

**THE COMMONWEALTH EDUCATIONAL POLICY INSTITUTE**

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2016 General Assembly
K-12 Education Update**January 22, 2016**

The 2016 General Assembly session gavels to order on Wednesday, January 13. The session runs 60 days and is scheduled to end on March 12. During the session, legislators will consider more than 2,500 bills and hundreds of resolutions. A two-year state budget for fiscal years 2017 and 2018 also will be developed. "Cross-over day," the last day for each house to act on its own bills, is February 16. House and Senate versions of the FY17/18 budget are slated to be released on February 21.

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 will meet 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.

During the course of the session, legislative updates will be available weekly on the CEPI website at [General Assembly Updates](#). 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](#). If you have a question about a legislative issue during the session, contact David Blount, CEPI Policy Associate, at dcblount2@vcu.edu.

Overview/Budget Issues

The legislature cancelled its Friday meetings and floor sessions in advance of the major winter storm that hit the state. Still, Friday afternoon was the final deadline for legislators to submit bills and resolutions; more than 2,550 proposed pieces of legislation have been submitted for consideration. Committee work now kicks into high gear, as three full weeks remain until the mid-February "crossover" of bills.

Also this past week, hundreds of amendments to the proposed biennial budget that had been suggested by lawmakers were made available. Some of the most prominent education-related proposals provide for the following:

- Several proposals double funding, from \$1.5 million in the introduced budget to \$3 million per year, for the Virginia Early Childhood Foundation to use to promote the public-private delivery of Pre-K services to high-risk children and communities.

- There is an amendment to add \$83.3 million for a first year teacher salary increase of 2%. Another amendment would provide a 4% increase in both years of the biennium.
- Amendments propose from \$2 to \$10 million to support efforts to attract, train and retain quality teachers in hard-to-staff schools.
- Between \$36 million and \$40 million is proposed to fully restore the cost of competing adjustment for SOQ-funded support positions in Northern Virginia school divisions, while several amendments propose to increase funding for teachers of English Language Learners (ELL)
- \$50 million each year is requested for local school construction and renovation needs.
- Funding is requested to increase the Virginia Preschool Initiative per pupil amount of \$6,000 by two percent in each year of the biennium.
- Numerous amendments would add to the \$250,000 proposed in the introduced budget to increase Project Discovery program participation by more than 2,000 students.
- An additional \$1.5 million each year to increase state aid to public libraries is proposed to be used for summer reading materials and programs and STEM instructional materials, and additional dollars also would be targeted for the Virginia Virtual School program.
- For the Department of Education (DOE), language directs DOE to convene an interagency workgroup to assess the barriers to serving students with disabilities in public schools. Up to \$2.5 million is proposed for developing an advanced analytical model to measure student growth in schools, to be incorporated into the school accreditation process and School Performance Report Card. A pair of amendments would provide the Board of Education (BOE) with a stand-alone budget of \$100,000 each year.
- Finally, \$2.5 million proposed each year would support the Virginia Marketplace and Resource Center (which provides schools divisions with a one-stop, online platform for high-quality, media-rich digital content and tools for both core and supplemental instruction) to reimburse local school divisions for the per student platform fee associated with accessing the materials. A proposed two-year joint subcommittee to study the need for revisions to, or reorganization of, the Standard of Quality (SOQ) would be funded with \$24,600 in the first year, pursuant to [HJ 112](#).

Legislators are keeping a close eye on the state's economy. The revised revenue forecast for the current fiscal year calls for collections to be 3.2 percent greater than the previous fiscal year amount. Secretary of Finance Ric Brown told legislators this past week that revenue collections have risen only 1.6 percent through the first half of FY16. While Virginia is experiencing payroll/job growth, it still lags that of the nation. If legislators reduce the revenue forecast for the current fiscal year, that also would mean lower expected collections for FY17 and FY18. Budget writers will receive an updated revenue estimate in February (to account for January collections) to be used in shaping the state budget over the final weeks of the session.

Click [here](#) for additional information about Governor McAuliffe's proposed changes to the public education budget for the remainder of FY16; and [here](#) for the proposed FY17/FY18 education budget.

Education Legislation

In the House Education Committee on Wednesday, [HB 389](#) was reported 13 to nine (13-9) and re-referred to the House Appropriations Committee (HAC). The bill permits the parent of a public school student to apply to the local school division for a one-year, renewable Parental Choice Education Savings Account, to consist of 90 percent of certain 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. A school boards association representative called the bill the "mother of all unfunded mandates" and questioned who is going to pay the costs that school divisions will have to administer this program. Delegates supporting the bill countered that parents should have options, that money should follow the student, and that the public schools don't have anything to fear from a little competition.

[HB 131](#) is perennial legislation to allow participation by homeschoolers in public high school athletics and other interscholastic activities governed by the Virginia High School League. The patron noted that 46 school divisions allow homeschool students to take classes in the public schools, and said the bill simply gives such students a chance to try out for a team. The bill was approved on a 14 to eight vote (14-8). [SB 612](#) is the Senate companion.

[HB 8](#) also was reported and sent to the HAC. It establishes the Virginia Virtual School for the purpose of providing online educational programs and services. For each student enrolled, the average per-pupil share of state SOQ funding would be transferred to the virtual school.

[HB 259](#) prohibits the BOE from replacing the Standards of Learning (SOL) with Common Core State Standards without prior approval of the General Assembly; it passed on a 20 to two (20-2) vote.

At Thursday's Senate Education and Health Committee meeting, the panel reported [SB 211](#) on a 10 to four vote (10-4). The bill would require 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, effective with the 2018-19 school year. [HB 357](#) is the House counterpart. Last year, a similar bill passed the Senate, but then failed in the House.

The Committee also reported these two bills unanimously: [SB 250](#), which authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips (identical House bills will be considered later); and [SB 573](#), which provides for the issuance of temporary part-time teacher permits to certain qualified professionals with expertise and credentials in career and technical education.

Here are additional education-related bills that have been introduced:

- [HB 833](#) directs the BOE to update guidelines for the time length of each elementary school SOL assessment.
- [HB 864](#), [HB 1352](#) and [SB 660](#) permit a school board to have a teacher grievance hearing before a three-member fact-finding panel; under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself.
- [HB 895](#) removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit, and requires establishment of a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school.

- [HB 936](#) provides credit accommodations for certain students with limited English proficiency, including for school divisions to award verified units of credit to such students who have failed English or mathematics SOL tests by a narrow margin.
- [HB 975](#) prohibits the aerial application of restricted use pesticides for agricultural purposes within one-quarter mile of a public or private elementary or secondary school.
- [HB 1013](#) excludes from mandatory disclosure under the Virginia Freedom of Information Act (FOIA), any records received by the Department of Criminal Justice Services concerning the operation or evaluation of threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management and medical emergency response plans of public schools, as well as threat assessment teams of public institutions of higher education.
- [HB 1018](#) modifies the educational improvement scholarships tax credit program by increasing the tax credit beginning, in taxable year 2017, from 65 to 90 percent of the value of donations made to nonprofit scholarship foundations. [HB 1019](#) modifies the program by including as eligible scholarship recipients, children enrolled in or attending nonpublic Pre-K programs; currently the program applies to certain K-12 students attending nonpublic schools.
- [HB 1186](#) provides that the standard units of credit in foreign language required to graduate with an advanced studies diploma may be satisfied by completing two years of one foreign language and two years of technical programming languages.
- [HB 1279](#) revises provisions related to the required number of fire and lock down drills in public schools, to provide for fewer fire drills and more frequent lock down drills.
- [HB 1370](#) requires high school level course grading policies that prohibit (i) homework assignments from counting toward a student's grade; (ii) incomplete or late assignments from counting as a zero; and (iii) extraneous factors such as neatness, effort, and timeliness from being counted toward a grade; such policies also would require teachers to permit retakes on tests or assignments that count toward a student's grade.
- [SB 564](#) excludes records of an application for a teacher licensure or license renewal from FOIA's mandatory disclosure provisions.
- [SB 665](#) requires a pre-participation physical examination for any student wishing to participate on a middle school athletics team.

E-mail Response

Questions or seeking more information? Please [contact CEPI](#) if you have any questions or need additional information about the 2016 General Assembly.