund and Grant Program to award competitive grants to urban, suburban and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services. The bill provides that six, two-year grants be awarded in each year of the next biennium. The measure is set to expire July 1, 2019.

[HB 168](#) (*LaRock*) and [SB 120](#) (*Carrico*) authorize the mailing of summons to persons who are caught on camera passing a stopped school bus; current law requires such a summons to be personally served by a law enforcement officer.

[HB 196](#) (*Lingamfelter*) requires BOE policies that ensure local schools or school divisions are not required to provide certain duplicate information or information not necessary or required pursuant to state or federal law. The DOE is required to study the transition to electronic submission of all information and forms to the Department and report by November 1.

[HB 369](#) (*R.P. Bell*) adds to the membership of the State Executive Council for Children's Services (i) the chairman of the state and local advisory team, and (ii) a representative who has previously received services through the Children's Services Act (CSA). The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the CSA.

[HB 521](#) (*LeMunyon*) requires the annual BOE report to the Governor and the General Assembly to include a listing of each report (i) that local school divisions are required to submit to the Board or any other state agency, and (ii) pertaining to public education that local school divisions are required to submit to the federal government.

[HB 748](#) (*Greason*) allows driver training schools, licensed by the Department of Motor Vehicles, to provide computer-based driver education courses for the classroom portion of driver education.

[HB 817](#) (*LeMunyon*) and [SB 494](#) (*Surovell*) reverse the decision of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by clarifying the general rule of redaction, to provide that no provision of the FOIA is intended to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the record is excluded from disclosure by FOIA or another provision of law.

[HB 894](#) (*Greason*) revises the membership of the SOL Innovation Committee to add one more member of the Senate to the group, and to include at least one representative of 1) a four-year public institution of higher education, and 2) a two-year public institution of higher education. It also provides that an affirmative vote by a majority of the legislative and non-legislative members in attendance at a meeting shall be required for the Committee to adopt any recommendations. The bill took effect April 1.

[HB 1135](#) (*Kory*) requires the Department of General Services to facilitate purchases of Virginia-grown food products by including a link on its central electronic procurement system to the Virginia Department of Agriculture and Consumer Services “Virginia Grown” website. The bill also exempts purchase of Virginia-grown food products for use by a public body where the annual cost is not expected to exceed \$100,000.

[HB 1299](#) (*Edmunds*) and [SB 229](#) (*McEachin*) provide that whenever a state or local public body or school division purchases a United States or state of Virginia flag for public use, such flag must be made in the U.S. from articles, materials, or supplies that are grown, produced, and manufactured in the U.S., if available. The bill takes effect July 1, 2017.

[SB 245](#) (*Stanley*) requires each community college to enter into agreements with local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency exam offered by the local school division and a postsecondary credential, certification or license attainment program offered by the community college.

[SB 246](#) (*Stanley*) establishes a BOE grant program in FY17 and FY18 for STEM (science, technology, engineering, and mathematics and including computer science, computational thinking and computer coding) competition teams at qualified schools. A high school must have at least 40% of its students eligible for free or reduced-priced lunch in order to qualify. Grants are capped at \$10,000 per school per year.

[SB 417](#) (*Vogel*) allows local Department of Social Services employees to continue their practice of signing juvenile and domestic relations court forms asking for temporary custody, termination of parental rights, etc. This bill effectively overrules an opinion by a committee of the Virginia State Bar concluding that this was the unauthorized practice of law by non-lawyers.

[SB 418](#) (*Vogel*) excludes installation of artificial turf and track surfaces, including all associated and necessary construction, from the prohibition on using cooperative procurement to purchase construction.

[SB 467](#) (*Wagner*) exempts from licensure any child day program that is 1) an instructional program offered by a public school that serves preschool-age children or that satisfies compulsory attendance or federal special education laws, and programs of school-sponsored extracurricular activities that are focused on single interests, including but not limited to, music, sports, drama, civic service or foreign language. The bill also removes the directive that any education and care programs provided by public schools that are not exempt from licensure be regulated by the BOE using regulations that incorporate regulations for child day centers licensed by the Department of Social Services.

[SB 664](#) (*Surovell*) provides that the names of candidates for school boards shall be listed on the ballot in an order determined by the priority of time of filing for that office; if two or more candidates file simultaneously, the order of filing shall be determined by lot by the electoral board, as in the case of a tie vote for the office.

## Studies and Resolutions

[HB 4 /HJ 2](#) (*R.P. Bell*) and [SB 446/SJ 70](#) (*Obenshain*) provide for a referendum at the November 8, 2016 election to include the current law on the “right to work” (*Code of Virginia* § 40.1-59) in the Virginia Constitution.

[HJ 112](#) (*Landes*) and [SJ 85](#) (*Deeds*) establish a joint committee of the House and Senate Education Committees to study the future of K-12 education, specifically looking at the following:

1. the need for revisions to or reorganization of the SOQ with a particular emphasis on the effective use of educational technology;
2. emerging education issues in Virginia, and
3. the future of public elementary and secondary education in the Commonwealth.

[SJ 63](#) (*Hanger*) requests the Department of Social Services to review all categories of child day programs exempt from licensure and formulate recommendations regarding whether such programs should remain exempt from licensure.

[SJ 88](#) (*Norment*) directs the Joint Legislative Audit and Review Commission to conduct a two-year study of specific early childhood development programs, so that the General Assembly can determine the best strategy for future early childhood development investments.

## Contact Us

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