

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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2017 General Assembly
K-12 Education Update**Reminders**

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's spotlight is on efforts to establish a governing board for the Virginia Virtual School. The relevant bills during this year's session are ([HB 1400](#) and [SB 1240](#)) (see spotlight, page 3).

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.

February 3, 2017**Budget Update**

The clock is ticking for General Assembly money committees to release their proposed amendments to the introduced budget. The House Appropriations and Senate Finance committees have been busy figuring out ways to pay for the spending plans they will announce on Sunday afternoon. Line item amendments should be available by sometime Tuesday and floor votes on the respective plans are expected next Thursday (February 9th).

The House budget is expected to provide some additional funding to several dozen school divisions that have a history of declining student populations. Leaders this past week announced they will use a "10-10-10" formula to provide additional state aid to school divisions with less than 10,000 students and whose enrollment declined 10% or more during the previous 10 years, sending \$8.6 million to help offset the loss of state per-pupil funding that these smaller school divisions are challenged to restore.

Published reports also say House budget leaders plan to boost the amount of lottery proceeds money the state would send "without strings" to local school divisions. The additional money primarily would come from funds the governor had identified for a one-time bonus for teachers (recall that budget writers had said they will use the proposed bonus for a state worker pay raise instead). House leaders say they are working toward 40% of all lottery proceeds being sent to school divisions to use as they like, without requiring local matching funds.

Information from the VDOE about the introduced budget can be found [here](#).

Education Legislation

Legislative committees worked frantically this past week to clear their dockets of bills in order to beat the Tuesday deadline for each chamber to complete consideration of its own legislation.

Virtual schools legislation is a timely topic this week, as both chambers are advancing bills ([HB 1400](#) and [SB 1240](#)). Despite objections by school board, superintendent and teacher groups, the bills have been approved in committee and await votes in the full House and Senate, respectively. Virtual Schools also are the focus of this week's spotlight (see page 3).

In other action, the House and Senate Education Committees had considerable discussion this past week on several student discipline bills. [HB 1534](#) and [SB 995](#) limit long-term suspensions of students; the House bill to 45 days, unless "aggravating circumstances" as defined by the local school board exist, in which case the long-term suspension may last a maximum of 90 days. The Senate bill limits the suspension to 60 days, with provisions to extend longer in cases involving criminal activity.

[HB 1536](#) and [SB 997](#) limit suspensions of young students. HB 1536 prohibits suspending preK-3 students for more than five days, except in certain cases involving firearms or drugs, while SB 997 prohibits a long-term suspension or expulsion unless the underlying conduct involves weapons, inappropriate sexual behavior or serious bodily injury. In discussing the bill, the House patron indicated there were over 16,000 suspensions of preK-3 students in the most recent year for which there was data. But several committee members said they preferred suspension decisions be made locally, reminding the committee that such behaviors also affect other students in the classroom and cause stress on teachers dealing with these problems. The Senate also is poised to approve [SB 829](#), which directs the BOE to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards.

Bills to allow for regional charter schools in limited cases are slowly making their way through the legislative process. The education and money committees in each chamber have endorsed their respective bills, [HB 2342](#) and [SB 1283](#). They authorize the Board of Education (BOE) to establish regional charter school divisions consisting of two or more existing school divisions in regions in which one or more of the divisions have an enrollment over 3,000 students, and one or more schools have "accreditation denied status" for two out of the past three years. Also on the subject of charter schools, a House Privileges and Elections subcommittee this week officially laid to rest its version of a charter schools Constitutional amendment, [HJ 629](#).

The House and Senate are advancing their versions of the Parental Choice Education Savings Accounts legislation on party line votes. [SB 1243](#) now contains a reenactment clause requiring it to be approved again in 2018 before taking effect. It is on the Senate floor for approval. The House version, [HB 1605](#), also faces a floor vote early next week. The bills allow parents of public school students, in certain cases, to apply to the relevant local school division for a one-year, renewable Parental Choice Education Savings Account, to consist of a percentage of 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.

The House and Senate both are advancing bills to support students with dyslexia. [HB 2395](#) and [SB 1516](#) stipulate that a reading specialist employed by a local school board shall be trained in

LEGISLATION SPOTLIGHT

Virginia Virtual School ([HB 1400](#) and [SB 1240](#))

Background: Delegate Dickie Bell introduced [HB 1400](#) this year with the same language as his 2016 bill that was approved by the legislature, but ultimately vetoed by the governor. His measure, along with Senator Dunnavant’s [SB 1240](#), would establish the Virginia Virtual School, governed by a Board of primarily legislative and citizen members. Under the bills, any student may enroll with any one, approved, multi-division online provider. Such students are still responsible for taking the applicable Standards of Learning tests. Beginning with the 2019-20 school year, the average state share of SOQ per pupil funding for such students would be transferred to the school, which is limited by the legislation to enrolling no more than 5,000 students statewide.

The push for virtual education at the state level in Virginia first met success in 2010, when the General Assembly directed the Department of Education (DOE) to provide a series of online courses with instructional content delivered by multi-division online providers (see the [Virtual Learning](#) page on the DOE website). In the ensuing years, there were unsuccessful attempts to have state and local shares of SOQ per pupil funding transferred from the school division of residence to the enrolling school division for any student who enrolls full-time in a virtual school program outside her or his school division. The current effort began in 2013, with a bill establishing a Virginia Virtual School later being approved in 2015. However, the approved legislation contained a reenactment clause requiring it to be approved the following year. The General Assembly approved the legislation again last year, but it was then vetoed by the governor, who took issue with creation of a new state agency outside the Constitutional framework governing school divisions and school boards.

This year, while moving the aforementioned bills forward, the legislature has dispatched the governor’s proposal to expand the current DOE pilot program available to all middle and high schools. It also has turned back bills to establish regional school boards to contract with online providers to operate a full-time virtual school program for students among the school divisions.

Research on Virtual Schools: [Virtual Schools in the U.S. 2014: Politics, Performance, Policy, and Research Evidence](#). Shafer, S.R. et al., [National Education Policy Center](#), University of Colorado, Boulder.

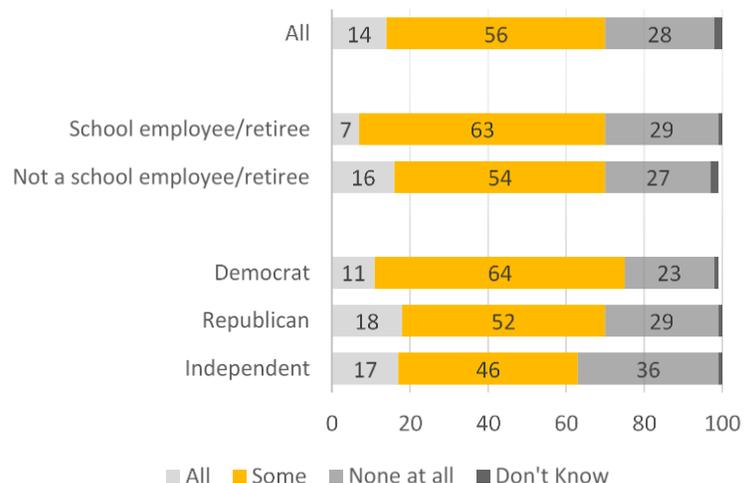
What the public thinks: We recently released results of our annual education poll - it found a majority of respondents (56%) willing to have their child earn some high school credits online but only 14% were willing to have their child in a fully online learning environment. Twenty-eight percent (28%) of Virginians prefer their child take no credits online.

Those employed in, or retired from schools, were less likely (at 7%) to be willing to see their child have all courses be online (compared to 16% for those without school employment connections). There was also a partisan difference on the question (see chart, right).

Likely outcome in 2017: Given the unchanged language, the bill may again be approved in the General Assembly but ultimately be vetoed by the Governor.

Earning High School Credits Online

Would you be willing to have your child earn all of their high school credits online, just some, or none at all?



the identification of and the appropriate interventions, accommodations and teaching techniques for, students with dyslexia or a related disorder, and shall serve as an advisor on dyslexia and related disorders. The bills are on their respective floors for approval.

The House Education Committee this past week handily approved [HB 2191](#), which calls for local school board procedures for notifying parents of materials with sexually explicit (defined as any criminal sexual assault) content, and for providing replacement materials to students of parents who so request. The bill was reported 17 to 3 and is on the House floor for approval.

Also awaiting approval on the House floor is [HB 1981](#), which directs the development of regulations for "School Divisions of Innovation." This bill would apply to school divisions that have developed a plan of innovation to improve student learning; educational performance; and college, career, and citizenship readiness skills in each of their schools. Upon approval by the BOE, they would be exempt from selected regulatory and statutory provisions and be permitted to adopt alternative policies for school administrators, teachers and staff to meet the diverse needs of students.

[HB 2141](#) is up for House approval as well. It would expand a current requirement that the BOE include in its annual report a listing of each report that local school divisions are required to submit to the Board, to include an explanation of the need to retain or maintain the frequency of any such report and any recommendation for the elimination, reduction in frequency or consolidation of such reports. There currently are more than 150 such reporting requirements.

Session Schedule and General Links

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. Specific information about the General Assembly session, action on bills and resolutions and information about legislators can be found [here](#).

E-mail Response

If you have a question about a legislative issue during the session, please contact David Blount, CEPI Policy Associate, at dcbblount2@vcu.edu.