

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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

2013 General Assembly Update**Week 5 Update—February 8, 2013**

The 2013 General Assembly session began Wednesday, January 9, 2013. The session runs 46 days and is scheduled to end on February 23, 2013. House and Senate versions of the two-year, amended budget for fiscal years 2013 and 2014 were approved this past week; the last day for committee action is February 18 and the deadline for the budget conference report to be released is February 19.

The House Education Committee meets on Mondays at 9:00 a.m. in House Room C and Wednesdays at 8:30 a.m. in the Appropriations Room. The Senate Education and Health Committee meets 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.

House and Senate Approve Budget Plans

The House Appropriations and Senate Finance Committees on Sunday approved amendments to the biennial budget plan introduced by Governor McDonnell. The full House and Senate subsequently endorsed their respective plans Thursday. A committee of senior legislators will be appointed next week to reach a compromise on the competing plans by the end of the legislative session.

Concerning school employee salaries, both plans propose additional funding to include Standards of Quality (SOQ) support personnel in the 2% pay hike recommended by the governor for SOQ instructional personnel. The House recommendation provides a total of \$62.6 million for the state share of 11 months of a salary increase for SOQ instructional and support personnel; the pay raise must be provided by January 1 to be eligible to receive the 11 months of state funding. The Senate plan includes a total of \$76.7 million for the state share of such increase for both SOQ instructional and support staff. It includes language permitting between a one percent and two percent increase to be given and to receive proportionate state funding for such increase. The Senate also includes language urging school divisions to provide employees with a “user-friendly” statement of total compensation on an annual basis. Both budgets include language making the increases contingent on sufficient FY13 end-of-year surpluses and that prevent the increases from being used to offset the cost of required member contributions to the VRS.

Both plans provide at least an additional \$1 million in FY14 for additional school resource officers. The House includes an additional \$1.3 million for additional school resource or school security officers. Language directs the Department of Criminal Justice Services to prioritize grants to localities requesting such officers in elementary, middle, and high schools where no such personnel currently are placed. The Senate includes an additional \$1 million for such incentive grants and bases its funding on a best practice of using an intelligence-led policing model. The introduced budget included about \$400,000 in general funds and \$1.7 million in non-general funds each year for the program, and emphasized the employment of officers in high schools.

The House plan also recommends a five-year, \$30 million revolving Security Equipment Fund (\$6 million/year) to provide competitive grants up to \$100,000 per school division (25% local match required) for

infrastructure improvements that enhance school building security. Literary Fund dollars will be used to pay the debt service. The House also includes \$1.9 million for mental health first aid training and \$650,000 for a comprehensive statewide suicide prevention program. The Senate plan recommends \$125,000 to develop a model training curriculum for critical incident response in schools, proposes an additional \$1 million for psychiatry and crisis response services for children requiring mental health services, and includes budget language to require the Secretary of Health and Human Resources and Secretary of Education to conduct a review of the availability of mental health services for students and the degree of collaboration between the community-based mental health services system and schools.

The House adds back \$6.1 million in FY14 for the Cost of Competing Adjustment (COCA) for SOQ support positions for mostly Northern Virginia localities. The Senate restores COCA funding of \$12.6 million that was eliminated in the introduced budget.

The House includes language providing school divisions with flexibility to allocate school health services funding to best accommodate student needs. The introduced budget included language directing the Department of Education (DOE) to change the school nurse funding methodology for the 2014-2016 biennium, and encouraging the Board of Education (BOE) to consider adopting a staffing standard for school nurses in the SOQ consistent with this new funding methodology.

Senate budget language directs a Joint Legislative Audit and Review Commission (JLARC) study of options for restructuring lowest performing schools and divisions, with a report to be due November 1.

Both plans provide \$100,000 for an actuarial review of allowing localities and school boards to cover employees in the state employee health insurance plan. House language would encompass local and school employees, while Senate language only speaks to school employees. Both also provide language to allow waivers to the pre-Labor Day school opening law to be continued for the 2013-14 school year for those school divisions receiving a waiver this year.

An additional proposal from the House include language that requests school superintendents, by August, to submit to the DOE a brief description of the division's interest in pursuing the development and implementation of year-round school to improve academic performance for those students who are at high risk of educational failure, minority, ESL or economically disadvantaged (the Senate proposes 825,000 for planning grants for local school divisions interested in creating new year-round school programs) The House also endorses an executive amendment submitted by the governor in January to redirect funding for three-year supplemental grants of \$26,000 each year to schools not fully accredited, to a \$400 per student grant for the purchase of a tablet computer device for 9th grade students in eligible schools that are not fully accredited. The House reduces funding for a new Strategic Compensation Grants program from \$15 million to \$7.5 million, while the Senate eliminates all but \$3 million.

The Senate deletes \$600,000 proposed for the new Opportunity Education Institute, instead directing JLARC to study options for restructuring the lowest performing schools or school divisions in the state. It also proposes grabbing an additional \$6.1 million from the Literary Fund to pay teacher retirement costs. Its plan would restore \$350,000 for the School Efficiency Review Program to help address the wait list of school divisions that would like to utilize the program. To date, 38 school divisions have participated in this program, resulting in annual school savings of over \$35 million. The introduced budget proposed de-funding the Virginia Teaching Scholarship Loan Program in FY14. The Senate restores funding to continue and better target the program to help attract top students to teaching. In addition to the current requirements, beginning with FY14, eligible undergraduate students must have been in the top 10% of their high school class; the amount of the award is updated from \$3,720 to \$10,000.

The Senate plan restores \$650,000 in FY14 for Project Discovery's college access programs that primarily serve disadvantaged high school students.

Click [here](#) for additional information about the House and Senate-approved budget amendments.

Remaining Education Legislation

On Friday, Governor McDonnell introduced series of bills stemming from the work of the Governor's School Safety Task Force established in the wake of the December shootings at Sandy Hook Elementary School in Connecticut. They include the following:

- [HB 2343](#) would establish the School Security Infrastructure Improvement Fund and the Local School Safety Fund to make grants and loans to local school divisions for capital infrastructure improvements related to school safety and security. School divisions would have to provide a 10% match for loans and a 50% match for grants.
- [HB 2344](#) would require local school divisions to establish policies and procedures for the establishment of threat assessment teams in each school, to be overseen by a division-level committee. The team, among other things, would provide guidance to students, faculty and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the school community. The bill requires threat assessment teams to report to the division superintendent if they believe an individual poses a threat of violence. [SB 1376](#) provides that a school official or any other person shall be immune from civil liability for reporting or investigating or causing to be investigated a report that any person poses a credible danger of serious bodily injury or death to any other person on school property so long as such report is made or such investigation is conducted in good faith and without malice.
- [HB 2345](#) would require the Virginia Center for School Safety to develop a model critical incident response training program for public school personnel and those providing services to schools.
- [HB 2346](#) would require, among other things, that each school division to designate an emergency manager, and that each public school conduct at least two lock-down drills: one in September and one in January of each school year.
- [SB 1377](#) provides that any person who possesses a firearm or an explosive device within any public, private, or religious elementary, middle, or high school, or within any building on the campus of any institution of higher education, with the intent to commit upon the premises thereof a violent felony is guilty of a Class 3 felony.

Procedural timelines essentially will require all legislation approved by either the House or Senate to be considered in committees of the other body this coming week. The bills noted above also will be taken up next week. That makes for a busy week for the House and Senate Education Committees. The House- approved "Tebow" bill ([HB 1442](#)), which prohibits public schools from joining the Virginia High School League (VHSL) if the organization does not allow participation by qualifying home school students in interscholastic activities, will be heard in the Senate Education and Health Committee on Thursday. The Senate Committee also will take up [HB 1467](#) that eliminates the post-Labor Day school opening requirement. The House approved the bill 72 to 28, but a similar Senate bill died earlier this session.

There also is like to be continued debate on [HB 2096](#) and [SB 1324](#), which create a statewide school division called the Opportunity Educational Institution to be administered and supervised by the Opportunity Educational Institution Board. The bills provide that any school that has been denied accreditation would be transferred to such statewide division; a school that is accredited with warning for three years could be transferred. The bills were hotly contested during the first half of the session. A House proposal ([HJ 693](#)) to amend the Virginia Constitution to accommodate such an institution also remains in play, but the Senate counterpart was defeated.

Bills to require the BOE to develop a grading system in addition to the Standards of Accreditation for individual school performance also will continue to be debated. [HB 1999 was approved on a 54 to 40 vote in the House, while SB 1207 slid out of the Senate when the Lt. Governor broke a 20 to 20 tie. Such a grading system would be based on an A to F grading scale and would include the school's accreditation rating.](#)

Also still alive in the legislative process is [SJ 328](#), which directs JLARC to study funding for elementary and secondary schools in Virginia and determine if adequate state support is being provided to the Commonwealth's public schools and if not, how state support may be increased and used more efficiently.

E-mail Response

Questions or More Information? Please [contact CEPI](#) if you have any questions or need additional information about the 2013 General Assembly.