

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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**2017 General Assembly**  
**K-12 Education Update****January 13, 2017**

*The 2017 General Assembly session gaveled to order on Wednesday, January 11. The session runs 46 days and is scheduled to end on February 25. During the course of the session, legislators likely will consider more than 1,500 bills and hundreds of resolutions. Amendments to the current two-year state budget also will be crafted. "Cross-over day," the last day for each house to act on its own bills, is February 7. House and Senate amendments to the budget for fiscal years 2017 and 2018 will be released on February 5.*

*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 plans to meet on Thursdays at 8:00 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](#). Each week we'll spotlight one bill with added background and information on public support for the concept from our annual Commonwealth Education Poll. This week we spotlight [HB 1578](#), the so-called "Tebow" bill (Spotlight, page 3).*

*Specific information about the General Assembly session, action on bills and resolutions, committee and subcommittee meetings, and information about legislators can be found [here](#). If you have a question about a legislative issue during the session, please contact David Blount, CEPI Policy Associate, at [dcbblount2@vcu.edu](mailto:dcbblount2@vcu.edu).*

**Overview**

Governor McAuliffe, in his State of the Commonwealth address on Wednesday, laid out numerous budget and legislative areas where he hopes to work with legislators. He continued to tout his job-creating efforts while highlighting economic development, education, mental health and public safety initiatives, among others. Specifically, on the topic of education, he stated, "Even as we have dealt with a challenging revenue picture, the budget I submitted to you does not make any program cuts to K-12 education. It also requires fewer reductions from our higher education system than originally anticipated. I am proud of the work we have done together to strengthen Virginia's education system from Pre-K through higher-ed and mid-career workforce training. This session we can build on those accomplishments together."

**Education Legislation**

Nearly 1,950 bills and resolutions have been introduced as of this writing, with the final bill introduction deadline a week away. Below is a list of some of the key education legislation

introduced so far; additional bills will be listed in next week's report. You can CTRL+CLICK on a bill to go to further information about it.

Various versions of “virtual schools” legislation have been introduced. They include the following:

- 1) [HB 1400](#) and [SB 1240](#) establish the Virginia Virtual School program to provide full-time online educational programs and services for a maximum of 5,000 students statewide. Beginning with the 2019-20 school year, the average state share of SOQ per pupil funding for each enrolled student would be sent to the virtual school.
- 2) [HB 1764](#) and [SB 1380](#) call for the establishment of eight regional school boards (one in each of the eight superintendents' regions) for the purpose of contracting with a multi division online provider to operate a full-time virtual school program for students enrolled in each of the region's school divisions.
- 3) [HB 1923](#) requires that the Virtual Virginia program, established by the Department of Education (DOE), be made available to all public middle and high schools. The bill provides that such program may be made available to all public elementary schools.

[HB 1421](#) relieves a high school student, starting with the graduating class of 2018, who pursues a standard diploma, of the requirement to earn a career and technical education credential, when such student earns a score of 4 or better on an Advanced Placement examination.

[HB 1490](#) would allow a school board member who cannot serve due to being called for military service to designate someone to perform the duties of such office as acting school board member during the time of the member's military service.

[HB 1498](#) would reduce maximum class sizes in kindergarten from 29 to 28, from 30 to 28 in grades 1-3 and from 35 to 29 in grades 4-6.

[HB 1534](#), [HB 1535](#) and [HB 1536](#) (as well as companion bills [SB 995](#), [SB 996](#) and [SB 997](#)) propose scaling back various requirements pertaining to suspension and expulsion of students. The bills would:

- 1) reduce the maximum length of a long-term suspension from 364 calendar days to 45 school days;
- 2) prohibit a long-term suspension or expulsion for disruptive behavior, unless such behavior involves intentional physical injury or credible threat of physical injury to another person; and
- 3) prohibit students in preschool through grade five from being suspended or expelled, except for drug offenses, firearm offenses, or certain criminal acts. Meanwhile, [HB 1924](#) and [SB 829](#) directs the Board of Education (BOE) to create guidelines for alternatives to short-term and long-term suspension for consideration by local school boards.

[HB 1561](#) requires all school buses to be equipped with seatbelts by July 1, 2027.

[HB 1578](#) is the so-called “Tebow” bill, perennial legislation to allow participation by homeschoolers in public high school athletics and other interscholastic activities governed by the Virginia High School League (VHSL). **See spotlight, next page, for more detail.**

## LEGISLATION SPOTLIGHT

### The “Tebow” Bill ([HB 1578](#))

**Background:** Tim Tebow is a former homeschool student who played football in a local public high school under Florida legislation. He went on to play at the University of Florida before spending three seasons with two teams in the National Football League. His name became synonymous with similar legislation in other states allowing homeschool students’ participation in public school athletics.

A dozen years ago, the introduced bills on this topic (see [HB 1731](#) from 2005) directed VHSL to allow participation by homeschool students in high school sports in the attendance zone in which they live. With opposition from VHSL and local school divisions, the bills were quickly dispatched in committee.

Over the years, the bills evolved to the present language, with the patrons noting that dozens of Virginia school divisions were allowing homeschool students to take classes in their schools and that a majority of states were allowing this sort of participation by homeschoolers in public school activities.

The legislation finally found success in the House of Delegates in 2012, but then was defeated on party line votes for several years in the Senate Education and Health Committee. The legislation cleared the General Assembly for the first time in 2015, and then again in 2016.

Both years, the legislation was derailed by the governor, who in his veto explanation stated, “Allowing home-schooled students to participate in interscholastic competitions would disrupt the level playing field Virginia’s public schools have developed over the past century...opening participation in those competitions to individuals who are not required to satisfy the same criteria upends Virginia’s extracurricular framework and codifies academic inequality in interscholastic competition.”

Coverage of the Pros and Cons: In past years, debate of similar bills have produced media coverage, including several who interviewed CEPI’s founder, Dr. Bill Boshier. Several are linked here for reference:

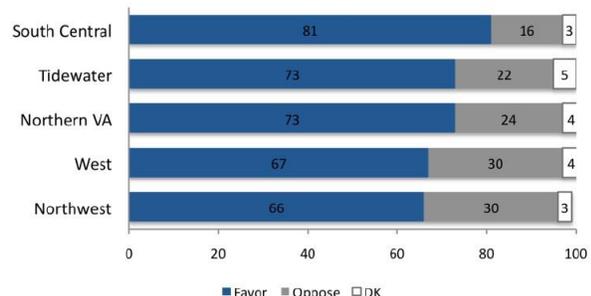
- Longman, Jere. [“Home-Schoolers Are Hoping to Don Varsity Jackets in Virginia,”](#) *The New York Times*, Feb. 8, 2012
- Bohon, Dave. [“Virginia’s “Tebow Law” Would Give Home Schoolers Access to Public School Athletics,”](#) *The New American*, February 20, 2012.

**What the public thinks:** In 2013-14, our poll found strong support for the concept embedded in the Tebow Bill, with 72% of Virginians favoring a policy that allows students who are homeschooled to participate on local public school sport teams.

There was some degree of regional variation in this support, however, with a greater portion of respondents (81%) from the South Central region favoring such a policy. By contrast, support in the West (67%) and Northwest (66%) regions was more limited. The results in 2013-14 were very similar to the findings when the same question was asked in our 2012-13 poll. Such stability, absent new polling data to the contrary, suggests that public support for the concept is still likely to be strong.

#### Sports for Homeschoolers?

*Would you favor or oppose allowing students who are homeschooled to participate on local public school sport teams?*



Source: Commonwealth Education Poll 2013-2014

**Likely outcome in 2017:** Not much has changed in the political landscape on this issue. Hence, passage by both sides of the General Assembly and a third veto of the legislation by the Governor seems the most likely outcome at this time.

**HB 1605** would establish Parental Choice Education Savings Accounts. The legislation would allow 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 up to one-quarter 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. Similar legislation was approved last year, but successfully vetoed by the governor.

**HB 1607** provides for the award of verified units of credit for satisfactory scores on locally selected, nationally-recognized high school assessments as an alternative to Standards of Learning tests.

**HB 1690** removes the requirement for local governing bodies to commit to providing the required matching funds in order to qualify for grants under the Virginia Preschool Initiative.

**HB 1708** requires the BOE to include in the student outcome measures included in the Standards of Accreditation, the number of industry certification credentials obtained by high school students.

**HB 1756** increases the maximum annual scholarship amount from 100% of the per pupil amount distributed to the local school division as its share of SOQ costs (i) to 400% of such amount for a student with a disability, and (ii) to \$26,000 for a student who has an autism spectrum disorder. **HB 1966** increases to 400% the amount for a student with a disability.

**HB 1757** directs school boards to employ at least one school nurse in each of its schools and to have at least one school nurse position per 1,000 students in grades kindergarten through 12; current language that school divisions aspire to hiring nurses at certain ratios is eliminated.

**HB 1770** allows local school divisions to waive teacher licensure requirements for career and technical education teachers.

**HB 1805** calls for school divisions not offering full-time kindergarten to develop a plan for doing so by the 2018 session. **SB 1015** requires kindergarten programs to be full-time, effective July 1, 2019.

**HB 1807** authorizes a school board to conduct a teacher grievance hearing before a three-member fact-finding panel; currently, the school board has the option of appointing a hearing officer or conducting the hearing itself.

**HB 1839** directs the BOE to establish guidelines on principal discretion in reporting certain criminal misdemeanors to law enforcement. **HB 1843** calls for principals to take any alternative disciplinary action before making a report of an incident that may constitute a criminal offense. **SB 1082** allows principal discretion in making certain reports to law enforcement.

**HB 1963** expands the educational improvement scholarships tax credit program by including as eligible scholarship recipients' children enrolled in or attending non-public pre-kindergarten programs.

**HB 1983** and **HB 2031** make local school boards responsible for setting the school calendar and determining the opening day of the school year. Similar school calendar bills have been

passed by the House of Delegates in recent years, only to be shot down in the Senate Education and Health Committee.

[HB 2007](#) requires school boards to permit any student who receives home instruction and resides in the local school division to apply for enrollment as a part-time student of the school division in any dual enrollment course offered.

[HJ 546](#) proposes a Joint Legislative Audit and Review Commission (JLARC) study of the Virginia High School League.

[HJ 570](#) directs JLARC to study the effectiveness of requiring seat belts on school buses.

[HJ 629](#) and [SJ 240](#) are proposed Constitutional amendments that would allow the BOE to establish charter schools within local school divisions; presently, that authority is reserved for local school boards. After having been approved by the 2015 General Assembly, this amendment was defeated in the Senate last year. Before going to the voters for approval, proposed amendments to Virginia's Constitution must be approved in consecutive legislative sessions, with an intervening election.

[HJ 634](#) is a proposed Constitutional amendment that would allow the General Assembly to authorize elected school boards that can impose real property taxes.

[SB 828](#) requires the learning objectives for family life education to include age-appropriate instruction in the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse in all grades.

[HB 1718](#) and [SB 840](#) renames the Commission on Civics Education as the Commission on Civic Education, and extends expiration of its work three years, to July 1, 2020.

[SB 951](#) requires school service providers to provide each student or his parent with access to an electronic copy of any student personal information pertaining to the student that has been collected, maintained, used or shared by the school service provider.

### **E-mail Response**

Questions or seeking more information? Please [contact CEPI](#) if you have any questions or need additional information about the 2017 General Assembly.