



COMMONWEALTH of VIRGINIA  
Department of Education

May 23, 2014

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Final Legislative Report for the 2014 General Assembly**

This memorandum provides information regarding legislation passed by the 2014 Virginia General Assembly and approved by Governor McAuliffe that is of interest to school superintendents and division personnel.

The final legislative tracking reports for the 2014 General Assembly session are posted on the Department of Education's 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 text of the legislation.

**Required Actions**

All legislation becomes effective on July 1, 2014, unless otherwise indicated. Any information about actions that may or must be taken by local school boards is included in the summary of each bill. 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 1229](#) [SB 324](#) Delays the implementation of the A-F school performance grading system by two years, to October 1, 2016 and specifies factors that the Board of Education may consider to produce a grade for each public elementary and secondary school in the Commonwealth. By January 1, 2015, the Board must develop and submit a preliminary plan for an A-to-F grading system to the chairmen of the House Education and Senate Education and Health Committees. The Board must also determine whether to assign a single letter grade or a series of letter grades to each school. By July 1, 2015, the Board must provide notice and solicit public comment on the preliminary plan. By December 1, 2015, the Board must finalize the grading system, make a summary of it available to the public, and submit a summary to the chairmen of the House Education and Senate Education and Health Committees. By October 1, 2016, and each October 1 thereafter, the Board must assign a grade or a series of grades to each public school and make such grades available to the public.

**Career and Technical Education**

[HB 887](#) 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.

## Charter Schools

[HB 157](#)  
[SB 276](#) 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 and the requirement that at least one-half of the public charter schools per division shall be designed for at-risk students shall not apply.

## Child Abuse

[HB 683](#) Requires that local departments of social services and local school divisions must develop written interagency agreements for the investigation of **all** complaints of child abuse or neglect and school divisions must report annually to the Board of Education regarding the status of interagency agreements until they are adopted.

## College Partnership Laboratory Schools

[SB 562](#) 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.

## Comprehensive Services Act, Residential Facilities

[HB 1110](#) 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 any remaining costs not covered by state funds of educating such child who has been placed, not solely for school purposes, in foster care or other custodial care or in a child-caring institution or group home located within the geographical boundaries of the school division to be reimbursed.

## Instruction

[HB 197](#) 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.

[HB 925](#)  
[SB 554](#) Allows community colleges to offer courses required to become driver education instructors. The bill requires that the Department of Education 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.

[SB 2](#) 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.

## Local School Boards and Divisions

[HB 307](#) 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](#) 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.

[HB 720](#) 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](#)  
[SB 570](#) 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.

[HB 1242](#) Requires the tie breaker of any elected school board to be elected in the same manner as the members of the school board.

## 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 to submit its recommendations to the General Assembly by November 30, 2014.

## Standards of Quality

[HB 886](#) 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 enrolled high school students and their parents of the availability of such data.

[HB 930](#)  
[SB 306](#) Provides that the number and type of Standards of Learning (SOL) 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 of Education guidelines, for each subject area in which the Standard 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.

[SB 270](#) Directs the Board of Education to require only mathematics and English reading Standards of Learning assessments for third graders.

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

[HB 1054](#) 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.

Additional information regarding amendments to the Standards of Quality will be provided in a separate superintendent's memorandum.

## Student Disciplinary Actions

[HB 198](#) 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.

[HB 752](#)  
[SB 441](#)

[HB 751](#) Permits the local school board or a school administrator, pursuant to school board policy, to determine that special circumstances exist and assign no disciplinary action or an alternative to expulsion when a student commits certain drug offenses.

[HB 1187](#) 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](#) 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.

## Student Health

[HB 134](#) Requires each local school board to permit students who are diagnosed with diabetes to self-carry diabetes supplies and equipment and to self-check blood glucose levels (with parental consent and written approval from the prescriber). Requires the Department of Education to review and update its *Manual for Training Public School Employees in the Administration of Insulin and Glucagon* to address certain training requirements for school personnel.

[HB 410](#) Requires each non-interscholastic youth sports program using public school property to either establish policies consistent with the local school division's policies or the Board of Education's guidelines or follow the local school division's policies regarding the identification and handling of suspected concussions in student-athletes. The bill also requires the Board, working with specified stakeholders, to review and revise its *Guidelines for Policies on Concussions in Student-Athletes* to address the effects of concussions on student-athletes' academic performance.

[HB 1096](#) Requires the Board of Education to amend its *Guidelines for Policies on Concussions in Student-Athletes* to include a "Return to Learn Protocol."

[HB 1031](#) Updates immunization requirements for children.

[SB 624](#) Provides that a school board employee or authorized local health department employee who, while on school property or at a school-sponsored event, renders certain acts of emergency care is not liable for ordinary negligence in acts or omissions on his part while engaged in such acts of emergency care.

## **Student Privacy/FERPA**

[HB 449](#) 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.

## **Tax Credits**

[HB 737](#) Increases the percentage of persons served by a neighborhood organization and who are low-income from 40 to 50 percent, 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.

[HB 1179](#)  
[SB 591](#) 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. The bill contains an emergency clause; therefore, it became effective on March 5, 2014, when it was signed by the Governor.

[SB 563](#) 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.

[SB 269](#) 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.

## **Teachers and Administrators**

[HB 373](#) Removes the Board of Education as a licensing entity for school speech-language pathologists and leaves the Board of Audiology and Speech-Language Pathology (BASLP) 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 BASLP.

[HB 725](#) Adds two faculty members from teacher preparation programs to the Advisory Board on Teacher Education and Licensure (ABTEL).

[HB 758](#) 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.

[HB 926](#) Clarifies that special education teachers and other school board employees are not required to be licensed as behavior analysts.

[HB 977](#)  
[SB 43](#) 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.

## **Virtual Schools and Online Learning**

[HB](#) Requires each local school board to provide free and appropriate special education for each student

[1086](#) with a disability who attends a full-time virtual school program in the school division but resides in another school division in the Commonwealth.

[HB 1115](#) 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 permits such school divisions to charge a per-student or per-course fee and requires that the Department approve any such fee schedule. 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 the Department to establish and publish a fee schedule for this purpose. The bill also requires local school boards to post information on their websites regarding online courses and programs that are available through Virtual Virginia. Finally, the bill requires the Department to establish the Virtual Learning Advisory Committee.

### **Commissions, Councils and Committees**

[HB 364](#) Re-establishes the Commission on Civics Education, which expired on June 30, 2013.

[HB 538](#)  
[SB 415](#) Extends the sunset date for the Autism Advisory Council from July 1, 2014 to July 1, 2016.

[HB 1011](#) Extends the sunset date for the Task Force for Local Government Mandate Review from July 1, 2014 to July 1, 2018.

### **Studies**

[HJ 1](#) Directs the Department of Education to study and make recommendations regarding the feasibility of implementing a Teacher Career Ladder program in the Commonwealth. An executive summary and report are due no later than the first day of the 2015 Regular Session of the General Assembly.

[HJ 196](#) 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](#) Directs the Senate Committee on Education and Health and the Senate Committee on Finance to study the potential effects of mandating full-day kindergarten programs.

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 Department of Education 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 [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov).

SRS/SBW/kfg