

Virginia Board of Education Agenda Item



Agenda Item: J

Date: March 27, 2014

Title	Report on K-12 Legislation Passed by the 2014 General Assembly		
Presenter	Ms. Susan B. Williams, Director of Policy		
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Purpose of Presentation:

For information only. No action required.

Previous Review or Action:

No previous review or action.

Action Requested:

No action requested.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

X	Goal 1: Accountability for Student Learning
X	Goal 2: Rigorous Standards to Promote College and Career Readiness
X	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
X	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
X	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

This report summarizes the major K-12 legislation passed by the 2014 General Assembly that will require action by the Board of Education or otherwise relate to the work of the Board. The bills address the following Board goals:

Goal 1: The legislation addresses accountability for student learning as related to Standards of Learning assessments and the school performance grading system.

Goal 2: The legislation addresses rigorous standards to promote college and career readiness, particularly in the context of online learning and the use of supplementary written materials by teachers.

Goal 3: The legislation addresses expanded opportunities to learn as related to charter schools, college partnership laboratory schools and career and technical education.

Goal 5: The legislation addresses highly qualified and effective educators by revising provisions regarding teacher licensure in the area of career and technical education, clarifying that school board employees are not required to be licensed as behavior analysts and revising the grievance procedure.

Goal 6: The legislation addresses sound policies for student success by addressing student disciplinary policies as well as policies and procedures on concussions in student-athletes, including a “Return to Learn Protocol.”

Goal 7: The legislation addresses safe and secure schools with a number of initiatives to promote student health and safety.

Summary of Important Issues: The attached report lists the major K-12 bills passed by the General Assembly, most of which would require action by the Board or would otherwise address the work of the Board.

Impact on Fiscal and Human Resources:

Department staff will provide the staff resources to assist the Board in developing the policies and guidance necessary to implement the applicable legislation.

Timetable for Further Review/Action:

These items will come before the Board for appropriate action later in 2014.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept this report.

Report on K-12 Legislation Passed by the 2014 General Assembly

A-F

- HB 1229 (Landes) and SB 324 (Miller) – Delays the implementation of the A-F grading system by two years, to October 1, 2016. The Board can consider (i) the standards of accreditation, (ii) state and federal accountability requirements, (iii) state-mandated assessments, (iv) any alternative assessments developed or approved for use by the relevant local school board, (v) student growth indicators, (vi) student mobility, (vii) the experience and qualifications of school staff, (viii) total cost and funding per pupil, (ix) school safety, and (x) any other factors to produce a full and accurate grade for each public elementary and secondary school in the Commonwealth. By January 1, 2015, the Board shall develop and submit a preliminary plan for an A-to-F school performance grading system to the chairmen of the House Education and Senate Education and Health Committees. The Board shall also determine whether to assign a single letter grade or a series of letter grades to each school. By July 1, 2015, the Board shall provide notice and solicit public comment on the preliminary school performance grading system plan. By December 1, 2015, the Board shall finalize the school performance grading system and make a summary of the system available to the public, and submit a summary of the system to the chairmen of the House Education and Senate Education and Health Committees. By October 1, 2016, and each October 1 thereafter, the Board shall assign a grade or a series of grades to each public school and make such grades available to the public. **[Requires action by the Board of Education.]**

Charter schools

- HB 157 (Minchew) and SB 276 (Favola) – Provides that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. The requirement that at least one-half of the public charter schools per division shall be designed for at-risk students shall not apply in cases in which an existing public school is converted into a public charter school that serves the same community as the existing public school, nor shall such public charter school conversions be counted in the determination of school division compliance with the one-half requirement. **[Requires action by the Board of Education: *Virginia Charter School Application Process and Application.*]**

College partnership laboratory school

- SB 562 (Locke) – Authorizes the school board of a school division that partners with a college partnership laboratory school to charge tuition to students enrolled in the college partnership laboratory school who do not reside within the partnering division.

Child abuse

- HB 683 (Herring) – Requires local departments of social services and local school divisions to develop written interagency agreements for the investigation of all complaints of child abuse or neglect. The bill also requires school divisions to report annually to the Board of Education, and local departments of social services to report annually to the Board of Social Services, regarding the status of interagency agreements until they are adopted and, thereafter, only if the agreement is substantially modified.

CSA, residential facilities

- HB 1110 (Toscano) – Requires a school division to be reimbursed by (i) the school division in which a child's custodial parent or guardian resides or (ii) in the case of a child who has been placed in the custody of the Department of Social Services, the school division in which the parent or guardian who had custody immediately preceding the placement resides, for the costs of educating such child, whether disabled or not, who has been placed, not solely for school purposes, in (a) foster care or other custodial care within the geographical boundaries of the school division to be reimbursed, or (b) a child-caring institution or group home that is located within the geographical boundaries of the school division to be reimbursed.

CTE/STEM

- HB 887 (Peace) – Requires the Board of Education to develop model criteria and procedures for establishing a jointly operated high school with a career and technical education focus to be recommended to the Governor and the General Assembly for funding as a Governor's Career and Technical Education School. **[Requires action by the Board of Education.]**

GED

- HB 1007 (Byron) – Replaces references to a General Education Development (GED) program or test throughout the *Code* with "a high school equivalency examination approved by the Board of Education."

Local school boards

- HB 307 (Lingamfelter) – Permits local school boards to provide after-school hunter safety education programs for students in the school division in grades seven through 12. The bill also requires local school boards that provide such programs to display information on the programs in each school and distribute information to the parents of each student in the school division in grades seven through 12.
- HB 484 (Kory) – Requires each school board to (i) develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity. The bill requires school boards to update their policies and codes of student conduct by July 1, 2015. **[Requires action by the Board of Education: *Student Conduct Policy Guidelines.*]**
- HB 720 (McClellan) – Requires each local school board to adopt a policy to set aside, in each school in the school division, a non-restroom location that is shielded from the public view to be designated as an area in which any mother who is employed by the local school board or enrolled as a student may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one.
- HB 851 (LeMunyon) and SB 570 (Stuart) - Provides that a battery against any full-time or part-time employee of a public or private elementary school who is engaged in the performance of his duties is punishable as a Class 1 misdemeanor and the punishment shall include a sentence of 15 days in jail,

two days of which shall be a mandatory minimum sentence. Currently, only a battery against a teacher, principal, assistant principal, or guidance counselor is subject to this enhanced penalty for battery.

- HB 886 (Peace) – Requires the State Council of Higher Education for Virginia to disseminate to each public high school and each institution of higher education in the Commonwealth for which the Council has student-level data a link on its website to certain published postsecondary education and employment data. The bill requires each institution of higher education to publish the link on its website and each local school board to provide annual notice on its website to each enrolled high school student and his parents about the availability of such data.
- HB 1242 (O’Quinn) – Requires the tie breaker of any elected school board to be elected in the same manner as the members of the school board. Currently tie breakers for elected school boards are appointed by the school board.

Religious viewpoint

- SB 236 (Carrico) – Codifies the right of students to (i) voluntarily pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression; (ii) organize prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other activities and groups; and (iii) wear clothing, accessories, or jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry are permitted. The bill also requires each school division to adopt a policy to permit a student speaker to express a religious viewpoint at any school event at which a student is permitted to publicly speak. The policy shall declare each such school event to be a limited public forum, provide a neutral method for the selection of student speakers, and require each school principal to provide a disclaimer in advance of each such school event that the school division does not endorse any religious viewpoint that may be expressed by student speakers. **[Requires action by the Board of Education and the Office of the Attorney General of Virginia: *Guidelines Concerning Religious Activity in the Public Schools.*]**

SOL instruction, textbooks

- HB 197 (Landes) – Requires teachers to ensure that all supplementary written materials used to teach the Declaration of American Independence, the general principles of the Constitution of the United States, including the Bill of Rights, the Virginia Statute of Religious Freedom, the charters of the Virginia Company of April 10, 1606, May 23, 1609, and March 12, 1612, and the Virginia Declaration of Rights contain accurate restatements of the principles contained in these documents and directs the Board of Education to develop guidelines for such supplementary written materials used by teachers. **[Requires action by the Board of Education.]**
- HB 925 (Greason) and SB 554 (Marsden) – Allows community colleges to offer courses required to become driver education instructors. The bill requires that VDOE provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any community college within the Virginia Community College System.

- HB 1054 (Loupassi) – Provides that, in establishing course and credit requirements for a high school diploma, the Board of Education shall consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The bill also requires the Board to develop guidelines addressing how computer science courses can satisfy graduation requirements. **[Requires action by the Board of Education.]**
- SB 2 (Marsden) – Requires all textbooks approved by the Board of Education after July 1, 2014, to note that the Sea of Japan is also referred to as the East Sea. A second enactment clause provides that this requirement does not apply to textbooks approved prior to July 1, 2014. **[Requires action by the Board of Education and VDOE: *Virginia's Textbook Review Process*]**

SOL tests – reducing the number of tests

- HB 930 (Greason) and SB 306 (Deeds) – Provides that the number and type of Standards of Learning assessments shall not exceed 17 specified assessments in grades three through eight: reading and mathematics in grades three through eight; science in grades five and eight; writing in grade eight; and Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board. There are no changes to the Standards of Learning end-of-course assessments. The bill requires each local school board to certify that it has provided instruction and administered an alternative assessment, in conformance with Board guidelines, for each subject area in which the Standards of Learning assessment was not administered. The bill requires that such guidelines (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments. Finally, the bill requires the Secretary of Education to establish the Standards of Learning Innovation Committee to review the Standards of Learning and assessments periodically. **[Requires action by the Board of Education.]**
- SB 270 (Miller) – Directs the Board of Education to require only mathematics and English reading Standards of Learning assessments for third graders. **[Requires action by the Board of Education.]**

Special education

- HB 1106 – Requires the Virginia Commission on Youth, in consultation with the Department of Education and the Department of Behavioral Health and Developmental Services, to review statewide policies and regulations related to seclusion and restraint in public and private elementary and secondary schools and methods used in other states to reduce and eliminate the use of seclusion and restraint in public and private elementary and secondary schools, and to submit its recommendations to the General Assembly by November 30, 2014. **[Requires action by VDOE.]**

Student disciplinary actions, bullying

- HB 198 (Landes), HB 752 (Rust) and SB 441 (Garrett) – Clarifies that students who have committed certain weapons or drugs offenses are not required to be expelled regardless of the facts of the particular situation. **[Requires action by the Board of Education: *Student Conduct Policy Guidelines.*]**
- HB 751 (Rust) - Permits the school board or a school administrator, pursuant to school board policy, to determine that special circumstances exist and assign no disciplinary action or another action as an alternative to expulsion when a student is determined to have brought a controlled substance, imitation controlled substance, marijuana or synthetic cannabinoids onto school property or to a school-sponsored activity. **[Requires action by the Board of Education: *Student Conduct Policy Guidelines.*]**
- HB 1187 (McClellan) – Requires the Virginia Center for School Safety to use the definition of bullying found in § 22.1-276.01 of the *Code of Virginia* for purposes of training on evidence-based antibullying tactics and providing information to school divisions regarding school safety concerns.
- SB 448 (Norment) – Requires the policies of any public school or public institution of higher education regarding hazing to be consistent with model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable, and directs such agencies to establish such model policies with the Department of Criminal Justice Services. **[Requires action by VDOE.]**

Student health

- HB 134 (Cole) and SB 532 (Stuart) – Permits students to self-carry diabetes supplies and equipment, with the authorization of the physician and consent of the parents. Requires VDOE to update its *Manual for Training Public School Employees in the Administration of Insulin and Glucagon*. **[Requires action by VDOE.]**
- HB 410 (Anderson) and SB 172 (Stuart) – Requires each non-interscholastic youth sports program utilizing public school property to (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures or the Board's *Guidelines for Policies on Concussions in Student-Athletes*, or (ii) follow the local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes. The bill also requires that additional information about the student athlete's academic performance be added to the Board's guidelines. **[Requires action by the Board of Education: *Guidelines for Policies on Concussions in Student-Athletes.*]**
- HB 1031 (Orrock) – Updates immunization requirements for children.
- HB 1096 (Filler-Corn) – Requires the Board of Education to amend its guidelines for school division policies and procedures on concussions in student-athletes to include a "Return to Learn Protocol." **[Requires action by the Board of Education: *Guidelines for Policies on Concussions in Student-Athletes.*]**

- SB 624 (Newman) – Provides that an employee of a school board or of a local health department approved by the local governing body to provide health services who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

Student privacy/FERPA

- HB 449 (R. Bell) – Prohibits a member or employee of a local school board or the Department of Education from transmitting personally identifiable information from a student's record to a federal government agency or an authorized representative of such agency, except as required by federal law or regulation. **[Requires action by the Board of Education: *Management of the Student's Scholastic Record in the Public Schools of Virginia, 8VAC20-150-10 et seq.*]**

Tax credits

- HB 737 (O'Bannon) – Increases the percentage of persons served by a neighborhood organization and who are low-income from 40% to 50%, for purposes of applying to the Department of Social Services for an allocation of neighborhood assistance tax credits for use by business firms making donations to the neighborhood organization. **[Requires action by VDOE: *Guidelines for the Neighborhood Assistance Act Tax Credit Program for Education.*]**
- HB 1179 (Hugo) and SB 591 (Barker) – Allows neighborhood organizations to submit the required financial audit, review, or compilation within the 30-day period immediately following any deadline established for the submission of neighborhood organization proposals for tax credits. So long as the proposal was otherwise complete by the deadline, the proposal would be timely filed if the audit, review, or compilation is submitted within such 30-day period. The bill contains an emergency clause. **[Requires action by VDOE: *Guidelines for the Neighborhood Assistance Act Tax Credit Program for Education.*]**
- SB 269 (Stanley) – Provides that tax credits issued for monetary or marketable securities donations made beginning in taxable year 2014 can be claimed for the taxable year of the donation. Under current law, Education Improvement Scholarships Tax Credits may be first claimed for the taxable year following the taxable year of the donation. **[Requires action by VDOE: *Guidelines for the Education Improvement Scholarships Tax Credits Program.*]**
- SB 563 (Stosch) – Increases by \$500,000 in fiscal year 2015 and an additional \$500,000 in fiscal year 2016 and each fiscal year thereafter the amount of tax credits that may be issued under the tax credit program for donations supporting education programs and donations supporting other than education programs. Therefore, in fiscal year 2016 and each fiscal year thereafter, \$9 million in tax credits could be issued for donations supporting education programs and \$8 million in tax credits could be issued for donations supporting other than education programs. **[Requires action by VDOE: *Guidelines for the Neighborhood Assistance Act Tax Credit Program for Education.*]**

Teachers, school personnel

- HB 373 (Anderson) – Removes the Board of Education as a licensing entity for school speech-language pathologists and leaves the Board of Audiology and Speech-Language Pathology as the only licensing entity. The bill puts mechanisms in place for the transition from licensure by the Board of Education to licensure by the Board of Audiology and Speech-Language Pathology. **[Requires action by the Board of Education: *Licensure Regulations for School Personnel, 8VAC20-22-10 et seq.* Requires action by VDOE: *Speech-Language Pathology Services in Schools: Guidelines for Best Practice.*]**
- HB 725 (McClellan) – Adds two faculty members from teacher preparation programs to the Advisory Board on Teacher Education and Licensure (ABTEL). **[Requires action by the Board of Education: two additional appointments to ABTEL.]**
- HB 758 (Rust) – Requires every teacher seeking initial licensure with an endorsement in the area of career and technical education to have an industry certification credential in the area in which the teacher seeks endorsement. **[Requires action by the Board of Education: *Licensure Regulations for School Personnel, 8VAC20-22-10 et seq.*]**
- HB 926 (Greason) – Clarifies that special education teachers and other school board employees are not required to be licensed as behavior analysts. The bill further provides that the provisions of Va. Code § 54.1-2957.16 are not to be construed as prohibiting or restricting the activities of an individual employed by a school board or by a school for students with disabilities licensed by the Board of Education from providing behavior analysis when such behavior analysis is performed as part of the regular duties of his office or position and he receives no compensation in excess of the compensation he regularly receives for the performance of the duties of his office or position.
- HB 977 (Rust) and SB 43 (Favola) – Extends from five business days to 10 business days the deadline for a teacher to request a hearing after receiving written notice of a recommendation of dismissal. **[Requires action by the Board of Education: *Procedure for Adjusting Grievances, 8VAC20-90-70.*]**

Virtual schools, online learning

- HB 1086 (D. Bell) – Requires each local school board to provide free and appropriate special education for each student with a disability who attends a full-time virtual school program in the school division but resides in another school division in the Commonwealth. The bill provides that the school division in which the student resides shall (i) be released from the obligation to provide free and appropriate special education for such student and (ii) transfer to the school division in which the student attends a full-time virtual school program state and federal funds for the education of such students. A second enactment clause requires the Board of Education to modify its special education program regulations in accordance with the provisions of this act. **[Requires action by the Board of Education: *Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 8VAC20-81-10 et seq.*]**

- HB 1115 (Greason) – Permits the Department of Education to contract with one or more local school boards that have created online courses to make such courses available to other school divisions through Virtual Virginia. The bill provides that VDOE shall approve all courses offered through Virtual Virginia, including those made available by local school boards to other school divisions. The bill permits such school divisions to charge a per-student or per-course fee and requires that VDOE approve any such fee schedule before a school board offers online courses through Virtual Virginia. The bill requires the Department to establish the Virtual Learning Advisory Committee to advise the Department on (i) online courses, in-service training, and digital instructional resources that school divisions need to meet the Commonwealth's graduation requirements and (ii) strategic planning to expand blended and online learning opportunities in Virginia's public schools. The bill permits the Department to charge school divisions requesting to offer a course through Virtual Virginia and multidivision online providers an application fee and requires VDOE to establish and publish a fee schedule for this purpose. **[Requires action by VDOE.]**

Commissions, councils, committees

- HB 364 (Anderson) – Re-establishes the Commission on Civics Education, which expired on June 30, 2013. The commission would expire on July 1, 2017. There will be 15 members, including five members of the House of Delegates and three nonlegislative members appointed by the Speaker, and three members of the Senate and three nonlegislative members appointed by the Senate Rules Committee. The Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges. There are enactment clauses providing that no general funds would support the commission, and that the bill would not become effective until nongeneral funds sufficient to support the commission are received. **[Requires action by VDOE.]**

Studies

- HJ 1 (Greason) – Requests the Department of Education (VDOE) to study and make recommendations regarding the feasibility of implementing a Teacher Career Ladder program in the Commonwealth. The resolution requires that VDOE consider and make recommendations regarding (i) the number of levels, or "rungs," in the program; (ii) the various performance markers, including student growth indicators and teacher evaluations, that may be used to assess teacher performance; (iii) the bonus pay and other opportunities that teachers may earn; and (iv) ways in which the Teacher Career Ladder program can reinforce individualized student growth through high-performing, individualized teaching; (v) the potential fiscal impact of such programs on the state and localities; (vi) the impact of such programs on the competitiveness of teacher pay in Virginia compared to other states; (vii) the impact of career ladders on the hiring and retention of teachers; and (viii) the teacher professional development that may or may not be needed to support a career ladder system. An executive summary and report are due no later than the first day of the 2015 Regular Session of the General Assembly. **[Requires action by VDOE.]**
- HJR 196 (Adams) – Directs the Commission of Youth to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities.
- SR 35 (Barker) – Directs the Senate Committee on Education and Health and the Senate Committee on Finance to study the potential effects of the Commonwealth's mandating full-day kindergarten programs. **[Requires VDOE to provide technical assistance.]**