



THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE

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

2012 General Assembly Update Approved Legislation

FINANCE

[HB 93](#) (*Albo*) increases the minimum amount of vehicle liability insurance required to be carried by public schools in instances of property damage, medical expense payment coverage and injury accidents. Vehicle liability and property damage insurance coverage for public school transportation vehicles increases from \$200,000 to \$500,000 for injury under the bill.

[HB 250](#) (*Cline*) requires each school board to report annually to the Department of Education (DOE) the percentage of its annual operating budget allocated to instructional costs, and the DOE to include the information in the annual School Performance Report Card. The DOE is to establish a methodology for allocating expenditures to instructional and noninstructional costs.

[HB 1130](#) (*W. J. Howell*) and [SB 498](#) (*Watkins*) revise the Virginia Retirement System (VRS) to lessen benefits for VRS Plan 1 members who are not vested (less than five years of service) and Plan 2 members (hired after July 1, 2010), in the areas of Average Final Compensation, Cost of Living Adjustment (effective date affects vested employees) and the retirement formula multiplier; it creates a hybrid plan for all new employees (as of January 2014) and sets state retirement contribution rate goals through 2020. The bill also creates a disability program for local employees participating in the hybrid plan; that is, localities are required to participate in the program to be established by VRS or to offer comparable benefits through some other means.

GOVERNANCE and OPERATIONS

[HB 480](#) (*Albo*) allows a member of a public body to attend a closed meeting held by any of its committees or subcommittees, provided such member does not participate in any discussions held by the body conducting the closed meeting. The bill requires that the minutes include the identity of such member who attended the closed meeting.

[HB 603](#) (*LeMunyon*) allows school divisions to have policies that provide for the open enrollment to any school of any student residing within the division. The bill describes optional criteria for local school boards to consider when developing any such plan.

[HB 1107](#) (*Greason*) and [SB 656](#) (*McEachin*) requires local school boards, by the beginning of the 2012-2013 school year, to adopt and implement policies for possession and administration of epinephrine in schools, to be administered by a school nurse or other employee authorized and trained in the administration of epinephrine.

[HB 1173](#) (*Lingamfelter*) and [SB 440](#) (*Obenshain*) amend the charter school law as follows:

1) The local school board may allow a charter school to use vacant or unused properties or real estate owned by the school board.

2) Following a local school board decision to deny a public charter school application or to revoke or fail to renew a charter agreement, the local school board shall submit documentation to the Board of Education (BOE) as to the rationale for the denial or revocation; however, the BOE shall have no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement.

3) Local school boards may elect whether charter school personnel are employees of the charter school or of the local school division.

4) Per pupil funding provided to the charter school by the local school board shall be negotiated in the charter agreement and be commensurate with the average school-based costs of educating the students in the division's existing schools.

[HB 1189](#) (*Carr*) allows local school boards to develop a single, standardized form to obtain parental consent for the release of student data. Such form shall be used by Community Policy and Management Teams, and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Developmental Services.

[SB 497](#) (*Watkins*) requires local government and school employees to pay the five percent member contribution to VRS and local government and school employers to provide a corresponding five percent pay increase. Employers are authorized to 1) phase-in the employee contribution for current employees over a maximum of five years (employees hired or rehired after July 1, would pay the 5% contribution immediately); and 2) require employees to pay more than one percent per year. Employers cannot pay any portion of employee contribution, except the difference between 5% and the employee contribution during the phase-in period.

INSTRUCTION/ACCREDITATION

[HB 96](#) (*Wilt*) delays provisions until July 1, 2013 included in the 2009 revision of the Standards of Accreditation (SOA) that have not been implemented. These include the Academic and Career Plan, new benchmarks for full accreditation and two technical diplomas (see HB 1061 and SB 489). The graduation and completion rate index and economics and financial literacy requirements are components of the 2009 revisions that already have been implemented.

[HB 642](#) (*Stolle*) and [SB 514](#) (*Wagner*) require the BOE to adopt regulations adjusting the formula for calculating final high school accreditation to add points for each student obtaining a diploma and an industry certification. The additional points can only improve the accreditation status of a school and cannot be used to obtain or deny accreditation.

[HB 1061](#) (*Byron*) and [SB 489](#) (*Ruff*) direct the BOE to modify the credits necessary for a student to earn a standard or an advanced studies diploma, which shall be the recommended diploma. The standard diploma shall include a concentration in career and technical education and a requirement to earn a career and technical education credential (beginning with 2013-2014 school year ninth graders). Standard or advanced studies diplomas will require the successful completion of one virtual course, which may be noncredit-bearing. The modified standard diploma and yet-to-be-implemented technical diplomas are eliminated by the bills.

[HB 1108](#) (*Greason*) delays for one year the effective date of legislation which provides that, where there is a national industry certification for career and technical education instructional personnel or programs for

automotive technology, the BOE must make such certification a mandatory part of the career and technical education program. The legislation now will become effective on July 1, 2013.

[HB 1092](#) (*O'Bannon*) directs the BOE to develop physical education program guidelines for public elementary and middle schools by January 1, 2014.

[HB 1179](#) (*Yost*) provides that a school board, either within its existing programs or as a separate program, may provide character education during the summer in a youth development academy. The DOE is directed to develop guidelines for school divisions to use in establishing such programs through a summer youth development academy.

[HB 1181](#) (*Landes*) requires local school divisions to provide reading intervention services to students in grade three who demonstrate deficiencies based on their performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the DOE. The local school division, in its discretion, shall provide such reading intervention services (examples are specified in the legislation) prior to promoting a student from grade three to grade four. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet these requirements. Please note that budget language added requirements for local school divisions to, at the beginning of the school year, partner with parents of third grade students in the division who demonstrate reading deficiencies, discussing with them a plan for remediation and retesting, and to discuss with the student and his parents the results of all reading diagnostic tests and reading remediation prior to the student being promoted to grade four.

[HB 1215](#) (*R.P. Bell*) requires the BOE to promulgate regulations establishing standards for accreditation of public virtual schools that enroll students full time.

STUDENTS

[HB 3](#) (*R.G. Marshall*) adds athletic coaches, directors or other persons aged 18 years or older employed by or volunteering with private sports organizations or teams, and administrators or employees aged 18 years or older of public or private day camps, youth centers and youth recreation programs to the list of persons required to report suspected child abuse or neglect to the Department of Social Services.

[HB 74](#) (*R.P. Bell*) reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to as soon as possible, but not longer than 24 hours, after having reason to suspect a reportable offense of child abuse or neglect.

[HB 424](#) (*Bulova*) provides that school records shall be admissible in any matter where such records are material and otherwise admissible, provided that they are authenticated as true and accurate copies; currently, such authenticated school records are only admissible in cases involving custody of the student or termination of parental rights.

[HB 852](#) (*Yost*) and [SB 375](#) (*Barker*) clarify that an institution of higher education may require that any accepted student provide a complete student record, including any mental health record, from not only his high school, but also any other institution of higher education.

[HB 1089](#) (*O'Bannon*) allows a 180-day conditional enrollment period for students who need more than two doses of the required hepatitis B vaccine, to allow for proper spacing of the doses; current law allows a 90-day conditional enrollment period for the completion of any immunization schedule.

[HB 1237](#) (*E.T. Scott*) and [SB 239](#) (*Stuart*) add individuals (18 years of age or older) who are associated with or employed by any public organization responsible for the care, custody or control of children, to the list of individuals required to report suspected child abuse or neglect.

PERSONNEL

[HB 76](#) (*Habeeb*) and [SB 278](#) (*Smith*) shift the date of effective contract renewal for those teachers without continuing contract status from April 15 to June 15.

[HB 325](#) (*Massie*) requires school boards to ensure that aides assigned to work with a teacher who has primary oversight of students with autism spectrum disorder demonstrate competency in student behavioral management within 60 days of assignment to such responsibility. School divisions would have the option of providing similar training to other employees. In order to provide this training, the BOE would be required to develop an online training curriculum that school divisions may use free of charge to satisfy the requirements of this bill.

[HB 504](#) (*Dance*) and [SB 271](#) (*Marsh*) requires the Virginia Center for School Safety to provide training on antibullying tactics to school personnel.

[HB 578](#) (*R.P. Bell*) requires the BOE to develop licensure criteria for teachers who teach only online courses. The bill also provides that teachers who hold a Board-issued, five-year renewable license may teach online courses for which they are properly endorsed.

[HB 1178](#) (*Webert*) prohibits any person required to register on the Sex Offender and Crimes Against Minors Registry from operating a commercial vehicle to transport children to or from activities sponsored by a school or by a child day care facility.

MISCELLANEOUS

[HB 98](#) (*R.P. Bell*) amends the definition of the practice of athletic training so that licensed physical therapists may no longer direct such practice.

[HB 135](#) (*Kilgore*) and [SB 396](#) (*Hanger*) add two local government representatives, chosen from the members of a county board of supervisors or a city council and a county administrator or city manager, to the State Executive Council for Comprehensive Services for At-Risk Youth and Families, increasing the number of local government representatives from three to five.

[HB 141](#) (*Cole*) provides an exemption from the mandatory disclosure provisions of the Freedom of Information Act for certain identifying information in correspondence between an individual and a member of a local public body, unless the correspondence relates to the transaction of public business.

[HB 299](#) (*E.T. Scott*) and [SB 37](#) (*Reeves*) extend the sunset date from July 1, 2012, to July 1, 2017, on the sales and use tax exemption for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus.

[HB 321](#) (*Massie*) and [SB 131](#) (*Stanley*) allow businesses to claim a credit against the corporate income tax for contributions to approved foundations that provide scholarships to needy students, with the intent to reduce state expenditures required for K-12 education. The total amount of credits available in any given fiscal year would be capped at \$25 million. The DOE is to issue guidelines for implementing this act.

HB 329 (*Villanueva*) exempts personal information systems maintained by auditors appointed by a local governing body or school board that deals with local investigations, from the Government Data Collection and Dissemination Practices Act.

HB 352 (*J.A. Cox*) requires emergency management plans of political subdivisions and school boards to include the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be the lead coordinating agencies for individuals determined to be victims during critical events and emergencies.

HB 367 (*McClellan*) requires the DOE to publish annually on its website disciplinary offense and outcome data by race, ethnicity, gender and disability for each public school.

HB 382 (*Pogge*) provides options for a school division to transfer an assistive technology device to another school division, a state agency or parents. The DOE is directed to issue guidelines by July 1, 2013 for the transfer of such devices.

HB 756 (*Dance*) allows the DOE to establish an Innovation Technical Advisory Group to provide technical assistance and advice in carrying out duties relating to charter schools, college partnership laboratory schools and virtual school programs.

HB 765 (*Peace*) and **SB 475** (*Locke*) allow a private institution of higher education that operates an approved teacher education program to operate a college partnership laboratory school; currently, only a public institution of higher education that operates a Board-approved teacher education program may do so.

HB 809 (*May*) and **SB 235** (*Herring*) adds employees of political subdivisions working in close cooperation with a locality to the list of employees who may receive insurance from a locality.

HB 1184 (*Rust*) requires local school boards and community colleges to develop agreements allowing high school students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma.

HB 1188 (*Watts*) and **SB 259** (*Ebbin*) require the BOE, with assistance from the Department of Social Services, to provide awareness and training materials for local school divisions on human trafficking, including strategies for the prevention of trafficking of children.

HB 1295 (*Byron*) and **SB 679** (*Newman*) eliminate or provide relief of certain mandates as recommended by the Governor's Local Government Mandate Review Task Force. The education-related provisions include the following:

- 1) Allowing, rather than requiring, local school boards to appoint a local gifted advisory committee and a school health advisory board;
- 2) Eliminating a requirement that school divisions notify each parent of the estimated average per pupil cost for public education in the school division for the coming school year;
- 3) Eliminating a requirement that any school board selling surplus real property establish a capital improvement fund for any proceeds of the sale; and
- 4) Repealing the requirement for civics training for teacher license renewal.

[SB 45](#) (*Watkins*) alters the function of the Open Education Curriculum Board from a policy board to an advisory board. In its new role, the Board shall advise the Governor and the BOE on the creation, collection, categorization, distribution and licensing of open educational resources and the integration of those resources with the Standards of Learning.

STUDENTS AND RESOLUTIONS

[HB 777](#) (*Landes*) establishes a Joint Subcommittee to Evaluate Tax Preferences to oversee the evaluation of such preferences, including tax credits, deductions, subtractions, exemptions and exclusions. The subcommittee is charged with, among other things, reviewing preferences by program area; establishing performance measures to evaluate effectiveness; requesting that the Department of Taxation evaluate preferences in promoting economic activity, generating revenue or otherwise meeting a purpose; and recommending process/guidelines for establishing expiration dates for preferences.

[HJR 236](#) (*R.L. Ware*) commends local school boards that employ elementary and middle school Mathematics Specialists for the purpose of increasing student achievement by improving the quality of mathematics instruction.

E-mail Response

Questions or More Information? Please [contact CEPI](#) if you have any questions or need additional information about the 2012 General Assembly.