

2011 Capitol Issues Update

Number 2, January 28, 2011

HB 1409 Prayer at public events; governmental agency shall have no authority to regulate, etc.

Prayer at public events. Provides that whenever an individual is requested to provide prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or to prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

HB 1416 Instructional spending; expenditures and reports.

Expenditures and reports on instructional spending. Requires each local school board to allocate 65 percent of its operating budget to instructional spending.

HB 1485 Medical emergency response plan and automated external defibrillator; required in certain buildings.

Medical emergency response plan and automated external defibrillators; required in certain buildings.

Requires the development of medical emergency response plans and the installation of automated external defibrillators in health spas and certain state and local buildings open to the public.

01/25/11 House: Subcommittee recommends laying on the table (5-Y 3-N)

HB 1493 Career and technical education; industry certifications.

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.

NOTE: Does not require that student take the industry test but that course include information necessary for student to be proficient on such a test.

01/27/11 House: Subcommittee recommends reporting (7-Y 1-N)

HB 1523 Sex offenders; prohibiting entry onto school grounds or other property, penalty.

Sex offenses prohibiting entry onto school or other property; penalty. Expands the prohibition on entry onto school grounds by any adult convicted of a sexually violent offense to include (i) any school bus as defined in § 46.2-100; (ii) any designated school bus stop during the time when school children are waiting to be picked up and

transported to or are being dropped off from school or a school-sponsored activity or within 150 feet of the school bus stop; or (iii) any property, public or private, during hours when such property is being used solely by a public or private elementary or secondary school for a school-related or school-sponsored activity.

HB 1545 Smoking; prohibition on grounds of public elementary, intermediate, and secondary schools.

Smoking; prohibition on the grounds of public elementary, intermediate, and secondary schools. Expands the prohibition on smoking in the interior of public elementary, intermediate, and secondary schools to include the grounds of such schools. The bill also prohibits smoking in the interior of any public school administration building and the interior of any building where a school-sponsored event is being held off-site.

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

Summary as introduced:

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.

NOTE: There is a strong movement among members of the financial community to **“carve out” the Economics and Personal Finance course prescribed by the Board of Education so that it would not be delayed, a move that would hasten the fiscal impact of this as a required course for graduation.**

01/18/11 House: Assigned Education sub: #1 Standards of Quality

HB 1575 Public schools; antibullying measures.

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.

01/27/11 House: Subcommittee recommends passing by with letter

NOTE: VASSP objected to the lack of administrative flexibility in the bill as well as the punitive aspect for administrators. This bill was “passed by” in subcommittee and recommended to be included in an overall study this year on bullying.

HB 1576 Bullying; definition, punishment for actions.

Definition of and punishment for bullying. Defines “bullying” to mean recklessly or intentionally endangering the health or safety of a student by exposing the student repeatedly and over time to physical aggression or intimidation, whether through direct physical contact or through the use of information or communication technology, resulting in bodily injury or other harm to person or property. This definition does not supersede or limit any definition of bullying developed by the Board of Education or the actual codes of student conduct adopted by school boards pursuant to § 22.1-279.6. Bullying is punishable as a Class 1 misdemeanor.

NOTE: This language would appear in the criminal section of the Code and identify those actions spelled out in the bill as punishable as Class 1 misdemeanor.

HB 1644 Public schools; physical education requirement.

Public schools; physical education requirement. 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.

01/25/11 House Education:

NOTE: Over the objections of the members of the subcommittee and the education community, who opposed this bill based on its fiscal impact, the House Education Committee reported the bill. VASSP is most concerned over the daily requirement for PE in grades 6-8 and is working to remove that language in the bill.

HB 1720 Autism spectrum disorder; training of teachers and aides.

Board of Education; teacher licensure; paraprofessional training. Requires the Board of Education to include in its regulations governing licensure a requirement that by September 1, 2014, every person seeking initial licensure or renewal of a license with an endorsement in special education and working with students with autism spectrum disorders must demonstrate proficiency in student behavior management. The bill also requires that by September 1, 2014, each local school division must provide **80 hours of training** in student behavior management to any aide assigned to work with a teacher who has primary responsibility for students with an autism spectrum disorder within 60 days of the aide being so assigned.

01/26/11 House: Assigned App. sub: Elementary and Secondary

NOTE: Education community has pointed out that the training requirement in the bill represents an unfunded mandate.

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

Immigration status of the parents of public school students. Requires that the person enrolling a pupil in a public school must indicate the citizenship or immigration status of such pupil's parents. The bill provides that the child of a parent lacking citizenship or lawful immigration status documentation must still be admitted into the public school, but the immigration status information must be reported to the Secretary of Education annually. Additionally, the Secretary of Education must submit an annual report to the Governor and the General Assembly on the number of

children whose parents lack lawful status documentation attending public school in the Commonwealth and the cost of such students' education, aggregated by school division.

01/19/11 House: Assigned Courts sub: #3 Immigration

NOTE: VASSP in opposition to immigration issues being made a part of the schools' and administrators' responsibilities. The constitutionality of this bill is being challenged.

HB 1867 Gang-free zones; expanded to include any school bus stop or public buildings, etc.

Definition of gang-free zones. Provides that any person who violates § 18.2-46.2 (criminal street gang predicate acts) at any designated school bus stop, or upon the property, including buildings and grounds, of any publicly owned or operated park or hospital is guilty of the felony offenses currently applicable, under existing law, to such violations committed upon the property, including buildings and grounds, of any public or private elementary, secondary, or postsecondary school.

HB 1896 School health services; school board to employ nurses to have ratio of one nurse per 1,000 students.

School health services. Mandates that each school board employ nurses or contract with local health departments for nursing services in order to have a ratio of one nurse per 1,000 students.

NOTE: Bill FAILED.

HB 1911 School buses; installation of video-monitoring systems thereon by school divisions.

Video-monitoring system; school bus violations. Authorizes local school divisions to install and operate video-monitoring systems on school buses in order to detect drivers passing stopped school buses.

01/17/11 House: Subcommittee recommends reporting (5-Y 3-N)

NOTE: Permissive legislation.

HB 1933 Smoking; prohibited on any public playground, penalty.

Smoking on public playgrounds; penalty. Provides that smoking shall be **prohibited on any public playground**. The bill defines "public playground" as any real property owned or operated by the state or a locality or otherwise open to the general public. The bill further provides that (i) any person who continues to smoke on a public playground after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25,

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

Open enrollment policies; local school divisions. 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. Also, any open

enrollment policy must provide a preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) with a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

01/20/11 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N)

NOTE: VASSP opposed to prescriptive open enrollment policy. Bill amended to make such policy PERMISSIVE.

HB 2044 Statewide uniform grading policy; requires Board of Education to establish.

Board of Education; statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy whereby a student could receive a maximum of five quality points for an "A" in an Advanced Placement, International Baccalaureate, or dual enrollment course.

01/20/11 House: Subcommittee recommends passing by with letter. Board of Education will be asked to study.

HB 2077 Mandatory testing; exclusion of certain students.

Violations related to secure mandatory testing; exclusion of students. Adds the act of excluding students from testing who are required to be assessed to the conditions under which the Board of Education may (i) bring a cause of action, (ii) suspend or revoke an administrative or teaching license, or (iii) initiate or cause to be initiated a review or investigation of any alleged break in security, unauthorized alteration, or improper administration of tests.

HB 2082 School boards; prohibited from charging fees for Advanced Placement testing, etc.

Summary as introduced:

Permitted fees and charges; local school boards. Prohibits local school boards from charging fees for (i) Advanced Placement or International Baccalaureate testing, if such test is required for academic credit, or (ii) participation in extracurricular interscholastic athletics.

01/18/11 House: Assigned Education sub: #3 Teachers and Admin. Action

01/20/11 House: Subcommittee recommends passing by indefinitely

HB 2314 Income tax, corporate; tax credits for donations to nonprofit organizations providing scholarships.

HB 2395 Nonpublic school students; participation in interscholastic programs.

Nonpublic school students; participation in interscholastic programs. Directs a nonprofit corporation founded in Virginia in 1913 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, (ii) has demonstrated evidence of progress for two years, (iii) is entitled to free tuition in a public school, (iv) has not reached the age of 19 by August 1 of the current school year, (v) is an amateur, who receives no compensation, but participates solely for the educational, physical, mental and social benefits of the activity, (vi) complies with all disciplinary rules applicable to all public high school athletes, (vii) and complies with all other rules governing

awards, all-star games, parental consents, and physical examinations applicable to all high school athletes. The bill allows such students to be charged reasonable fees for participation.

01/20/11 House: **NOTE: Committee recommended that bill be incorporated into a study by selected members of the House and Senate. VASSP opposed this legislation and will closely follow the legislative study.**

HB 2439 Driver education; school boards in Planning District 8 to make available to nonpublic students.

Driver education in Planning District 8; nonpublic school students. Requires school boards in Planning District 8 to make the 90-minute parent/student driver education component available to nonpublic school students and their parents or guardians.

01/27/11 House: Subcommittee recommends reporting with amendment(s) (8-Y 0-N)

HB 2494 Standards for Accreditation; any school board may seek approval of alternative plan for its schools.

Standards for Accreditation; alternative accreditation. Provides that any school board, on behalf of one or more of its schools, may seek approval of an alternative accreditation plan from the Board of Education, so that such school may operate free from specified school division policies and state regulations. Requires any such request to include documentation of the need for the alternative plan.

HB 2525 Judicial review of school board decision; aggrieved person.

Judicial review of school board decision; aggrieved person. Provides that, for the purpose of judicial review, any parent, custodian, or legal guardian of a school-age child eligible to attend a school directly affected by an action of the local school board shall presumptively be considered to be aggrieved by such action.

01/27/11 House: Subcommittee recommends passing by indefinitely

HJ 625 School divisions, local; DOE to study nature and effectiveness of antibullying policies.

Study; antibullying policies; report. Requesting the Department of Education to study the nature and effectiveness of local school divisions' antibullying policies. In conducting its study, the Department of Education shall (i) review and compare antibullying measures in the student codes of conduct from each school division, (ii) compare existing policies with the Department's model policy for codes of student conduct, and (iii) determine if improvements to existing policies are warranted, in order to more effectively combat bullying in Virginia's public schools.

01/27/11 House: Subcommittee recommends reporting (6-Y 0-N)

NOTE: VASSP supports such a study over prescriptive legislation and will remain involved in this important issue.

SB 745 Marijuana, synthetic; penalties for possession, intent to sell, distribute, etc.

Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana. Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

01/11/11 Senate: Assigned Courts sub: Criminal

SB 805 Health insurance; credits for retired school division employees.

Health insurance credits for retired school division employees. Provides that the health insurance credit currently being provided to retired teachers would also be provided to all retired employees of the local school division at the option of the local school division and as a cost borne by the local government.

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

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.

01/27/11 Senate: Assigned Education sub: Public Education

NOTE: As with House bill, there is expected to be an attempt to "carve out" the Economics and Personal Finance course so that it would not be delayed.

SB 872 Gang-free zones; expanded to include any school bus stop or public buildings, etc.

Expansion of gang-free zones. Adds school bus stops and publicly owned parks, libraries and hospitals to the list of places denoted "gang-free zones." Criminal gang activity that occurs in gang-free zones receives additional punishment.

01/11/11 Senate: Assigned Courts sub: Criminal

SB 906 Family life education; SOL objectives related to dating violence, etc., to be taught in school.

Family life education; dating violence. Requires the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once during middle school and at least twice during high school.

01/27/11 Senate: Assigned Education sub: Public Education

SB 966 Public schools; physical education requirement.

Public schools; physical education requirement. 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.

01/14/11 Senate: **NOTE: Reported from Senate Education and Health Committee. Same as HB 1644 which passed in House. VASSP working with Senate Subcommittee that will hear HB 1644 in an effort to remove grades 6-8 from bill. Block scheduling would not work within the confines of a bill requiring daily PE.**

SB 967 Family life education; requires school division to implement standards of learning program.

Family life education. Requires each school division to implement the standards of learning for the family life education program promulgated by the Board of Education, or a family life education program consistent with the guidelines developed by the Board, which shall have the goals of reducing the incidence of pregnancy, sexually transmitted disease, and substance abuse among teenagers. Any curricula or materials used must be evidence-based and supported by peer reviewed medical research.

01/14/11 Senate: **Reported from Senate Education and Health**

SB 1038 Foster care; allows child placed in care to remain at his original school.

Foster care; school placement. Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests. The bill requires the determination to be made in writing by the placing social services agency and adds the school placement to the foster care plan.

01/18/11 **Senate: Rehab and Social Services: Reported with amendments.**

SB 1094 Youth health risk survey; Department of Health to develop annually of students in public schools.

Youth health risk survey. Requires the Department of Health to develop and administer an annual random survey of students in public middle and high schools to facilitate planning and implementation of effective programs for substance abuse prevention through collection of information identifying trends in alcohol, tobacco, and other drug use and the assessment of risk and protective factors among youth of the Commonwealth. 01/20/11 Senate:
Assigned Education sub: Public Education

SB 1194 Income tax, corporate; tax credits for donations to nonprofit organizations providing scholarships.

SB 1270 Standards of Quality; flexibility to use funds for staffing related to math, reading, etc.

Standards of Quality; Standard 2. Codifies in the Standards of Quality the flexibility to use funds provided in the appropriation act and provided to local school divisions for certain staffing standards related to instructional staff in

mathematics, limited English proficiency, reading, technology, and assistant principals. Additionally, amends the definition of "support services."

Note: Board of Education bill.

SB 1320 Charter schools; allows employees to choose whether to participate in Virginia Retirement System.

Charter schools; employees. Allows public charter school employees to choose whether to participate in the Virginia Retirement System and specifies that they are not party to any existing collective bargaining agreement. Also allows only 75 percent of public charter elementary school teachers to be licensed, 50 percent of public charter middle and high school teachers to be licensed, and specifies that all teachers be otherwise be highly qualified, as defined by the federal No Child Left Behind Act.

01/20/11 Senate: **NOTE: FAILED to be reported from Senate Education and Health.**

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

Teacher training; civics education. 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 and the importance of citizen participation in the political process in 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.

NOTE: Clarification re: personnel required to complete such study for licensure renewal.

VASSP has been working with the Department of Education on what would be required of administrators to meet criteria.