



COMMONWEALTH of VIRGINIA  
Department of Education

May 24, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

**SUBJECT: Final Legislative Report for the 2013 General Assembly**

This memorandum provides information regarding legislation passed by the 2013 session of the Virginia General Assembly that is of interest to school superintendents and division personnel.

The final legislative tracking reports for the 2013 General Assembly are posted on the Department of Education's Web site at: <http://www.doe.virginia.gov/boe/legislation/>. These reports reflect 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.

**Required Actions**

All legislation becomes effective on July 1, 2013, 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.

**Career and Technical Education**

[HB 1858](#) Requires the Board of Education to develop, by July 1, 2014, a model waiver form for use by any entity providing a career and technical occupational experience for public secondary students.

[HB 2101](#)  
[SB 1248](#) Requires the Board of Education to develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create apprenticeships, internships, and job shadow programs in a variety of trades and skilled labor positions. These guidelines must include a model waiver form to be used by high schools and local businesses in connection with the Partnership Program to protect both the students and the businesses from liability. Local school boards may encourage high school career and technical education administrators to collaborate with school counselors to establish these partnerships.

**Charter Schools and Public School Choice**

[HB 2076](#) Exempts charter school applications initiated by local school boards from the Board of Education's

[SB 1131](#) review, comment and determination as to whether the application meets the approval criteria.

[SB 1196](#) Requires the Board of Education to include in its annual report to the Governor and the General Assembly, information about parent and student choice in each school division and any plans that school divisions have to increase school choice.

## **Health and School Safety**

[HB 1406](#) Requires each school board to annually provide parents with educational information on eating disorders for public school students in grades five through 12. The bill also requires the Department of Education and the Department of Health to develop and implement policies for providing parents with education information on eating disorders.

[HB 1468](#)  
[SB 893](#) Adds employees of local governing bodies and employees of local health departments to the list of individuals who are permitted to possess and administer epinephrine.

[HB 1864](#) Clarifies that the school and local law-enforcement agency may address school-based offenses through graduated sanctions or educational programming, unless a delinquency charge is filed with the juvenile court.

[HB 1866](#) Removes certain weapons from the definition of firearm that is used to expel a student for possession on school property or at a school-sponsored activity.

[HB 1871](#) Redefines bullying and requires local school boards to include a prohibition against bullying in their code of student conduct policies and procedures by July 1, 2014. Also requires the Board of Education to develop model policies and procedures by January 1, 2014, and school boards to implement policies and procedures to educate school board employees about bullying and the need to create a bully-free environment by July 1, 2014.

[HB 2343](#) Establishes the School Security Infrastructure Improvement Fund and the Local School Safety Fund. The School Security Infrastructure Improvement Fund is required to be used to make grants and loans to local school divisions for capital infrastructure improvements related to school safety and security.

[HB 2344](#) Requires the Center on School Safety to develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services and the Department of Education, a model critical incident response training program for public schools. In consultation with the Department of Education, the Center for School Safety is required to provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of an intervention for students whose behavior poses a threat to the safety of school staff or students. Each local school board is required to adopt policies for the establishment of threat assessment teams.

[HB 2345](#) Requires the Virginia Center for School Safety to develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of

Education a model critical incident response training program for public schools. In consultation with the Department of Education, the Center for School Safety is required to provide schools with a model policy for the establishment of threat assessment teams for each school, including procedures for the assessment of an intervention for students whose behavior poses a threat to the safety of school staff or students.

[HB](#)  
[2346](#) Requires each school safety audit committee to conduct a school inspection walk-through using a standardized checklist and to make the checklist available to the chief law-enforcement officer of the locality upon request. The bill also requires each public school to conduct at least two lock-down drills: one in September and one in January of each school year.

[HB](#)  
[2347](#) Permits the principal, at his discretion, to provide information about a student charged with a violation of the law to a threat assessment team established by the local school division.

[SB](#)  
[1376](#) Revises current provisions in the *Code of Virginia* to provide that any person who, in good faith and without malice, reports, investigates, or causes an investigation to be made into the activities of any person relating to conduct involving bomb threats or other explosives or alcohol or drug use at a school or institution of higher learning or in connection with a school or institution activity shall be immune from civil liability that might be incurred as a result of making such a report or investigation.

## **Instruction**

[HB](#)  
[1350](#) Requires local school divisions to provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning (SOL) mathematic assessment that measures non-calculator computational skills.

## **Local School Boards and Divisions**

[HB](#)  
[2019](#) Requires that a current copy of all school division policies and regulations approved by the local school board be posted on the division's Web site and be made available to employees and to the public. Printed copies of such policies and regulations are required to be made available as needed to citizens.

[HB](#)  
[2028](#)  
[SB](#)  
[986](#) Allows local school boards to require current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR) and the use of automated external defibrillators (AEDs) for bus drivers and increases the number of staff required to have such training. It allows each local school board to develop a plan for the placement, care, use, and funding of an AED in each school. (See additional provisions of this bill listed under Standards of Accreditation and Teachers and Administrators.)

[SB](#)  
[899](#) Permits local school divisions to place decals on the rear of school buses noting that the buses stop at railroad crossings.

[SB](#)  
Permits a child receiving kinship care to enroll in the school division where the kinship care provider

[960](#) resides. The bill will sunset on June 30, 2016.

[SB 1201](#) Repeals the requirement that the Board of Education promulgate regulations governing the process for submitting proposals for the consolidation of school divisions, the qualifications of substitute teachers, and the process for conducting school division level academic reviews as these requirements are already set forth in the *Code of Virginia*.

## **Military Families**

[HB 1497](#) Prohibits public elementary or secondary schools from joining an organization governing interscholastic programs that does not deem a student whose parents are in the military and have been ordered to relocate eligible for participation under certain circumstances.

[HB 1750](#) Requires that any student who resides on a military or naval reservation with military-owned housing located wholly or partly within the geographical boundaries of multiple school divisions to be deemed eligible for interscholastic programs immediately upon enrollment in a public elementary or secondary school in any of the aforementioned school divisions, provided that the students meet certain specific requirements.

## **Special Education**

[HB 1344](#) In developing an Individualized Education Program (IEP) for a child identified as deaf or hard-of-hearing, each local school division may ensure that the IEP team consider the child's specific communication needs and address them through the IEP. No child who is identified as deaf or hard-of-hearing may be denied the opportunity for instruction in a particular communication mode or language solely because another communication mode or language was originally chosen for the child. A child may receive instruction in more than one communication mode or language. The bill also defines "communication mode or language mode."

[HB 1420](#) Requires the Board of Education to promulgate regulations defining the term "intervener" as "an individual with knowledge and skill in the mode of communication of a deaf-blind student and who can communicate to the deaf-blind student what is occurring in the student's educational setting."

## **Standards of Accreditation (SOA)**

[HB 1999](#) Establishes an A to F grading system of individual school performance that includes the SOA, state and federal accountability requirements, and student growth indicators in assigning grades. By July 31, 2013, the Board of Education must approve student growth indicators. By December 1, 2013, the Department of Education must submit a report to the Governor and General Assembly on the approval of student growth indicators and their uses. By October 1, 2014, the Board is required to assign a grade from A to F to each public school in the Commonwealth; make both the system and the grade assigned to each school in the Commonwealth available to the public; and report to the General Assembly a summary of the system and the assigned grades. (See [SB 1167](#))

[HB 2028](#) Requires first-time ninth grade students in the 2016-2017 school year to receive training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation, in order to earn a

Standard or Advanced Studies Diploma. (See additional provisions of this bill listed under Local School Boards and Divisions and Teachers and Administrators.)

[HB 2144](#) Permits a public elementary school with a third grade that had an adjusted pass rate of less than 75 percent on the Standards of Learning reading assessment administered during the previous school year to apply to the Board of Education for a two-year waiver from the science or history and social science Standards of Learning assessment requirement, or both, for third grade students. The provisions of this bill will sunset on July 1, 2015.

[SB 1167](#) Requires the Board of Education to develop student growth indicators by October 1, 2014, to be used in the accreditation of schools and in teacher evaluations. The Department of Education must submit an interim report to the Governor and the General Assembly on the development of the student growth indicators by December 1, 2013, and a final report on the indicators and their uses by October 1, 2014. (See [HB 1999](#) and [SB 1207](#))

[SB 1324](#) Creates the Opportunity Educational Institution (OEI) to be administered and supervised by a nine member OEI Board. The bill requires that any school that has been denied accreditation be transferred to the OEI. The OEI board may require schools accredited with warning for three consecutive years to be transferred to OEI. The schools will remain in OEI until the Board of OEI decides to transfer the schools back to the school divisions. Schools are eligible to be transferred at the end of five years or when the school achieves full accreditation. The OEI board is required to supervise and operate the schools in OEI in whatever manner that it determines to be most likely to achieve full accreditation for each school, including the utilization of charter schools and college partnership laboratory schools.

## Standards of Quality(SOQ)

[HB 2066](#)  
[SB 1172](#) Permits local school divisions that employ a sufficient number of librarians, guidance counselors, and school-based clerical personnel to meet the staffing requirements prescribed in the SOQ to assign librarians, guidance counselors, and school-based clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

[HB 2068](#)  
[SB 1171](#) Requires all local school divisions to offer early intervention reading services and algebra readiness intervention services.

[HB 2098](#)  
[SB 1189](#) Permits the Board of Education to grant waivers of regulatory requirements that are not mandated by state or federal law or designed to promote health or safety. The Board may grant local school boards waivers of specific staffing requirements in § 22.1-253.13:2 of the *Code*, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel division-wide to meet the total number and all pupil/teacher ratios and class size maximums required by the SOQ. The Department of Education is required to provide guidance to any local school division that would like to request a waiver.

Additional information regarding amendments to the *Standards of Quality* will be provided in a separate Superintendent's Memorandum.

## Teachers and Administrators

[HB](#)  
[1388](#)  
[SB](#)  
[936](#) Changes the deadline for a local school board to notify principals, assistant principals, or supervisors under continuing contract of their reassignment to teaching positions from April 15 to June 15.

[HB](#)  
[1889](#) Requires performance indicators, or other data used by the local school board to judge the growth or quality of a teacher, to be kept confidential but permits such information to be disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law.

[HB](#)  
[2028](#)  
[SB](#)  
[986](#) Requires training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AEDs) for those seeking initial licensure, a three-year local eligibility license or renewal of a license with a waiver for a person with a disability if the disability prohibits such person from completing the certification or training. (See additional provisions of this bill listed under Local School Boards and Divisions and Standards of Accreditation. Also see Superintendent's Memo #124-13, dated May 10, 2013, at [http://www.doe.virginia.gov/administrators/superintendents\\_memos/2013/124-13.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2013/124-13.shtml))

[HB](#)  
[2083](#)  
[SB](#)  
[1185](#) Establishes the Strategic Compensation Grant Initiative and Fund, which provides that local school divisions may submit proposals to the Board of Education to receive grants that may be used as incentives to improve teacher and school performance.

[HB](#)  
[2084](#)  
[SB](#)  
[1175](#) Creates a two-year provisional license for participants in Teach for America. The Board of Education may extend each Teach for America license for one additional year and may issue each licensee a renewable license upon completion of two full years of teaching experience, satisfactory scores on all professional teacher assessments required by the Board, and achievement of satisfactory end-of-year evaluations.

[HB](#)  
[2151](#)  
[SB](#)  
[1223](#) Makes changes to the processes by which teachers and administrators are evaluated. The bill requires teachers, assistant principals, and principals to be evaluated every year, either formally or informally, and such evaluations to include student academic progress as a significant component and an overall summative rating. The bill allows local school boards to increase the term of probationary service required before a teacher becomes eligible for a continuing contract from three years to five years. The bill also changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board and by removing the option for a grievance to be heard in front of a fact-finding panel.

[HB](#)  
[2193](#) Requires the local Department of Social Services to report to a local school board founded complaints of child abuse or neglect about any full-time, part-time, permanent or temporary employee of the school division. The current law requires that only teachers are reported, and not other employees.

[SB](#)  
[1345](#) Requires any individual licensed and endorsed to teach middle school civics or economics, or high school government or history who is seeking renewal of such license to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government that has a value of five

professional development points. This requirement applies to the individual's next or initial renewal occurring after July 1, 2014.

I hope this information will assist you in planning and implementing the state legislative changes with your school board. I encourage you to review the full text of the legislation associated with each requirement. Technical assistance to implement the new legislative responsibilities is available from the Department of Education.

Please do not hesitate to contact the office of policy and communications by telephone at (804) 225-2092 or by electronic mail at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov), if you need additional information or have questions about these bills.

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