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POTENTIAL ISSUES TO WATCH IN THE 2011-2012 SCHOOL YEAR**Overview**

Over the past nine months I devoted each issue of this year's commentary series to a topic which, in my professional opinion, possesses the potential to have a profound and long-range impact on local school system policy formulation and implementation. For a review of this past year the reader is encouraged to consult the *Index of Prior Issues*. At the same time, however, I always devote the final (June) commentary to my predictions for "hot issues" to watch next school year.

Knowing that no two school years are exactly the same and recognizing that new issues likely will spring up, it nonetheless is so that carryover issues from 2010-2011 will continue to dominate the attention and time of school boards, administrators, and staff members. Thus, the paragraphs below contain both carryover and new legal and policy issues.

Potential Issues: 2011-2012

School System Budgets: In 2011-2012, parents will continue to demand quality educational opportunities for their children and local communities will increase their demands for a tangible and positive return for their increasing monetary investment. At the same time, however, shrinking budgets will require local school systems to find creative ways to trim expenditures in all aspects of maintenance and operation.

In many school systems a need to reduce the workforce (especially involving administrative staff, classroom teachers, coaches, custodial staff, bus drivers), coupled with rising costs in gasoline, electricity, and school supplies, will necessitate that programmatic cuts be made in the array of curricular and extracurricular activities available to students. Local school officials will be faced with finding ways to; (1) meet increased statewide (required, standardized) academic benchmarks, (2) satisfy the growing demands of parents and the community, (3) provide a comprehensive educational program for all students (including opportunities in the arts and extracurricular activities), and (4) reward continuing employees (especially classroom teachers) with some level of salary increase and benefits coverage (especially health care). Infinite things can not be accomplished with a finite pot of money.

Accountability: In 2011-2012 legal and policy issues will abound as efforts continue in state legislatures to eliminate tenure and continuing contract status (where it exists) for professional personnel. Advocates for such legislative action insist that removing tenure will make it more feasible to: (1) dismiss less than competent staff (especially classroom teachers), (2) fill existing positions with new hires, and (3) move existing, senior staff from one position and/or school location to another—especially experienced and competent administrators and teachers from high performing schools to help turn around low performing schools.

In states where collective bargaining agreements bind school system employment decision-makers, efforts will continue in state legislatures and through court action (e.g., Wisconsin) to either change or repeal collective bargaining statutes.

Debate over *merit pay (pay for performance)* for administrators and classroom teachers will continue to grow in intensity as advocates claim that this is the most efficient and effective way to energize, reward, and keep “quality personnel.” Legal and policy issues will spring up as school boards and professional organizations (including unions where they exist) struggle over such items as (1) determining the criteria to be used in evaluating personnel for retention and assignment, (2) the evaluation process to be used, and (3) the formula used in calculating pay raises/and or other financial incentives.

Special Education: In 2011-2012, local school systems will continue to experience growth in the population of students covered by special education law. The need to provide special education (both academic and socialization), including necessary related services, will escalate—especially for students whose classification falls somewhere on the autism disabilities spectrum.

Ironically, as we begin the 2011-2012 school year, local school officials will be operating in a “wait and see” mode—especially where federal mandates are involved. As of this writing, the United States Congress has yet to reauthorize either the *Individuals with Disabilities Education Act* (IDEA) or the *No Child Left Behind Act* (NCLB). And, at the same time, the Obama Administration’s *Race to the Top Initiative* (RTTI) has yet to reach a point where USDOE has clearly articulated the scope and process of RTTI and what is to happen next. At this point in time federal officials still speak in generalities (e.g., “raising the bar,” “increased flexibility”).

As public school officials are informed of specific changes in federal mandates one thing will remain constant—the lion’s share of funding and implementation will continue to fall on the backs of local school systems. Herein rests the source of a myriad of legal and policy issues.

Diversity of Student Populations: Recent studies show that public school system student populations are rapidly becoming more diverse—especially among students who come from households where adult members speak very little to no English, and/or where poverty and joblessness make it impossible for students to access books, computers, and intellectual stimulation. Thus, school officials and personnel (especially classroom teachers) will need to develop skills necessary to work with a growing population of students who do not respond to traditional teaching methodologies and behavioral expectations. At the same time, differences in language and culture, along with difficulties in establishing and communicating a clear understanding of academic requirements, behavioral expectations, and the importance of outside school (home and community) support likely will result in the emergence of new legal and policy issues.

Student Discipline: In the current era of cell phones (especially those with camera capabilities), Facebook, Ipods, texting, tweeting, blogging, *et al.*, law and policy issues spring up so quickly that one can’t possibly expect to stay current. In 2011-2012 a need to examine and reexamine existing policy statements and student

disciplinary procedures regarding the possession and use of electronic communication devices on school property will remain a constant task. First Amendment law as we know it today is far different from what it has been and it will continue to rapidly change next year.

In 2011-2012 incidents involving student-on-student harassment (including but not limited to bullying and taunting) will continue to spawn issues. So too will situations involving student searches—especially those where the assistance of school resource officers is appropriate. In some local school systems due diligence also must be given to the possibility of increased street gang activities. Surveillance cameras and screening devices, strict visitor sign-in procedures will grow in importance but continue to raise privacy concerns. Policies and procedures (action plans) that call for the involvement of the school system's attorney, local health and human services agencies, law enforcement, and the courts must be in place to maintain a safe, secure, and positive learning environment.

Home Schools, Virtual Classrooms, and Charter Schools: Recently, our local newspaper reported that in 2010-2011, 24,682 students were home-schooled in Virginia. That total increased to 31,900 when students excused from attending public schools for religious reasons were added. The same article also cited the State's recent approval of 13 virtual schools offering online credit courses. (See, O. Meola, *Richmond Times-Dispatch, Metro*, June 12, 2011) While in some more populous sections of the country these figures may seem small, they are, in my view, significant here in the Commonwealth and local school officials must be ready to address the legal and policy issues that are certain to spring up—especially those that deal with virtual schools and online curricula. Anyone who has ever taught an online course knows the demands and technical dimensions of offering and managing such courses.

In 2011-2012 the ongoing debate over charter schools will continue. However, while the jury is out on their effectiveness and success, the current national emphasis being placed on increasing the availability of charter schools as a viable option and the growing interest expressed in many of the States to establish more charter schools (especially as viable options for special populations of students) will continue. Thus, local school officials must be prepared to deal with potential legal and policy issues spawned by an increase in demands for establishing charter schools during the 2011-2012 school year.

Final Comment

As in the past, my purpose in writing the last commentary of the year is to identify and briefly discuss examples of potential legal and policy issue producers to watch next year. While making such predictions is an imprecise and risky business, I nonetheless hope that the information presented in the paragraphs above will prove helpful to local public school boards and administrators as they plan for next year.

Best wishes for a restful summer.

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Note: The views expressed in this commentary are those of the author.