



## 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 we spotlight [HB 1983](#) and other school calendar related bills (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.*

#### January 20, 2017

#### Budget Update

Earlier this week, hundreds of amendments proposed by lawmakers to the spending plan introduced by Governor McAuliffe in December were released. Some of the most interesting proposals were amendments introduced at the request of local government organizations. One would have the Department of Education (DOE) contract for a two-year study to determine the adequacy of resources necessary for school divisions, schools and students to have reasonable opportunities to meet state accountability requirements. A second calls for development of a plan for full funding of the Board of Education's (BOE) November 2016 recommendations for the Standards of Quality (SOQ), where those standards coincide with prevailing local practice. Finally, another amendment would save the State and localities tens of millions of dollars by slowing the return to full funding of VRS employer contribution rates, agreed to in 2012, for the teacher pension plan; the General Assembly accelerated payments last year to meet the goal of 100% funding a year early. Other amendments propose:

- a 3% salary supplement, rather than a one-time 1.5% bonus as proposed in the introduced budget plan, for SOQ teachers and support personnel;
- funding for additional English-as-a-Second Language teachers;
- and more dollars for the cost of competing adjustment for primarily Northern Virginia school divisions.

Finally, a language amendment also directs several state agencies to develop a methodology for funding private educational placements under the administration of the DOE (rather than

through the Children’s Services Act) and to determine necessary contributions from the State, local governments and school divisions.

More detailed information about proposed budget amendments submitted by legislators is available [here](#).

Elsewhere on the budget front, state revenue collections through the first six months of the current fiscal year are running about one percent above estimates. Budget writers likely will receive an updated revenue estimate in mid-February (to account for January collections) that can be used by House and Senate budget writers over the final weeks of the session in shaping changes to the state budget.

### **Education Legislation**

The General Assembly began considering legislation this past week, as committees and subcommittees began working on the many bills that were introduced. Most work thus far has been in subcommittees, with full committee action on education bills to hit full stride this coming week. The House Education Committee did take quick action to approve this year’s version of the “Tebow bill,” which was the subject of last week’s spotlight. [HB 1578](#) would allow participation by homeschoolers in public high school athletics and other interscholastic activities governed by the Virginia High School League (VHSL). Earlier in the week, the Committee heard a presentation from the new VHSL Executive Director on the organization’s strategic planning efforts and plans to shuffle its organizational structure. The Committee also has endorsed [HB 1392](#), which authorizes school security officers, under certain conditions, to carry a firearm in the performance of his duties. The bill was supported by school board and superintendent organizations, but opposed by principal and teacher groups, as well as the Administration.

The Senate Education and Health Committee has largely been dealing with health-related bills thus far. It did turn back, on an 8 to 7 party-line vote, a bill to require kindergarten programs to be full-time, effective July 1, 2019 ([SB 1015](#)).

At this writing, three bills to give control of the school calendar to school boards have been introduced. They are local calendar authority bills [HB 1983](#) and [HB 2031](#), as noted in last week’s update, along with [SB 1111](#), which would allow an exception from the post-Labor Day opening mandate for a school division that has a dual enrollment agreement with a community college and participating students are required to attend college credit courses that begin prior to Labor Day. (**See spotlight, next page.**)

Over 2,350 bills and resolutions were introduced by Friday afternoon’s bill introduction deadline. Here are some additional bills of interest that were submitted prior to the deadline: [HB 2140](#) requires development of an exit questionnaire for teachers and that each school board administer such questionnaire to each exiting teacher and to provide the results to the DOE.

[HB 2142](#) would delay by one year the implementation of the redesigned high school graduation requirements (“Profile of a Virginia Graduate”) that was enacted last year.

[HB 2191](#) requires each school board's procedures for handling challenged, controversial instructional materials to include procedures for:

1. annually notifying the parent of any student enrolled in a course in which the instructional materials or related activities may include sexually explicit content of the potential for such sexually explicit content in such course, and

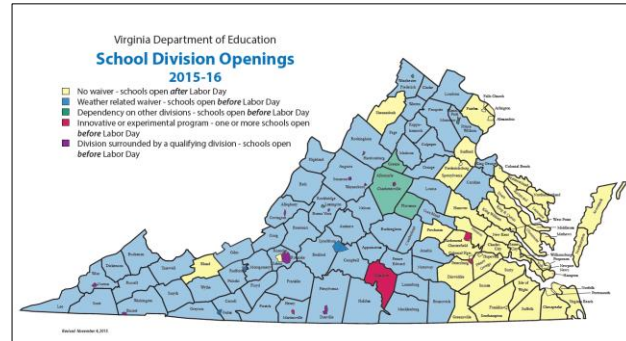
- providing a replacement for such materials upon parent request.

## LEGISLATION SPOTLIGHT

### School Calendar Bills ([HB 1983](#); [HB 2031](#) with [SB 1111](#))

**Background:** The original school calendar law, passed in 1986, simply stated, “Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement on a showing of good cause.” It was widely known at the time as the “King’s Dominion Law,” due to its enactment at the urging of the Hanover amusement park and other travel and tourism interests.

The law was amended just two years later to define “good cause” reasons for which the BOE could waive the requirement for opening schools prior to Labor Day, the most prominent and widely-used one being for adverse weather conditions that result in multiple missed days of school. In fact, during the 2015-16 school year, more than 60 school divisions (those in blue) in the western two-thirds of Virginia received a weather-related waiver allowing schools to open in late summer prior to Labor Day.



The law has seen only minor amendments the past 20-plus years, though legislation to give control of the calendar to local school boards is introduced annually in the General Assembly. Such bills are supported by the education community, but met with opposition from the hospitality industry, which cites the dollars brought in by travelers to the state through the Labor Day holiday, as well as the need for teenage workers at tourist attractions through the long weekend, as reasons for keeping the status quo.

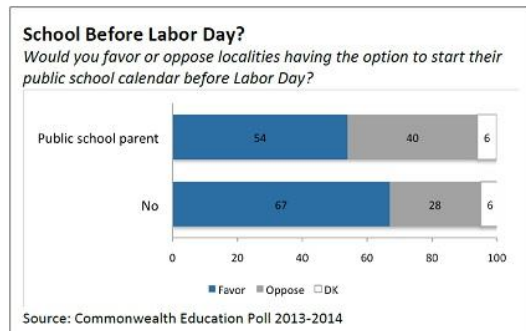
To this day, their arguments have been successful. After years of failing to even be approved in committee, momentum slowly built in the House of Delegates to approve legislation allowing local school boards to set the school calendar. The House also has endorsed other paths to local school calendar-setting, such as allowing individual schools that have not achieved full accreditation, and school divisions in which a certain percentage of schools were not fully accredited, to start school prior to Labor Day. Another approved measure gave control of the calendar to local school boards, but also required that the Labor Day weekend be a longer, school holiday weekend. Through all of this, however, the Senate Education and Health Committee has remained the barrier to advancing the bills, for years killing the legislation on narrow votes, but turning it back more handily in recent sessions.

#### Coverage of the Pros and Cons:

- Brickey, Ian. [“Local Legislators, School Leaders Divided on Future of Kings Dominion Law,”](#) *Williamsburg Yorktown Daily*, Jan. 29, 2015

**What the public thinks:** In 2013-14, our poll found support for giving localities the power to start before Labor Day, with 63% of Virginians favoring such a policy. Parents of public school students were less likely to support the change (54%) compared to non-parents (67%).

**Likely outcome in 2017:** The bill is likely to be set aside in the Senate Education and Health Committee again this year.



**HB 2218** authorizes the BOE to remand to a local school board for further consideration, any denied charter school application, or revoked or non-renewed charter agreement, in any school division in which at least half of the schools receive federal Title I funding.

**HB 2294** requires school divisions to provide retired, non-teacher school division employees with a monthly health insurance credit of \$4 for each year of service; presently, such employees receive a \$1.50 credit.

**HB 2341** requires at least two of the nine BOE members to represent business and industry in the private sector in the Commonwealth.

**HB 2342** and **SB 1283** authorize the 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.

**HB 2355** and **SB 1414** require school boards to make Advanced Placement (AP) and Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examinations available to students receiving home instruction.

**HB 2378** requires the BOE to provide for the substitution of computer coding course credit for any foreign language course credit required to graduate.

**HB 2431** permits any school board to locate and operate retail, fee-based electric vehicle charging stations on school property.

**HJ 678** directs the Joint Legislative Audit and Review Commission to study the teaching profession in Virginia.

**SB 1089** reduces the total number and type of required Standards of Learning (SOL) assessments to the minimum requirements established by the federal law.

**SB 1117** requires persons seeking initial licensure or licensure renewal with an endorsement as a school counselor to complete training in recognizing mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide and substance abuse.

**SB 1162** permits a local school board or division superintendent to waive the requirement that prospective teachers seeking an initial license with a career and technical education endorsement have an industry certification credential in the area in which the teacher seeks the endorsement.

**SB 1163** provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if, in the principal's discretion, such report is not warranted.

**SB 1214** requires school employees who are required to have training in the administration of insulin and glucagon to also have training in the use and insertion of insulin pumps.

**SB 1243** is the Senate version of the Parental Choice Education Savings Accounts legislation explained in last week's update (**HB 1605**).

**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](mailto:dcbblount2@vcu.edu).*