



COMMONWEALTH of VIRGINIA  
Department of Education

April 24, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Final Legislative Report for the 2015 General Assembly**

This memorandum provides information regarding legislation approved by the 2015 Virginia General Assembly and, unless otherwise indicated, signed by Governor McAuliffe that is of interest to school superintendents and division personnel.

The final legislative tracking reports for the 2015 General Assembly session are posted on the Virginia Department of Education's (VDOE) Web site at: <http://www.doe.virginia.gov/boe/legislation/>. These reports reflect the final actions on education-related legislation. The history of any bill or resolution, all amendments, and the text of the final version are available by clicking on the bill or resolution number in this memo or in the Legislative Tracking Reports. While bill summaries are provided below, I encourage you to review the actual text of the legislation.

**Required Actions**

All legislation becomes effective on July 1, 2015, unless otherwise indicated. For some legislation, a separate Superintendent's Memorandum will be distributed in order to provide more detailed information as needed.

**A-F School Performance Grading System**

**[HB 1338](#)** Requires the VDOE, for the purposes of the School Performance Report Card, to include – as part of instructional costs – each school division's expenditures on the hardware necessary to support electronic textbooks. In the case of such hardware, the bill also provides an exception to the requirement that the percentage reported must be consistent with the definition of instructional and non-instructional costs used in the state's *Standards of Quality* funding formula.

**[HB 1672](#)**  
**[SB 727](#)** Repeals the A-F school grading system by repealing Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014. It also requires the Board of Education (Board), in consultation with the Standards of Learning (SOL) Innovation Committee, to redesign the School Performance Report Card no later than July 1, 2016, to make it more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions. Requires the Board to: provide notice and solicit public comment on the redesign by October 1, 2015; submit a summary of its redesign to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2015; and provide a redesigned report card for all schools and divisions by October 1, 2016, and each October 1 thereafter.

## Accreditation

[HB 1674](#) Permits the Board to review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. The bill requires that, upon such triennial review, the Board review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period, the Board may accredit the school for another three years. The bill specifies that the Board must review the accreditation status of any school that: (i) in any individual year within the triennial review period would have failed to achieve full accreditation; or (ii) in the previous year has had an adjustment of its boundaries that affects at least ten percent of the student population of the school. Current law requires the Board to annually review the accreditation status of all schools in the Commonwealth. Finally, the bill requires the reporting of the SOL assessment scores and averages for each year, regardless of accreditation frequency, as part of the School Performance Report Card.

[HB 1873](#)  
[SB 1320](#) Requires the Board to amend the Standards of Accreditation (SOA) by the 2016-2017 school year to establish additional accreditation ratings that recognize the progress of schools that do not meet accreditation benchmarks but have significantly improved their pass rates, are within specified ranges of benchmarks, or have demonstrated significant growth for the majority of their students. These were Governor's bills.

## Board of Education

[HB 2169](#) Makes a technical change in the due date for the Board's submission to the General Assembly of its annual report on the condition and needs of public education in the Commonwealth. The date change from November 15 to December 1, allows the Board to approve the report within its regular meeting schedule. This was a VDOE agency bill.

[HB 1335](#) Requires the Secretary of Education to consult with the agencies for which he/she is responsible and to report biennially to the General Assembly on the coordination of efforts among such agencies. The bill also requires: (i) the Superintendent of Public Instruction to designate an employee of the VDOE to serve as its liaison to the State Council of Higher Education for Virginia (SCHEV) and the State Board for Community Colleges (SBCC); and (ii) the Chancellor of Community Colleges to designate an employee of the State Board for Community Colleges to serve as its liaison to the Board of Education.

[SB 1021](#) Adds an additional provision to allow local school boards to request a waiver from the Board in the event of *severe weather conditions or other emergency situations*. The Board must still determine whether school division requests meet the provisions in the *Code* for making up school days, and school divisions must still provide evidence of efforts to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver.

## Charter Schools

[SJ 256](#) Proposes an amendment to the *Constitution of Virginia* to grant the Board the authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

## CTE/STEM

[HB 1616](#) Requires each sequence of courses constituting a career and technical education program to be aligned with state or national program certification and accreditation standards, if such standards exist for the sequence of courses. The bill specifies that this provision shall not apply to any program offered by industry in cooperation with a local school board.

[HB 1676](#) Permits each local school board to enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions that are established pursuant to [Title 23](#) of the *Code of Virginia* (Educational Institutions) that offer a career and technical education curriculum. These agreements must specify: (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma; and (ii) the credentials, certifications, or licenses available for such courses.

[HB 2276](#) Creates an alternative to the current requirement that, in order to receive a standard diploma, a student must earn a CTE credential. This alternative would apply when a CTE credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student must receive competency-based instruction in the subject area to satisfy the standard diploma requirements.

### **Diplomas, diploma seals**

[HB 1351](#)  
[SB 916](#) Directs the Board to establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board. The bill requires the Board to consider criteria, including the student's: (i) score on a College Board Advanced Placement foreign language examination; (ii) score on an SAT II Subject Test in a foreign language; (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test; or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board. The bill contains a second enactment clause that requires the Board to establish criteria for awarding a diploma seal of biliteracy in time for any student graduating from a public high school in the Commonwealth in 2016 to be awarded such a diploma seal.

[SB 1236](#) Specifies that students identified as disabled who complete the requirements of their individualized education programs (IEPs) and meet certain requirements prescribed by the Board pursuant to regulations, but do not meet the requirements for any named diploma, shall be awarded *Applied Studies* diplomas by local school boards. The term *special diploma* is eliminated pursuant to this bill, and the term *Applied Studies* diploma replaces it in the *Code*. Currently, the *Code* provides that students identified as disabled who complete the requirements of their IEPs shall be awarded special diplomas by local school boards. This bill was proposed by the VDOE.

### **Graduation requirements, rates**

[HB 1675](#)  
[SB 982](#) Permits local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant SOL.

[HB 2318](#) Requires the Board – for the purposes of the *Standards of Accreditation* – to use a graduation rate that excludes any student who fails to graduate because he or she is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. [HB 2318](#) further requires that this data be made available to the public. In addition, the bill requires the Board to report to the chairmen of the House Committee on Education and the Senate Committee on Education and Health on the Board's progress towards updating its formula for collecting, analyzing, and reporting high school graduation and dropout data no later than December 1, 2015. The bill has a delayed effective date of July 1, 2016.

### **Home instruction**

[HB 1754](#) Provides that evidence of achievement of a score on the SAT, the Preliminary SAT (PSAT), or the ACT that is equivalent to a composite score in or above the fourth stanine on a nationally normed

[SB 1403](#) standardized achievement test satisfies the evidence-of-progress requirement for students receiving home instruction.

[SB 1383](#) Prohibits a school division superintendent or local school board from disclosing to the VDOE or any other person or entity outside of the local division information provided by a student or parent for the purpose of notifying the superintendent that the student will be receiving home instruction or claiming a religious exemption in lieu of school attendance. The bill does not prohibit a school division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

[HB 1626](#) Note: The House of Delegates sustained Governor McAuliffe's veto of [HB 1626](#), which would have prohibited public schools from joining an organization governing interscholastic programs that bars home schooled students from participation.

### Local school boards

[HB 1484](#) [SB 842](#) Changes the date by which the governing body of a county is required to prepare and approve an annual budget for educational purposes from May 1 or within 30 days of the receipt by the county of the estimates of state funds to May 15 or within 30 days of the receipt by the county of the estimates of state funds. The bill conforms the county school budget preparation and approval process timeline to the same timeline required to be used by municipalities for that purpose, May 15.

[HB 1587](#) Provides that in cases in which a school board employee is directly exposed to body fluids of a minor student in a manner that may transmit HIV or the hepatitis B or C virus, the minor student's parent or guardian shall be notified prior to initiating testing of such minor student for infection with such viruses.

[HB 2245](#) [SB 1339](#) Clarifies that the school board clerk may keep official papers, such as minutes, bids for school board contracts, records of receipts, vouchers, contracts, disbursements, and other official papers electronically. The language is permissive, so the electronic storage is allowable but not mandated.

[SB 1286](#) Requires each local school division to publish the annual school budget in line item form on its Web site. Current law does not require the published budget to be in line item form.

### SOL instruction

[HB 1752](#) [SB 724](#) Note: These identical bills would have prohibited the Board from replacing the SOL with the Common Core State Standards (CCSS) unless the Board has the prior statutory approval of the General Assembly. The House of Delegates voted to override Governor McAuliffe's veto of these bills, while the Senate sustained the Governor's veto. Pursuant to Article V, Section 6, of the *Constitution of Virginia*, if either house fails to override a Governor's veto, the veto shall stand, and the bill shall not become law.

### SOL tests

[HB 1303](#) [SB 900](#) Requires the VDOE to make available to school divisions SOL assessments typically administered by middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

[HB 1419](#) Requires the VDOE to develop processes for informing school divisions of changes in the SOL.

[HB 1490](#) [SB 874](#) Directs the Board to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any SOL test, with the exception of the writing SOL tests, to each student regardless of grade level or course. Note: [SB 874](#) incorporated [SB 757](#), [SB 897](#), [SB 984](#) and [SB 995](#). [SB 897](#) was a Governor's bill.

[HB](#) Provides that the required end-of-course or end-of-grade assessments for English, mathematics,

[1615](#) science, and history and social science (including the completion of the alternative assessments implemented by each local school board) may be integrated to include multiple subject areas.

[HB 1714](#) Makes a technical amendment to the SOQ to allow school divisions the flexibility to provide the science SOL assessment upon completing instruction in Grade 6 life science and physical science and before the end of Grade 8. This was a VDOE agency bill.

### **Special Education**

[HB 1443](#)  
[SB 782](#) Requires the Board to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth. The bill requires that such regulations are consistent with certain existing guidance documents; include definitions of terms, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and address distinctions between certain student populations. The bill is a recommendation of the Virginia Commission on Youth.

[HB 1679](#) Requires local school boards to annually post information describing the educational and other services available through the Virginia School for the Deaf and the Blind (VSDB), the Virginia Department for the Deaf and Hard-of-Hearing (VDDH), and the Virginia Department for the Blind and Vision Impaired (VDBVI) on the school divisions' Web sites and inform the parents of those students who are identified as hearing impaired or visually impaired of its availability. In addition, the bill would require local school boards to ensure that packets of such information are available in an accessible format for review by parents who do not have Internet access. This was a VDOE agency bill.

### **Student health, safety and nutrition**

[HB 1366](#) Provides that a sex offender who is prohibited from entering upon school or child day center property who petitions the circuit court for permission to enter such property must cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper of general circulation. The newspaper notice must contain a provision stating that written comments regarding the petition may be submitted to the clerk of court at least five days prior to the hearing. The bill also requires that for a public school the petitioner must provide notice of his petition to the chairman of the school board in addition to the Superintendent of Public Instruction.

[HB 1698](#) Requires each school board, in any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, to give the parent 30 days' electronic notice if the school division uses such a system and written notice by regular mail of the nature and types of questions, the purposes and age-appropriateness of the questionnaire or survey, how such information will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. The bill gives the parent the right to request that a copy of the questionnaire or survey be sent to him through regular mail or by email, to review the document in person at the school, and to exempt his child from participation. In addition, the bill provides that in any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency must provide the school board with all information required to be included in the notice to parents.

[HB 2114](#) Requires the Board to promulgate regulations that permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year during which food that does not meet the nutritional guidelines for competitive foods may be sold to students. "Competitive food" is defined in current law as any food, excluding beverages, sold to students on school grounds during regular school hours, which is not part of the school breakfast or school lunch program.



[HB 2216](#) Requires the Board, by the beginning of the 2016-2017 school year, to adopt regulations for the possession and administration of epinephrine in private schools for students with disabilities. The bill also authorizes employees of licensed private schools for students with disabilities and private schools accredited by the Virginia Council for Private Education (VCPE) to possess and administer epinephrine under certain circumstances to a student believed in good faith to be having an anaphylactic reaction. In addition, the bill provides immunity from civil liability for such employees for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

[SB 1117](#) Clarifies that, in cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department of Social Services and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay.

[SB 1191](#) Amends statute that makes it a crime to possess a firearm, stun weapon, knife, and certain other weapons on school property to require that the person must have knowingly possessed the firearm or other weapon.

### **Student privacy, FERPA**

[HB 1307](#)  
[SB 1293](#) Prohibits the VDOE and each local school board from requiring any student enrolled in a public elementary or secondary school or receiving home instruction or his parent to provide the student's federal social security number. Moreover, the bill requires the department to develop a system of unique student identification numbers and requires each local school board to assign such a number to each student enrolled in a public elementary or secondary school. The student identification number shall not be derived from the student's social security number. Further, the bill requires each student to retain his student identification number for as long as he or she is enrolled in a public elementary or secondary school in Virginia. The bill's provisions will become effective on August 1, 2015.

[HB 1334](#) Requires the VDOE to develop and make publicly available on its Web site policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (FERPA) and state law applicable to students' personally identifiable information, including policies for: (i) access to students' personally identifiable information; and (ii) the approval of requests for student data from public and private entities and individuals for the purpose of research. The bill further requires VDOE or the local school division to notify, as soon as practicable, the parent of any student whose personally identifiable information could reasonably be assumed to have been disclosed in violation of FERPA or state law applicable to such information. Such notification shall include: (i) the date, estimated date, or date range of the disclosure; (ii) the type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

[HB 1612](#) Requires each entity that operates pursuant to a contract with a local school division a Web site, mobile application, or online service that: (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used at the direction of teachers or other employees at elementary or secondary schools; and (iii) collects and maintains, uses, or shares information that identifies an individual student or is linked to information that identifies an individual student to maintain certain protections for such information, including transparency, privacy policies, information security programs, and access to an individual student's personal information by the student and, if the student is less than 18 years of age, his parents.

[HB 2350](#) Directs the VDOE, in collaboration with the Virginia Information Technologies Agency (VITA), to develop a model data security plan that may be used by school divisions to implement policies and procedures related to the protection of student data and data systems. [HB 2350](#) further requires

VDOE to designate a chief data security officer, with such state funds as made available, to assist school divisions, upon request, with the development and implementation of their own data security plans and to develop best practice recommendations regarding the use, retention, and protection of student data. It also authorizes VDOE to convene a working group to identify the elements and costs involved in developing a model plan.

[HB 2373](#)  
[SB 1354](#) Requires the VDOE to establish a process for the identification of newly enrolled uniformed services-connected students by local school divisions and requires local school divisions to identify newly enrolled uniformed services-connected students in accordance with the process established by VDOE. Currently, school divisions are not required to collect this information. The bill defines a "uniformed services-connected student" as a student enrolled in a public school whose parent is serving in either: (i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services; or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

### **Tax credits**

[HB 1701](#) Allows a business firm or any individual that is eligible for the Neighborhood Assistance Act Tax Credit to agree in writing to a credit amount equal to less than 65 percent of the qualified donation. This bill is effective for taxable years beginning on or after January 1, 2015.

### **Teachers, school personnel, benefits**

[HB 1320](#) Requires that the Board's Licensure Regulations for School Personnel include requirements that every person seeking renewal of a license complete all renewal requirements including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education.

[HB 2020](#) Delays from July 1, 2015 to July 1, 2020, the expiration of provisions: (i) requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel; and (ii) permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board to elect to continue to receive the retirement allowance during such employment under certain conditions. This was a Secretary of Education bill.

[HB 2137](#) Permits the Board, upon request of the employing school division or educational agency, to issue a provisional license to a teacher seeking an initial license in the Commonwealth who has not attained an industry certification credential in the area in which the teacher seeks endorsement to issue a provisional license to teachers seeking an initial license in Virginia but who have not attained an industry certification credential in the area in which the teacher seeks endorsement. HB 2137 would allow time for the teacher to attain the required industry certification credential. This bill mirrors the VDOE agency bill, [HB 2208](#), which was originally proposed by Delegate Orrock and was left in the House Education Committee.

[HB 2178](#)

[SB 1162](#) Allows school divisions the option of establishing and administering their own deferred compensation and cash match plans for the hybrid retirement program. Employees of such school divisions would have the option of participating in such programs. The bill has a delayed effective date of January 1, 2016.

[SB 1046](#) Authorizes the governing bodies of three or more cities, counties, or school boards, if they comprised the membership of a multiple employer welfare arrangement on December 31, 2014, to

form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation established to operate a benefits plan. Each member of the benefits consortium shall be contractually liable for its allocated share of the consortium's liabilities. The benefits consortium will be exempt from taxation and from insurance regulations.

## Transportation

[HB 1952](#) Permits a local school board, notwithstanding any regulation to the contrary, to sell or transfer any of its school buses to another school division or purchase a used school bus from another school division or a school bus dealer as long as the school bus conforms to specifications effective on the date of its **manufacture** and meets other specified conditions. The current *Regulations Governing Pupil Transportation* require school buses to conform to the specifications effective on the date of **procurement**. Thus, this provision in [HB 1952](#) will override current Board of Education regulations.

## Virtual schools, online learning

[HB 324](#) Establishes the Board of the Virginia Virtual School (VVS) as a policy agency in the executive branch of state government for the purpose of governing the online educational programs and services offered to students enrolled in the Virginia Virtual School. The Secretary of Education is responsible for the agency. The 13-member Board is given operational control of VVS and assigned powers and duties. The bill requires VVS to be open to any school-age person in the Commonwealth and provide an educational program meeting the *Standards of Quality* (including the SOL and the *Standards of Accreditation*) for grades kindergarten through 12. In addition, the bill includes a second enactment clause, which provides that the provisions of this act shall become effective on July 1, 2016 and only if reenacted by the 2016 Session of the General Assembly.

## Miscellaneous

[SB 821](#) Repeals the provisions of *Code* that established the Opportunity Educational Institution (OEI) and eliminates the references to OEI in other *Code* sections.

[HB 1336](#) Requires the State Council of Higher Education for Virginia (Council), in consultation with the governing board of each public institution of higher education, to establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations. The bill also repeals the current law under which such governing boards individually implement such policies and has a delayed effective date of July 1, 2016.

## Studies resolutions

[HJ 558](#) Requests the VDOE and the State Council of Higher Education for Virginia (SCHEV) to examine shortages of qualified teachers generally and in certain teaching endorsement areas and to recommend strategies for addressing the shortages. The Department and the Council must report their findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly.

[HJ 586](#) Requests that the Department of Behavioral Health and Developmental Services: (i) identify one or more appropriate mental health screening tools, (ii) identify one or more school divisions in which the parents of each student shall be notified of the availability of such mental health screening tools and may give permission for their child to participate in a mental health screening; (iii) analyze the number and type of mental illness diagnoses; additional in-school services provided to diagnosed students as a result of such screenings, and most appropriate grade level for the administration of such screenings, and (iv) report its findings to the Governor and General Assembly by November 30, 2016.



**SJ 218** Requests the VDOE to study the feasibility of implementing a program in the Commonwealth to track teacher turnover by developing exit questionnaires and other means.

### **Standards of Quality**

Numerous bills that were approved by the 2015 General Assembly (and are listed in the chart below) amended the *SOQ*. Additional information regarding amendments to the *SOQ* will be provided in a separate Superintendent's memorandum.

<b>§ 22.1-253.13:1 (Standard One)</b>	<b>§ 22.1-253.13:3 (Standard Three)</b>	<b>§ 22.1-253.13:4 (Standard Four)</b>	<b>§ 22.1-253.13:9 (Standard Nine)</b>
<b><u>HB 1320</u></b> <b><u>HB 1676</u></b>	<b><u>HB 1303</u></b> and <b><u>SB 900</u></b> <b><u>HB 1419</u></b> <b><u>HB 1615</u></b> <b><u>HB 1674</u></b> <b><u>HB 1714</u></b>	<b><u>HB 1351</u></b> and <b><u>SB 916</u></b> <b><u>HB 1675</u></b> and <b><u>SB 982</u></b> <b><u>HB 2276</u></b> <b><u>HB 2318</u></b> <b><u>SB 1236</u></b>	<b><u>HB 1674</u></b>

I hope this information will assist you and your school boards as you plan for and implement this year's education-related legislation. Technical assistance is available from the VDOE to help with the implementation of these measures. If you have any questions or require assistance, please do not hesitate to contact the Office of Policy and Communications at (804) 225-2092 or by e-mail at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov).

SRS/SBW/kfg