

2011 Capitol Issues Update

Number 3, February 2, 2011

“Crossover,” when bills that survived the House cross to the Senate and vice versa, occurs on February 8, marking the halfway point of the 2011 General Assembly Session. The good news is that many bills have been left by the wayside after committee and subcommittee scrutiny, often in small rooms between the hours of 7 a.m. and 7 p.m. The bad news is that a number of bills remain that represent unfunded mandates, difficult implementation procedures, and infringement on administrative and school board flexibility. VASSP will continue to maintain a daily presence at the General Assembly to represent your views on priority education legislation and make weekly reports available to members on our Web site at www.vapprincipals.com.

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HB 1416 Instructional spending; expenditures and reports.

Requires each local school board to allocate **65 percent** of its operating budget to instructional spending.

Passed House (48-Y 46-N)

All education associations, including VASSP, will continue to express strong opposition to this mandate and anticipate a different reception to the bill in the Senate. We are particularly concerned that the USED list of personnel that would qualify in the category of “classroom instruction” does not include principals or assistant principals.

HB 1493 Career and technical education; industry certifications.

Provides that where there is a national industry certification for career and technical education instructional personnel or program, the Board of Education must make such certification a mandatory part of the career and technical education program.

Reported from House Education Committee; amended to delay implementation for one year.

This bill would mandate additional requirements for teacher certification and increased costs to convert existing programs (where there is a national industry certification) to comply with any accepted national program certification. There could be major costs associated with this mandate, particularly in schools that teach the programs but whose curricula do not follow the national industry certification guidelines. VASSP and other education associations are opposed to this costly mandate and will continue to oppose this bill in the Senate.

HB 1548 Parental notification; school board policy violations.

Requires the school principal to notify the parents of a student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, or when such violation is entered into the student's scholastic record.

Reported from House Education Committee with amendments.

Amendments add after “school principal” the words “or designee” and replace the word “could” with the phrase “is likely to.”

VASSP had a number of discussions with the bill's patron, who later withdrew the bill; however, after local concerns were expressed, the bill was brought back. VASSP testified against the bill, pointing out that it removed administrative flexibility and included language that would require an administrator to decide prior to a suspension what infractions might eventually result in such punishment. VASSP does not believe amendments go far enough in this bill and will continue to oppose the bill in the Senate.

HB 1554 Accreditation of schools; delayed implementation of certain statutes and regulations, etc.

Provides for the delayed implementation of statutes and regulations upon which the accreditation of schools in the Commonwealth is based that were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index, until July 1, 2012, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

Reported from House Education (18-0) with amendment to carve out the Economics and Personal Finance course and maintain it as a requirement.

The amendment added in the House to carve out the Economics and Personal Finance course carries a fiscal impact, which the original bill attempted to lessen. Remaining in the House bill for delayed implementation: academic and career plans, new requirements for technical diplomas and certain new benchmark percentage increases. SB 810, companion bill in the Senate, does not currently include the carve-out language for the Economics and Personal Finance course. The entire bill could be lost if both sides do not agree on compromise language. The momentum is currently with the amendment to require the Economics and Personal Finance course that is supported by the financial community.

HB 1575 Public schools; antibullying measures.

Adds specificity to the codes of student conduct required of local school divisions in terms of how incidents of bullying, harassment, and intimidation are handled. The bill provides that teacher training in this area be required, and that incidents of bullying, harassment, and intimidation be reported to the division superintendent. The bill also requires that the codes of student conduct hold school administrators responsible for implementing the procedures outlined in the local policy.

“Passed by” in House Education Committee with letter to include in DOE study of antibullying policies.

VASSP opposed the bill, suggesting to the patron that the language requiring codes of student conduct to address administrative conduct was inappropriate. The House Education Committee recommended that the bill be “passed by” and made a part of the DOE study on antibullying.

HB 1644 Public schools; physical education requirement, exception.

Requires at least 150 minutes of physical education per week on average during the regular school year for grades K through eight, with a similar goal for high school students. This requirement would go into effect beginning with the 2014 -2015 school year.

Passed House with amendment.

VASSP was most concerned with the “daily” requirement for PE in the original bill. The patron, upon learning that such mandate would negatively affect block scheduling, agreed to remove the daily requirement, but maintained the obligation for 150 minutes of PE per week. SB 966 passed without the amendment to remove “daily” requirement. The time that will be lost in instruction and the concerns associated with expanding the goal to include high school in both of the bills continue to cause concern.

HB 1775 Immigration status; parent enrolling student in public school must indicate citizenship.

Requires that the person enrolling a pupil in a public school must indicate the citizenship or immigration status of such pupil's parents.

Reported in House Committee on Education with amendment(s).

VASSP opposed the original bill to require administrator to report immigration status of parent. The amended version of the bill would provide that the school report to the Department of Education those students in ESOL programs (part of annual school report currently); and to report to the Department of Education those students who are unable to provide a birth record (currently reported to local sheriff to check against missing children files).

HB 2009 Open enrollment policy; any pupil residing in school division may attend school of choice.

Requires that by August 1, 2011, local school divisions must have policies that provide for the open enrollment to any school of any pupil residing within the school division upon the request of a parent or guardian and pursuant to certain conditions and limitations.

Reported in House Education Committee with amendment(s) (7-Y 0-N); Primary amendment will make the bill permissive rather than a mandate.

VASSP opposed original language to require open enrollment policies including language to provide such at request of parent for most any reason. The permissive language accepted in the amendment removes the mandate.

HB 2395 Nonpublic school students; participation in interscholastic programs.

Directs a nonprofit corporation founded in Virginia in 1913 (*i.e.*, *VHSL*) to organize and govern interscholastic programs among the public high schools to deem eligible for participation in interscholastic programs a student who (i) is receiving home instruction, **“Passed by indefinitely” in House Education Committee with letter to direct that a joint legislative committee review the issue and make recommendations to the General Assembly by November, 2011.**

VASSP opposed the bill and provided testimony in full committee (Dr. Roger Jones, former VASSP President) to that effect. VASSP will closely follow the legislative study to which this bill was directed. House members have made it clear to the Virginia High School League that a compromise must be reached to allow students receiving home instruction to participate in high school sports under certain agreed-upon conditions.

SB 810 Accreditation of schools; delayed implementation of certain statutes and regulations, etc.

Recommended to be reported: Senate Education sub: Public Education

In contrast to the companion bill in the House (HB 1554), the Senate bill was not amended to carve out the Economics and Personal Finance course requirement.

SB 1480 Teachers; those seeking renewal of license to complete study of civics education.

Referred: Senate Education and Health Committee.

Clarifies the requirement that any teacher seeking renewal of a license with an endorsement in middle education 6-8 complete study of the structures, function, and powers of state and local government of Virginia only if such endorsement has a concentration in history and social sciences. Also, the bill provides that the requirement shall also apply to a holder of a previous version of an elementary, middle school, or secondary license and who is renewing such license, if such teacher's responsibilities include the teaching of social studies and/or history, civics, geography or economics.

*VASSP has been working with the Department of Education since the original bill passed in 2010 to **require civics education for licensure renewal.***
