

CAPITOL ISSUES 1.16.12

The 2012 General Assembly Session is less than a week old, and already politicians have filed 9 bills related to suspension and expulsion that challenge a principal's ability to maintain safety and discipline in schools. Additionally, among bills related to K-12, there is legislation that would allow home-schooled students to play public school sports; require allocation of 67% of local operating budgets to the classroom; mandate that schools determine birth status of students; establish tax credits for contributions to nonpublic schools; provide for annual contracts for teachers and principals; and reduce the number of diplomas from 7 to 3.

Your **VASSP** Director of Government Relations Bet Neale will continue to maintain a daily presence in Richmond and keep you up to date on all bills that affect public education. VASSP is your voice at the Capitol, but we need you to continue to make your voices heard at home by remaining in contact with your local legislators. To that end, we will particularly need those of you whose representatives sit on important education committees to make a special effort to voice your opinions on education bills that will come before your legislators. Our bi-weekly Capitol Issues composite view of all K-12 bills will allow you to follow education bills, identify the patrons of the bills and view the progress of legislation as bills go from subcommittee to full committee to the Floor of the House or Senate.

The following Senators are members of the **Senate Education and Health Committee:**

Martin, Chair; Saslaw, Lucas, Howell, Newman, Blevins, Locke, Barker, Northam, Miller, J.C., Smith, McWaters, Black, Carrico, Garrett.

Of those members, Senators Blevins (Chair), Howell, Locke, Black and Carrico serve on the **Public Education Subcommittee**; and they vet the most controversial K-12 education bills that come before the Senate Education and Health Committee.

The following Delegates are members of the **House Education Committee:**
Tata (Chairman), Landes (Vice Chairman), Lingamfelter, Rust, Cole, Pogge, Massie, Greason, Bell (of Staunton), Stolle, LeMunyon, Robinson, Yost, Yancey, Dudenhefer, Alexander, Ware (of Roanoke City), McClellan, Tyler, Bulova, Morrissey, Keam.

House Education Subcommittees are:

Standards of Quality: Lingamfelter, (Chairman), Pogge, Greason, Stolle, LeMunyon, Ware, O., Tyler, Bulova;

Students and Early Education: Bell, (Richard), Chairman, Landes, Stolle, Robinson, Yost, Alexander, Morrissey, Keam

Teachers and Administration: LeMunyon, Chair, Cole (Chairman), LeMunyon, Robinson, Yost, Yancey, McClellan, Morrissey, Kearm

Higher Education and the Arts: Chair, Rust (Chairman), Landes, Massie, Greason, Dudenhefer, Tyler, McClellan, Bulova

The legislative report to your VASSP Board of Directors follows and includes key legislation filed as of January 15. Click on the bill number to read the text of the legislation.

VASSP BOARD LEGISLATIVE REPORT 1.16.2012

[HB 15](#) School calendar; local school boards responsible for setting and determining opening of school year.

Chief patron: Habeeb **School calendar.** Makes local school boards responsible for setting the school calendar.

[HB 76](#) Teachers; date changes for contract renewal for those without continuing contract status.

Chief patron: Habeeb **Teachers without continuing contract status.** Shifts the date of effective contract renewal for those teachers without continuing contract status from April 15 to June 15.

[HB 78](#) Instructional spending; local school board to report expenditures annually.

Chief patron: Habeeb **Expenditures and reports on instructional spending.** Requires each local school board to report annually to the Board of Education the percentage of its operating budget allocated to instructional spending. The Board must report annually the amount of spending allocated by the local school boards to instructional spending based on the school boards' annual reports to the Board of Education.

[HB 250](#) Instructional spending; requires each local school board to report.

Chief patron: Cline **Expenditures and reports on instructional spending.** Requires each local school board to allocate 67 percent of its operating budget to instructional spending.

[HB 96](#) Accreditation of schools; delayed implementation of certain statutes and regulations.

Chief patron: Wilt **Accreditation of schools; delayed implementation of certain statutes and regulations.** Extends the delay of the implementation of statutes and regulations upon which the accreditation is based that were not already in effect on June 30, 2008, with the exceptions of the graduation and completion rate index and the economics and financial literacy requirement, until July 1, 2013, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

[HB 138](#) Public schools; impact of unlawful aliens, report.

Chief patron: Cole **Public schools; impact of unlawful aliens; report.** Requires public schools to determine whether each student enrolling in public school was born outside the jurisdiction of the United States or is the child of an alien not lawfully present in the United States and qualifies for assignment to an English as a Second Language class or other remedial program. The Board of Education must prepare a report on the impacts of such students in public schools and request reimbursement from the U.S. Department of Education for the fiscal costs to the state and political subdivisions thereof of providing educational instruction, computers, textbooks and other supplies, free or discounted school meals, and extracurricular activities to students who are aliens not lawfully present in the United States.

HB 224 Standards of Learning; Board of Education to adopt regulations allowing students to retake.

Chief patron: Habeeb **Board of Education; administration.** Requires the Board of Education to adopt regulations allowing all students to whom the Standards of Learning tests are administered to be permitted to retake the test if the student does not achieve a passing score. Additionally, such regulations shall provide that, at the discretion of his teacher, a student may take the Standards of Learning test at any time during the school year.

HB 225 Standards of Learning; establishes alternative accreditation and student growth measures.

Chief patron: Habeeb **Public schools; alternative accreditation and student growth measures.** Requires the Board of Education to adopt regulations establishing standards for accreditation based on student growth measures as an alternative to student outcome measures. The Board of Education is also required to review available student growth measures and identify and approve any such measures that supply data sufficiently to serve as a reliable and alternate path to school accreditation.

HB 257 Defined contribution retirement plan; permits any locality or school board to establish.

Chief patron: Stolle **Local defined contribution retirement plan.** Permits any locality or school board to establish a defined contribution retirement plan, in lieu of any other retirement plan, for employees hired after such plan is established.

HB 287 Gang-free zones; expansion of zone areas.

Chief patron: laquinto **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.

HB 325 Teacher licensure; paraprofessional training.

Chief patron: Massie **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, prior to such person's taking such responsibility, 40 hours of training in student behavior management to any aide assigned to work with a teacher with primary responsibility for students with autism spectrum disorders and 12 hours of training for other personnel with other oversight responsibility for students with autism spectrum disorders.

HB 365 Student suspension or expulsion from school; requires superintendent to ensure continued education.

Chief patron: McClellan **Compulsory public education; student suspension or expulsion from school.** Requires the superintendent of each school division to ensure that any student who has been suspended or expelled from school continues to receive an education. The Constitution of Virginia requires a compulsory elementary and secondary education for every eligible child of appropriate age.

HB 366 Suspension and expulsion; prohibits instances of disorderly or disruptive behavior offenses.

Chief patron: McClellan **Student discipline; suspension and expulsion.** Prohibits instances of only disorderly or disruptive behavior offenses or technology offenses as providing sufficient cause for a long-term suspension or expulsion. Currently, a student may be suspended or expelled for sufficient cause, although truancy may not be considered sufficient cause for suspension.

HB 367 Standards of Learning; Board of Education required to report of disciplinary offense & outcome data.

Chief patron: McClellan **Board of Education; publication of disciplinary offense and outcome data.** Requires the Board of Education to include requirements for the reporting of disciplinary offense and outcome data as part of the Board's requirements relating to the School Performance Report Card.

HB 544 Suspension and expulsion; prohibits instances of disorderly or disruptive behavior offenses.

Chief patron: Robinson **Student discipline; suspension and expulsion.** Prohibits instances of only disorderly or disruptive behavior offenses or technology offenses as providing sufficient cause for a long-term suspension or expulsion. Currently, a student may be suspended or expelled for sufficient cause, although truancy may not be considered sufficient cause for suspension.

HB 656 Parental notification; school investigations.

Chief patron: Kory **Parental notification; student discipline.** Requires parental notification whenever school administrators begin an investigation into a potential violation of any school board policy. Such notification may be made by phone or email, or any other reasonable method, as determined by the school board.

HB 887 Student suspension or expulsion from school; requires superintendent to ensure continued education.

Chief patron: Alexander **Compulsory public education; student suspension or expulsion from school.** Requires the superintendent of each school division to ensure that any student who has been suspended or expelled from school continues to receive an education. The Constitution of Virginia requires a compulsory elementary and secondary education for every eligible child of appropriate age.

HB 1080 Student discipline; parental notification.

Chief patron: Hugo **Student discipline; parental notification.** Requires the school principal to take certain procedures, including parental notification and the issuance of due process warnings, prior to questioning a student in the case of a serious violation. A serious violation is defined as a violation of a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension, the notification of law enforcement, or the filing of a court petition.

SB 167 Student discipline; parental notification.

Chief patron: Petersen **Student discipline; parental notification.** Requires the school principal or his designee to notify the parents of any student who violates a school board policy when such violation could result in the student's expulsion.

SB 391 Parental notification; student discipline.

Chief patron: Marsden **Parental notification; student discipline.** Requires parental notification whenever school administrators begin an investigation into a potential violation of any school board policy. Such notification may be made by phone or email, or any other reasonable method, as determined by the school board.

HB 400 School boards, local; policies permitting parents to observe children.

Chief patron: Hope **Local school boards; policies permitting parents to observe children.** Requires local school boards to adopt and implement policies that would ensure parents may act as an observer in the child's classroom.

HB 424 School records; self-authentication.

Chief patron: Bulova. **School records; self-authentication.** Provides that school records are admissible in any matter where such records are material, provided that they are authenticated as true and accurate copies by the custodian of the records or by the person to whom the custodian reports, if they are different. Currently, such authenticated school records are only admissible in cases involving custody of the student or termination of parental rights.

HB 576 Public schools; teacher contract and evaluation policies.

Chief patron: Bell, Richard P. **Public schools; teacher contract and evaluation policies.** Makes several changes to the processes by which teachers and certain administrators are evaluated and retained, including the replacement of continuing contract status with annual contract status for teachers and principals; a mandatory, two-year probationary status for teachers and principals; allowing termination of annual contracts for just cause; requiring that annual evaluations of teachers, principals, and superintendents include student academic progress as a significant factor; and requiring that force-reduction measures consider performance rather than seniority. The bill also defines the standard 10-month contract as 200 days, of which a minimum must be 180 days of instructional time. The bill has a delayed effective date of July 1, 2013.

SB 438 Public schools; teacher contract and evaluation policies.

Chief patron: Obenshain **Public schools; teacher contract and evaluation policies.** Makes several changes to the processes by which teachers and certain administrators are evaluated and retained, including the replacement of continuing contract status with annual contract status for teachers and principals; a mandatory, two-year probationary status for teachers and

principals; allowing termination of annual contracts for just cause; requiring that annual evaluations of teachers, principals, and superintendents include student academic progress as a significant factor; and requiring that force-reduction measures consider performance rather than seniority. The bill also defines the standard 10-month contract as 200 days, of which a minimum must be 180 days of instructional time. The bill has a delayed effective date of July 1, 2013.

HB 603 School divisions, local; open enrollment policies.

Chief patron: LeMunyon**Open enrollment policies; local school divisions.** Provides that local school divisions may have policies that provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian. The bill describes optional criteria for local school boards to consider when developing any such plan.

HB 642 Board of Education; high school accreditation; industry certifications.

Chief patron: Stolle**Board of Education; high school accreditation; industry certifications.** Requires the Board of Education to adopt regulations adjusting the formula for calculating the final high school accreditation to add points for each student obtaining a diploma and an industry certification. The additional points shall only improve the accreditation status of a school and cannot be used to obtain or deny accreditation.

HB 905 Nonpublic school students; organizations governing participation in interscholastic programs.

Chief patron: Minchew

HB 947 Nonpublic school students; organizations governing participation in interscholastic programs.

Chief patron: Bell, Robert B.**Nonpublic school students; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation 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, and (vii) 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.

HB 1005 Nonpublic school students; organizations governing participation in interscholastic programs.

Chief patron: Ramadan

HB 1061 Secondary school graduation requirements; diplomas.

Chief patron: Byron**Secondary school graduation requirements; diplomas.** Directs the Board of Education to modify the credits necessary for a student to earn a standard or an advanced studies diploma. The advanced studies diploma shall be the recommended diploma. The standard diploma shall include a concentration in career and technical education and a requirement to earn a career and technical education credential. Standard or advanced studies diploma will require the successful completion of one virtual course. The modified standard

diploma is eliminated, but the Board shall make provisions in regulation for students with disabilities to earn a standard diploma. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

SB 489 Secondary school graduation requirements; diplomas.

Chief patron: Ruff**Secondary school graduation requirements; diplomas.** Directs the Board of Education to modify the credits necessary for a student to earn a standard or an advanced studies diploma. The advanced studies diploma shall be the recommended diploma. The standard diploma shall include a concentration in career and technical education and a requirement to earn a career and technical education credential. Standard or advanced studies diploma will require the successful completion of one virtual course. The modified standard diploma is eliminated, but the Board shall make provisions in regulation for students with disabilities to earn a standard diploma. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

SB 131 Income tax, corporate; educational improvement scholarships credit.

Chief patron: Stanley**Income tax; educational improvement scholarships.** Establishes a credit beginning in taxable year 2013 for corporations donating cash to nonprofit organizations providing education improvement scholarships to students who would have been eligible for the free and reduced-price lunch program under federal law, in order for them to attend nonpublic elementary or secondary schools. The credit would equal 70 percent of the donation made by the corporation and would be refundable. There is a \$25 million cap for the credits.

SB 241 Tax credits; businesses providing assistance to low-income families, etc., in private schools.

Chief patron: Obenshain**Tax credits; assistance to low-income families, scholarships for K through 12 students attending private schools.** Establishes a credit beginning in taxable year 2012 for certain business entities making monetary donations to nonprofit organizations providing education improvement scholarships to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines and certain students with disabilities, in order for them to attend nonpublic elementary or secondary schools. Nonprofit organizations to which donations are made would be required to distribute at least 90 percent of their tax-credit-derived funds in the form of scholarships to such students. The credit would equal 84 percent of the donation made by the business entity and any unused credit for the taxable year would be refundable. There is an annual cap of \$50 million in tax credits for the scholarship program. The Department of Education would administer the tax credit program.

SB 513 Career and technical education; substitution for required credits.

Chief patron: Wagner**Career and technical education; substitution for required credits.** Requires the Board of Education to expand the subject matter areas for which successful completion of certain career and technical education competency assessments may be substituted. Currently, they may, under limited circumstances, be substituted for the student-selected verified credit and either a science or a history and social science credit. This bill would also allow the assessments to be substituted for a math or English credit.

SB 514 Board of Education; high school accreditation; industry certifications.

Chief patron: Wagner**Board of Education; high school accreditation; industry certifications.** Requires the Board of Education to adopt regulations adjusting the formula for calculating the

final high school accreditation to add points for each student obtaining a diploma and an industry certification. The additional points shall only improve the accreditation status of a school and cannot be used to obtain or deny accreditation.

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