

**X.**

**Proposed Legislative Positions  
Amendments**



Previously adopted Legislative Positions remain in full effect from year to year. **No vote is necessary on Legislative Positions if no change is made.**

- Only changes to existing Legislative Positions (amendments to add or delete language), or new Legislative Positions, are to be considered by the Delegate Assembly.
- When a proposed new Legislative Position, or proposed amendment, is removed from the "block" to be considered separately, **only the proposed changes are open to consideration/discussion**. It takes a 2/3 vote to suspend the rules to consider/discuss any part of a position not new or proposed for amendment.
- The explanation for and history of each position that is included in the official *Legislative Positions of the Virginia School Boards Association* is omitted in this section. They are omitted because they are used for lobbying purposes and are not part of the position statement, or subject to action by the Delegate Assembly. That information is available on the VSBA website, [http://www.vsba.org/advocacy\\_government\\_relations/legislative\\_services/](http://www.vsba.org/advocacy_government_relations/legislative_services/).



## LEGISLATIVE POSITION PROPOSAL NO. 1

### 9.17 At-Risk Add-On (NEW)

Virginia's At-Risk Add-On program, as part of basic aid, targets additional resources to school divisions based on the percentage of students in the division who are eligible for free lunch. This program recognizes the additional services that students from low-income families may need to achieve their academic potential (counseling and dropout prevention, after-school programs, and specialized instruction) and directs resources to all school divisions across the Commonwealth to offer these vital services.

Virginia's current At-Risk Add-on percentage of 1 to 14 percent falls woefully below the national average. VSBA supports Virginia legislators to increase the percentage of At-Risk Add-On funding to more closely align with the national average.

*(Proposed by Bristol City)*

RATIONALE: Virginia's percentage falls well below the National Average of 29%.

**Motion to accept as amended:** Jennifer McKeever

**Motion Seconded:** James Coleman

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 2

### 1.2 Fair Assessment of Limited English Language Proficient Students (AMEND)

Virtually every school division in Virginia educates students with limited English proficiency (LEP). The performance of LEP children on standardized tests required by federal accountability standards has direct consequences for the schools they attend, their school divisions and the Commonwealth of Virginia, namely:

- The education of LEP students requires additional classroom space, forcing school divisions to need to build additional classrooms or use portable classrooms;
- It costs an average 25% more to educate students who are English language learners, most of which cost is being provided by local divisions; and
- The Virginia Department of Education is able to provide only limited technical assistance to school divisions with fast growing numbers of LEP students due to the Department's small staff and budget.

The VSBA recommends that the General Assembly provide funding for:

- ~~An improved teacher/pupil ratio for LEP programs and services that is aligned with current local school division best practices, which almost universally exceed the current SOQ standard of 17 teachers per 1,000 LEP students, as well as state funding for related pupil personnel positions;~~  
Improved state instructional and support resources to address the needs of English learners, particularly students who enter school with little or no formal education or language skills;

- The implementation of, and adequate state and federal funding for, a valid, reliable and accurate English language proficiency assessment based on Virginia SOL standards to be used statewide. Such assessments are costlier and time consuming to administer than standard SOL tests, and should be funded accordingly;
- State funding for all federally mandated tests for LEP students, including the development and administration of a “plain English” version of every NCLB-mandated test for LEP students;
- Improved statewide data collection to ensure accountability; and
- State assistance with facility needs, and enhanced technical support for smaller school divisions including the establishment of a best practices center to collect and disseminate information about the most innovative and successful LEP programs already in place in school divisions throughout the Commonwealth.

The VSBA supports:

- Permitting local school divisions to use the WIDA (World-Class Instructional Design and Assessment) ACCESS (Assessing Comprehension and Communication in English State-to-State for English Language Learners) score of 5.0-6.0 on the Tier C test for English Language Learner (ELL) students as an alternative for fulfilling Virginia’s requirement for a verified credit in the English Reading End of Course (EOC) Standards of Learning (SOL) test by substituting the WIDA ACCESS for ELLs assessment; and
- Development of “Total English Learner” ~~accountability sub reporting~~ groups that would include ~~both current and successfully exited English learners and former English learners (level 6 students; and students who had been levels 1-5 at any time in their K-12 schooling)~~ to more accurately measure the overall achievement for students covered by this subgroup and to better reflect the successes of achieving overall language proficiency achievement.
- Alternate assessments accommodations for English learners that are linguistically appropriate and yield accurate information on a student’s content knowledge; including expanded use of performance-based assessments, expanded use of competency provisions for the industry credential graduation requirement, as well as a pilot allowing assessment in languages other than English.

*(Proposed by Fairfax County)*

RATIONALE: Changes intended to generalize, clarify and update advocacy language to better reflect current assessment and resource needs for English Learners. Language taken from *Fairfax County School Board 2018 State and Federal Legislative Program*, Item I4, English Learners and Item S8, Standards of Accreditation and Standards of Learning.

**Motion to accept as amended:** Elizabeth Lowe

**Motion Seconded:** Jason Samuels

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

### LEGISLATIVE POSITION PROPOSAL NO. 3

#### 10.4 Safe School Environment (AMEND)

Students have a right to and school divisions have a responsibility to ensure a teaching/learning environment that is safe and free of disruption. There are incidents involving weapons, assaults and threats at schools which require interventions in addition to those school personnel are able

and authorized to provide. There are incidents involving the spread of bodily fluids between students, or between students and school personnel or volunteers, which can cause life-threatening illnesses if not diagnosed and treated immediately. The Virginia Code contains provisions which facilitate immediate testing for health-care and law-enforcement workers exposed to such diseases, but not for school personnel and students. Schools are implementing proactive programs designed to maintain secure and orderly schools.

The VSBA supports state government, local communities, law enforcement agencies, and school cooperation to provide appropriate prevention and intervention programs that are effective in addressing violence, and the precursors to violence, in schools and their communities, including additional state resources devoted to student mental health. The VSBA supports teacher preparation program expansions to include course work and practical experience in handling school violence and related issues.

The VSBA also supports decisions with regard to health services for students, including staffing and funding of school nurses being made at the local level.

The VSBA urges the General Assembly to:

- Support local school division efforts to achieve strong, fair and consistent disciplinary expectations and applications to all students;
- Appropriate sufficient funds to the School Resource Officer Grants Program so that each school board may choose whether or not to employ uniformed officers in their schools, as well as sufficient funds for local school boards to use at their discretion in ensuring safe and respectful school environments through effective programs such as peer mediation, conflict resolution, character education, and other proactive initiatives appropriate for individual school communities
- Pass legislation which would afford greater protection to students, school employees, and volunteers who are exposed to bodily fluids which put them at risk of dangerous infectious diseases, and
- Oppose legislation requiring the designation of school personnel to carry concealed weapons in schools.

*(Proposed by Fairfax County)*

**RATIONALE:** Comprehensive preventative state efforts to ensure student safety must include resources devoted to student mental health in addition to other safety measures.

**Motion to accept:** Jennifer McKeever

**Motion Seconded:** Elizabeth Lowe

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## **LEGISLATIVE POSITION PROPOSAL NO. 4**

### **1.13 Graduation and Completion Index Calculation for English Learners (NEW)**

The Virginia School Boards Association supports:

- Adjusting Graduation and Completion Index (GCI) calculations for English Learners, whereby students who enter a Virginia public school as WIDA English Language Proficiency (ELP) Level 1 or 2 would not be entered in their GCI cohort until they have

received English for Speakers of Other Languages (ESOL) services in Virginia for approximately the time necessary for a newly arrived English Learner to achieve a WIDA ELP Level of 3.

- Allowing English Learners who have a WIDA ELP Level of 3 or 4 who arrive in a Virginia high school for the first time in the second semester of an academic year to delay their addition to a GCI cohort until the following year.

*(Proposed by Fairfax County)*

**RATIONALE:** An ever increasing number of students enter Virginia Schools with both limited English language skills as well as limited formal schooling of any kind, including many older students. The proposed changes would help to adjust the state's calculation of the Graduation and Completion Index to better reflect where many English Learners start their schooling in Virginia as well as how long it takes to acquire both English language skills as well as content knowledge. Language taken from *Fairfax County School Board 2018 State and Federal Legislative Program*, Item S14 and S15, Standards of Accreditation and Standards of Learning.

**Motion to accept as amended:** Gunin Kiran

**Motion Seconded:** Jason Samuels

**LPC Committee Vote:** Unanimous—(Diana Williams not present)

**Motion Carried**

## **LEGISLATIVE POSITION PROPOSAL NO. 5**

### **9.18 Amend the Standards of Quality to Include Dedicated Funding for Mental Health Student Support Positions and School Security Personnel (NEW)**

VSBA supports the amending the Standards of Quality to include specific funding for mental health professionals and school safety and security personnel at a rate that is commensurate with the current needs of our Commonwealth's school divisions.

*(Proposed by Goochland County)*

**RATIONALE** Currently funding for mental health professionals like social workers and school psychologists is included in funding for "Student Support Positions" that includes other positions related to truancy, homebound instruction, etc. Funding for security personnel is included in "Operation and Maintenance Positions". The Standards of Quality do not reflect the current needs of school divisions. They are archaic standards that have not kept pace with the needs of students today.

**Motion to accept as amended:** Jennifer McKeever

**Motion Seconded:** Elizabeth Lowe

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 6

### 9.15 Funding for Governor's Schools (AMEND)

The VSBA supports additional state funding for Governor's Schools-, recognizing the funding needs of full day and partial day programs in budget appropriations for the Commonwealth's Regional Governor's Schools.

*(Proposed by Goochland County)*

RATIONALE Currently, full day Governor's Schools programs like the one at Maggie L. Walker are funded using the same mechanism as are partial day programs. Full day programs require greater funding needs from an administrative, maintenance, operations, security, and programmatic standpoint. However, the nature of the full day program is not accounted for in budget appropriations.

**Motion to accept as amended:** James Coleman

**Motion Seconded:** Gunin Kiran

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 7

### 4.26 Amend Virginia Code to Allow Full-Time Employment of Retired VA Law Enforcement Officers in School Security (NEW)

VSBA supports amending the Code of Virginia (§§ 51.1-155, 51.1-206, and 51.1-217) relating to the Virginia Retirement System to permit retired law-enforcement officers to be hired in full-time school security positions without loss of retirement benefits.

*(Proposed by Prince William County)*

RATIONALE: Currently, Virginia VRS appears to penalize school and divisions and counties from hiring these individuals. Current law limits retired Virginia police officers to a maximum of 80% of full-time employment after qualifying for retirement. Allowing retired police officers to be hired for full-time school security positions is especially valuable given this year's passage of legislation enabling school divisions to hire armed School Security Officers. Former law-enforcement officers, who already know local schools and communities, can provide immediate safety benefits. Facilitating their employment must be a top legislative priority.

**Motion to accept as amended:** Jennifer McKeever

**Motion Seconded:** Gunin Kiran

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 8

### 9.19 Modify Proffer Limitations to Restore Important Contributions to Growing School Divisions (NEW)

VSBA supports removing limitations on proffers as addressed in the Code of Virginia (§15.2-2303.4) essential to new schools and other needs driven by expanded development.

*(Proposed by Prince William County)*

**RATIONALE:** The 2016 changes via SB549 to the cash proffer system in residential development have created significant problems for the ability of local governments across the Commonwealth to provide the infrastructure (including new or expanded schools) demanded by families moving into new developments; this makes existing residents shoulder the tax burden created by new residences, or forces hard-pressed school divisions to cut back funding for other needed capital projects.

**Motion to accept as amended:** Holly Hazard

**Motion Seconded:** Jennifer McKeever

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## **LEGISLATIVE POSITION PROPOSAL NO. 9**

### **11.4 Color Vision Deficiency and Its Negative Impact on School Performance (NEW)**

1. The VSBA supports legislation advocating universal screening for color blindness.
2. The VSBA supports legislation requiring the Virginia Department of Education include color blindness screening as part of students' regular vision screenings at school.
3. The VSBA supports legislation requiring that when the Virginia Department of Education negotiates new testing contracts, information and test items be designed to be visible to children who are color vision deficient.
4. The VSBA supports legislation requiring the Virginia Department of Education strongly consider producing future educational software and tests to accommodate for the large number of color-vision-deficient children.

*(Proposed by Roanoke City)*

**RATIONALE:** Research indicates that color blindness or color vision deficiency is a common disability and likely affects 1.6% or 21,000 Virginia public school students. Researchers from the Multi-Ethnic Pediatric Eye Disease Study Group tested 4,005 California preschool children age 3-6 for color blindness and found the following prevalence by ethnicity and gender:

- 5.6% of Caucasian boys
- 3.1% of Asian boys
- 2.6% of Hispanic boys
- 1.4% of African-American boys
- 0.5% of girls are color vision deficient

Color vision deficiency negatively impacts school performance and makes it difficult for students to be as successful in school as their peers without color vision deficiency.

Teachers rely on online educational resources which are not usually designed with color blind students in mind.

Screening kids for color vision deficiency can be achieved with an easy to administer test. In Virginia, there are approximately 1,293,049 public school students. The population-based, cross-sectional study (the Multi-Ethnic Pediatric Eye Disease Study) found that the prevalence

of color vision deficiency overall was 1.6%. This means Virginia may have almost 21,000 color vision deficient students, yet a tiny fraction of them are identified. Most color blind students are undiagnosed and not receiving the support they need.

Universal design techniques can make information visible to color deficient students who otherwise may miss out on critical information.

Educational software and textbook producers do not take into account the needs of color blind children.

**Motion to accept as amended:** Gunin Kiran

**Motion Seconded:** James Coleman

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 10

### 12.10 Increased Student Access for Internships/Apprenticeships (NEW)

The VSBA supports establishing a tax credit for businesses that host students from a high school, technical center, or specialty school as interns or apprentices in a qualified field that aids students in completing CTE course requirements or in preparation for career certifications.

*(Proposed by Virginia Beach City)*

**RATIONALE:** As part of the new Standards of Accreditation, all students are required to have work-based learning experiences. One of the best avenues for students to receive first-hand work-based learning experiences is for students to participate in apprenticeship programs through local businesses during their junior or senior year. This allows students to gain actual experience and exposure to the workforce. There are, however, few opportunities for students to participate in these programs. By providing a tax incentive for businesses to make internships or apprenticeships available to high school students, this will encourage more businesses to open up internship or apprenticeship opportunities for students.

**Motion to accept as amended:** James Coleman

**Motion Seconded:** Jennifer McKeever

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 11

At its meeting in July 2017, the VSBA Legislative Positions Committee instructed VSBA staff to review all existing VSBA Legislative Positions to identify Positions which could be eliminated because their objectives have been accomplished and to identify Positions which should be revised they contain outdated language, such as references to the No Child Left Behind Act (NCLB), which is no longer the most recent reauthorization of the Elementary and Secondary Education Act (ESEA).

A list of the Legislative Positions (LPs) identified during that review, and a brief description of the recommended action for each Position, follows. The goal of the proposed changes is for the

Legislative Positions Handbook to provide practical guidance to VSBA lobbyists based on the current state of the law.

- 1.2 Fair Assessment of Limited English Proficient Students  
Second paragraph, second bullet: “more” added because the context of the sentence suggests that it was inadvertently omitted.  
Second paragraph, third bullet: language referring to NCLB replaced with more general language.
- 1.5 Aligning State and Federal Accountability Programs  
Second paragraph: language referring to NCLB replaced with more general language.
- 1.7 Single Letter Statewide Grading Scale for Evaluating Individual School Performance  
The A-F grading scale for evaluating schools was abolished by Acts 2015, ch. 368. Thus, the purpose of this LP has been achieved, the LP is no longer necessary and it is recommended that the Position be deleted.
- 1.8 Creation of a Statewide School Division to Operate Non-Accredited Schools  
The Opportunity Educational Institution was ruled unconstitutional in *School Board of the City of Norfolk v. Opportunity Educational Institution*, 88 Va. Cir. 317 (Norfolk Cir. Ct. 2014) and all statutory references to it were abolished by Acts 2015, Ch. 369, Thus, the purpose of this LP has been achieved and it is recommended that the Position be deleted.
- 3.1 Educational Technology Funding  
Third paragraph: detailed references to state and federal law, including reference to NCLB, replaced with more general language.
- 4.8 Teacher Preparation and Licensure  
Fourth paragraph, second sentence: language referring to NCLB replaced with more general language.
- 4.14 Testimony of School Personnel  
First sentence: the specific statute referred to in the LP was repealed by Acts 2008, ch. 209; reference to that statute removed in order to allow VSBA lobbyists to lobby for changes to any relevant Virginia law.
- 4.17 Drug Testing for Employees  
First paragraph, third sentence: additions made to quoted language to keep it consistent with statute.  
First paragraph, fourth sentence: the referenced statute no longer requires school boards to petition the General Assembly as described in the LP; instead, the process is now that all employees must provide consent and the necessary information for the school board to search the registry of founded complaints of child abuse and neglect; thus, the sentence is no longer necessary and the recommendation is that it be deleted.
- 4.18 Superintendent Attendance at Meetings  
First paragraph, second sentence: reference to “executive session” removed because the term “closed session” has replaced the term “executive session” in the Freedom of Information Act (FOIA).
- 5.3 Twenty-first Century Communication for School Boards  
First paragraph: specific citations to individual sections of FOIA changed to more general reference to the entire Act because the individual sections have recently been changed.
- 7.1 Support for Private Education, Vouchers, and Tax Credits  
Third paragraph, first sentence: language referring to specific state laws and to NCLB replaced with more general language.
- 9.1 Standards of Quality and Standards of Accreditation  
Second paragraph, fourth sentence: reference to “six-year” plan changed to “comprehensive” plan to reflect change to statutory requirement by Acts 2005, c. 450.

- 9.5 State Budget Adoption Study  
First paragraph, second sentence: LP rewritten to reflect that the situation described as having happened in 2004 and 2006 has also happened more recently.
- 9.7 State Funding for Advanced Placement and International Baccalaureate Tests  
Second paragraph first sentence: statement that the Standards of Accreditation (SOA) require high schools to provide access to at least two Advanced Placement or college-level courses for credit changed to reflect that the current SOA (8 VAC 20-131-140) requirement is for at least three such courses.
- 9.9 Textbooks  
Second paragraph, first sentence: LP revised to reflect fact that school boards now have authority to charge fees for the replacement of lost or damaged text books.
- 9.10 Standards of Quality and State Education Funding  
Second paragraph, 20<sup>th</sup> bullet: language referring to NCLB replaced with more general language.

In addition to the changes recommended above, during the review of the existing Legislative Positions it was noted that Position 5.9 Right of School Boards to Implement Education Reforms includes the statement “[t]here should be no changes to the charter school law unless initiated by local school boards through the VSBA *and there should be no appeal allowed to any entity, in accordance with existing charter school law (22.1-212.10), of the local school board decision to establish such schools/programs.*” The italicized portion of that sentence is an accurate statement of existing law and thus could be removed under the criteria established by the 2017 Legislative Positions Committee. However, no recommendation for removal is being made at this time because there are frequent legislative proposals for significant amendments to Virginia law regarding charter schools. It seems prudent to retain this language so that it can direct VSBA’s lobbyists in the event relevant legislation is proposed.

## 1.2 Fair Assessment of Limited English Proficient Students

Virtually every school division in Virginia educates students with limited English proficiency (LEP). The performance of LEP children on standardized tests required by federal accountability standards has direct consequences for the schools they attend, their school divisions and the Commonwealth of Virginia, namely:

- The education of LEP students requires additional classroom space, forcing school divisions to need to build additional classrooms or use portable classrooms;
- It costs an average 25% more to educate students who are English language learners, most of which cost is being provided by local divisions; and
- The Virginia Department of Education is able to provide only limited technical assistance to school divisions with fast growing numbers of LEP students due to the Department’s small staff and budget.

The VSBA recommends that the General Assembly provide funding for:

- An improved teacher/pupil ratio for LEP programs and services that is aligned with current local school division best practices, which almost universally exceed the current SOQ standard of 17 teachers per 1,000 LEP students, as well as state funding for related pupil personnel positions;
- The implementation of, and adequate state and federal funding for, a valid, reliable and accurate English language proficiency assessment based on Virginia SOL standards to be used statewide. Such assessments are costlier and more time consuming to administer than standard SOL tests, and should be funded accordingly;

- State funding for all federally mandated tests for LEP students, including the development and administration of a “plain English” version of every ~~NCLB-mandated~~ federally-mandated test for LEP students;
- Improved statewide data collection to ensure accountability; and
- State assistance with facility needs, and enhanced technical support for smaller school divisions including the establishment of a best practices center to collect and disseminate information about the most innovative and successful LEP programs already in place in school divisions throughout the Commonwealth.

The VSBA supports:

- Permitting local school divisions to use the WIDA (World-Class Instructional Design and Assessment) ACCESS (Assessing Comprehension and Communication in English State-to-State for English Language Learners) score of 5.0-6.0 on the Tier C test for English Language Learner (ELL) students as an alternative for fulfilling Virginia’s requirement for a verified credit in the English Reading End of Course (EOC) Standards of Learning (SOL) test by substituting the WIDA ACCESS for ELLs assessment; and
- Development of a “Total English Learner” accountability subgroup that would include both current English learners and former English learners (level 6 students; and students who had been levels 1-5 at any time in their K-12 schooling) to more accurately measure the overall achievement for students covered by this subgroup and better reflect the successes of achieving language proficiency.

## 1.5 **Aligning State and Federal Accountability Programs**

While there are many similarities between the state and national accountability programs, there are also major differences, including whether students are held accountable, subjects and grade levels tested, standards for determining school success, and sanctions applied when schools do not meet standards. It will be complicated, burdensome, and expensive for schools and school divisions as well as the state to implement and comply with the requirements of these two accountability programs;

The VSBA urges the Board of Education to regularly review and revise the Standards of Accreditation so that the assessment accountability program mandated therein does not conflict with the implementation of the ~~federal accountability program mandated in the No Child Left Behind Act~~ federally-mandated accountability program.

The Board of Education is urged to request the Governor and General Assembly to assist local school boards with realistic and sufficient state funding so that they may not only comply with all federal and state accountability requirements, but also provide the programs and services essential for all of Virginia’s public school students to achieve educational success.

## ~~1.7 **Single Letter Statewide Grading Scale for Evaluating Individual School Performance**~~

~~The VSBA does not support the new statewide A-F grading system and requests that all language creating and requiring such system for individual schools be removed.~~

~~Background and Legislative History: The position urges the reversal of the General Assembly’s adoption in 2013 of HB 1999 and SB 1207; which both mandate the creation of an “A-F grading scale” to measure individual school performance by October 2014. The VSBA believes that such a system would greatly oversimplify school performance and provide less information to~~

parents and the community about school performance rather than more. Adopted 11/13; Review Date: 2019.

### **1.8 — ~~Creation of a Statewide School Division to Operate Non-Accredited Schools~~**

~~The VSBA does not support the establishment of the Opportunity Education Institution and requests that all language creating and authorizing the Opportunity Education Institution be removed.~~

~~**Background and Legislative History:** During the 2013 Session, the General Assembly passed legislation creating the Opportunity Education Institution (OEI), which will be administered and supervised by the Opportunity Educational Institution Board. The legislation requires any school that has been denied accreditation for two years to be transferred to this statewide school division and permits any school that has been accredited with warning for three consecutive years to be transferred to the OEI by majority vote of the OEI Board. Pursuant to the legislation, a transferred school will remain in the OEI for five years or until the school achieves full accreditation. School Boards support a more collaborative approach on the part of the state to work with the school boards and/or local governments to develop strategies to help schools reach an accredited status. JLARC is conducting a formal study to identify what has been successful in similar situations with failing schools, and no changes should be made until JLARC concludes its work and reports its findings. Adopted 11/13; Review Date: 2019.~~

### **3.1 Educational Technology Funding**

Educational technology, including electronic information systems and sources, is an important element of cost-effective quality public education. The state should assume a leadership role in developing a technology funding formula that will provide predictable and continuing revenue for the acquisition, maintenance and replacement of educational technology, and for support personnel to train and assist in the use of educational technology. Such funding should be sufficient to improve and enhance classroom instruction, to fulfill mandates for virtual instruction and online assessment, as well as to assist with the state and federally-mandated collection and reporting of student achievement and teacher quality data.

The current state-provided “technology-refresh” funding program is insufficient to keep up with the growing number of digital devices in the schools and the end-of-life cycle of equipment replacement. These technology needs include everything from basic network infrastructure (both wired and wireless) – to servers and related equipment – to student computers, tablets, and other devices. Further, it is recommended by the Education Superhighway and the State Educational Technology Directors Association that our schools be at 1.0 Mbps of internet bandwidth per student by 2018. Currently, the infrastructure does not exist for all schools in the Commonwealth to meet this goal. Further, the cost to fill the gap between what exists and what is required is too large for school divisions to fund at the local level alone. VSBA supports statewide initiatives that would help business and schools throughout the Commonwealth to have high speed/broadband access at cost-competitive prices (such as the aforementioned goal of 1.0Mbps). Finally, if the Commonwealth requires school divisions to provide a specified bandwidth capacity per student, appropriate funding shall be provided to reimburse localities for the increased cost.

The state should fund the implementation of the extensive data collection, cleansing, warehousing, tracking, and reporting requirements placed on the State Department of Education and all local school divisions by ~~27 assessment and accountability mandates, including the state~~

~~Standards of Accreditation Assessment Program and the federal No Child Left Behind Act.~~ state and federal assessment and accountability mandates. Moreover, such funding should be included in the Standards of Quality.

#### **4.8 Teacher Preparation and Licensure**

The Board of Education should retain responsibility for establishing and maintaining general criteria for initial licensure and license renewal. The Board should assume all additional administrative procedures and costs for licensure and renewal.

Moreover, the Board should provide for individual waivers from specific licensure requirements that prohibit local school divisions from retaining otherwise qualified personnel who have demonstrated proficiency in the classroom and are teaching in a critical shortage area. Additionally, the Board will allow local school divisions to have the flexibility to establish alternative licensure criteria and metrics that will allow provisionally licensed teachers to receive their full professional license based on these locally designed, performance-based standards. These performance-based measures shall be approved by the Board and may serve as a local alternative to current assessments currently in existence.

The Board of Education should coordinate licensure and accreditation activities to prevent the listing of accreditation deficiencies for personnel whose licensure applications are in the state licensure office to be processed.

The Board of Education should work collaboratively with State Council of Higher Education for Virginia to assure that teacher preparation programs in Commonwealth colleges and universities are closely aligned with the knowledge and skills that teachers need to educate students. In particular, teacher preparation programs should include instruction and practicums aligned with the subjects and subgroups used to ~~calculate Adequate Yearly Progress under the No Child Left Behind Act~~ assess schools and school divisions under federal law. Targeted training should be provided to address the needs of gifted students, students with disabilities, students acquiring English proficiency, students in poverty, and students challenged by cultural, racial, and ethnic differences. The Virginia School Boards Association supports statewide study to determine consistency in public college and university requirements for students seeking to become licensed teachers including current best practices, knowledge, and skills sought by public divisions throughout the Commonwealth.

#### **4.14 Testimony of School Personnel**

The VSBA supports legislation to ~~amend Virginia Code section 20-124.3:1~~ to make changes in the system of subpoenaing school personnel in custody and visitation cases, such as: to require that the evidence of school personnel, taken other than during school hours, be presented by deposition rather than by live testimony; to require the party that issues a subpoena to reimburse the school division for the cost of providing substitute personnel, if a deposition is not used; to provide for exemption of authentication by school personnel of subpoenaed certified student educational records; and, to prohibit subpoenas of school personnel in custody cases without prior approval by a court.

#### **4.17 Drug Testing for Employees**

There exists a special need to ensure the safety and welfare of students and employees in a school. The General Assembly of Virginia has recognized the need for local school boards to

obtain personal information about an individual prior to employment. As a condition of employment, an applicant who is offered or accepts employment requiring direct contact with students must “provide written consent and the necessary personal information for the school board to obtain ... a search of the registry of founded complaints of child abuse and neglect, maintained by the Department of Social Services...” (§ 22.1-296.4—Child Abuse and Neglect Data Required). ~~School boards may petition the General Assembly in accordance to the provisions of § 22.1-296.2 of the Code of Virginia to require an applicant who is offered or accepts employment in a school division to submit to fingerprinting and to provide personal descriptive information to be used to obtain a criminal history of the individual.~~ This legislation indicates that there are instances in which the need for safety and welfare of students is a priority which supersedes the individual privacy of an applicant.

The VSBA supports legislation that permits, as a condition of employment, local school boards to require any applicant who is offered employment to submit to drug testing.

#### **4.18 Superintendent Attendance at Meetings**

Section 22.1-69 of the Code of Virginia states that the superintendent or designee shall attend all meetings of the school board and the superintendent’s (or designee’s) attendance may be dispensed with at a special meeting of the school board upon an affirmative vote of a majority of the members. When this section is read together with ~~executive or the~~ closed meetings statute in ~~Title 2.2~~ the Virginia Freedom of Information Act, it appears that the superintendent is required to attend such closed meetings.

The VSBA supports allowing, but not requiring, the superintendent to attend ~~executive or~~ closed meetings of the school board.

#### **5.3 Twenty-first Century Communication for School Boards**

Where a quorum of a public body is physically assembled at one location for the purpose of conducting a meeting, additional members of such public body may participate in the meeting through telephonic or video means provided such participation may be heard by the public, as authorized under the ~~Code of Virginia (§ 2.2-3708 and 2.2-3708.1)~~ Virginia Freedom of Information Act. A quorum may be accounted for via an electronic roll call.

The VSBA supports revision of the records management regulations issued by the Library of Virginia, especially those regulations regarding the management and retention of school board e-mail, in order to achieve a suitable balance between access to and archiving of public records and the resources required for compliance.

#### **7.1 Support for Private Education, Vouchers, and Tax Credits**

The VSBA believes that all public schools should provide a quality education for each student and that in meeting local educational needs, locally developed policies and program options which give parents the opportunity to select schools or programs for their children should be considered among a variety of possible educational strategies.

The VSBA opposes federal or state efforts to mandate school choice, including efforts to divert or condition funding from existing federal and state programs. The VSBA supports any plan allowing public, private or home-school students access to schools or school programs that assure the following:

- The plan does not foster racial, social, or economic segregation or segregation of children with disabilities;
- Financial and other administrative issues, such as transportation concerns, are addressed. The VSBA believes local school divisions should not be required or asked to assume the liabilities and burdens of transporting nonpublic school students;
- The plan is not part of a federal or state voucher or scholarship program to finance non-public education;
- Students are required to make at least a one-year commitment to a school or program of choice to afford stability of school management;
- Full state reimbursement is made to school divisions for each student who is admitted; and
- No state mandate is created and that decisions regarding access to public school by non-public school students remain prerogatives of the local school board.

Private and home schools have no direct accountability to taxpayers for their use of tax revenues because they are explicitly excluded from public accountability under both ~~the state's Standards of Learning and Accreditation programs and the federal No Child Left Behind Act~~ state and federal law. With vouchers and tuition tax credits, private and home schools would have an advantage in competition with public schools because they can be selective in admissions and can refuse to provide services which public schools by law must provide. Vouchers and tuition tax credits for private and home schools could result in fewer existing state and federal funds appropriated to support public school programs.

The VSBA opposes any federal or state voucher and tuition tax credit legislation and any legislation that would provide vouchers or tuition tax credits for elementary and secondary private and home-schooled school students. The VSBA also opposes measures requiring the transfer of local taxpayer funds to other jurisdictions or to private providers should a student choose to enroll in a virtual program outside of their home school division.

## **9.1 Standards of Quality and Standards of Accreditation**

The Board of Education and the General Assembly work jointly to develop the Standards of Quality (SOQ), which are the constitutionally mandated minimum program requirements and the primary driver of both costs and state basic aid funding for the Commonwealth's public school divisions. However, the General Assembly does not approve revisions of the Standards of Accreditation (SOA), as it does the Board of Education's revisions of the SOQ, even though it is the SOQ that require the Board of Education to promulgate regulations establishing standards for accrediting public schools.

The SOA have become, over the last several years, another driver of educational costs and state basic aid funding, and now have substantial financial impact on state government and local school board budgets and on school operations. The new SOA adopted by the Board of Education will add significantly to the local cost of public education, costing local school boards millions of additional dollars statewide. The Board of Education has not coordinated the SOA changes with the General Assembly to ensure adequate funding for the new SOA requirements. Both the SOQ and the SOA require local school boards to revise, extend and adopt biennially division-wide ~~six-year improvement~~ comprehensive plans, with staff and community involvement.

The VSBA strongly requests sufficient notice to and the participation of local school boards and the public when the SOQ or the SOA are revised. There should be a return to the practice of

revising the SOA only after legislative approval of revisions of the SOQ and the adoption of a biennial state budget which appropriates funds sufficient to implement the revisions. The VSBA urges the Board of Education to provide the General Assembly with a realistic fiscal impact statement, based on information it collects from local school boards, regarding the estimated additional costs of the new SOA's. Mandates resulting from the SOQ and the SOA should be relaxed, delayed, or deleted if the state's appropriated share of the costs is not realistically and fully funded.

## **9.5 State Budget Adoption Study**

The General Assembly has traditionally completed the adoption of the biennial budget within the time frame established by the regular General Assembly Session. ~~In both 2004 and 2006, the adoption of a biennial budget was~~ In some years, however, the adoption of a biennial budget has been delayed well beyond the adjournment of the regular General Assembly Session. Localities are highly dependent on state funding for education, with state revenues representing as much as 80 percent of some school divisions and total operating revenue.

School divisions face various statutory and logistical deadlines that are contingent on the availability of state revenue. These include decisions on the hiring and firing of personnel and the provision of summer school programs that address the needs of children and comply with state and Federal mandates for remediation. The needs of school divisions and the state's funding obligations therefore can be relatively well documented through the Board of Education's biennial re-benchmark of the Standards of Quality funding accounts.

The VSBA supports a study of mechanisms that would guarantee essential services spending in a biennium by a certain date, in the event the General Assembly fails to produce a budget on time. The spending level would be predicated on the previous biennium's budget plus additional revenues to fully address educational funding needs as identified through the State's biennial re-benchmarking process plus revenues sufficient to cover any additional mandates adopted by the General Assembly.

## **9.7 State Funding for Advanced Placement and International Baccalaureate Tests**

The Commonwealth of Virginia has adopted Standards of Accreditation (SOA) which require its students to demonstrate achievement of the Standards of Learning (SOL) academic objectives. The SOL raise the expectations for academic achievement in the four core subject areas of mathematics, science, English, and history and social science for all students in Virginia's public schools, and also are the foundation for each individual school's accreditation status because accreditation is determined by the degree to which a school's students master these standards.

The SOA require high schools to provide students with access to at least ~~two~~ three Advanced Placement (AP) courses or ~~two~~ three college-level courses for credit. The College Board's Advanced Placement Program, which local school boards may provide to their students, provides rigorous college-level instruction, sets high expectations for successful course completion, encourages additional professional training for teachers, and, through its testing program, provides external and independent measures of a school's success in delivering such advanced instruction. The State Board of Education agreed that successful performance on AP and IB tests shall substitute for successful performance on end-of-course SOL tests. The cost to a student for taking one or more Advanced Placement or IB tests upon course completion is significant and may be a disincentive to enrollment, thereby acting as a barrier to advanced study at both the high school and college levels.

The Commonwealth of Virginia should assume the costs of Advanced Placement Program and IB testing to encourage its public secondary school students to pursue and benefit from such advanced instruction and individual examination. Any such funding should be provided on both a categorical and an incentive basis as an addition to basic aid funding.

### **9.9 Textbooks**

A system for providing textbooks to all public school pupils at public expense should be established. State funding for textbooks should be based on actual costs and appropriated for each year of the biennium. Further, the state definition of textbooks should be expanded to include electronic information networks or sources to conform to current educational practice.

Local school boards should have authority ~~to charge fees for replacement of lost or damaged textbooks. In addition, local school boards should be allowed~~ to withhold a student's report card or diploma or transcript because of nonpayment of a fee for replacement of a lost or damaged textbook. Further, each local school board may establish policy exempting a student or parent or guardian from such fees upon adequate documentation of financial need.

### **9.10 Standards of Quality and State Education Funding**

The VSBA strongly supports the Standards of Quality as the foundation of the education program in Virginia.

The VSBA believes all mandated programs and services of education should be funded on the basis of realistic costs, more specifically the costs that are actually incurred by local school divisions to provide a high quality education, and the state should bear a fair share of those costs. The state should increase the percentage of general SOQ funds appropriated to elementary and secondary education. Full funding, rather than just modification of the formula or creation of new categories, should be the goal. The VSBA believes that:

- It is the responsibility of the state to fund, on a statewide basis, at least fifty-five percent of the actual cost for providing a quality educational program to all students in the Commonwealth, and to provide cost-for-competing add-on funding to all Virginia school divisions.
- Supplemental state funds should be directed to legitimate areas of state concern including, but not limited to, educational technology, alternative education, remedial programs, the gifted and talented, special education, vocational education, English-as-a-second-language programs, textbooks, summer school, staff development, management skills, regional cooperative programs and facilities, and transportation. Maximum caps related to percentages or number of students for which funding is available should be eliminated. Present categorical incentive and grant funds should not be folded into basic SOQ aid.
- All full-time school employees should be included in the Virginia Retirement System (VRS), and the entire employer's share of VRS costs (retirement and life insurance) and federal Social Security should be budgeted by and paid directly by the state, and should not be subject to the equalization formula.
- State funds should be made available to local school divisions for school construction, renovations, additions and debt service, including those related to state mandates and federal requirements which result in facilities impact, including the requirements of the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

- Waiver requests seeking relief from certain mandated requirements when reductions in state aid occur during the school years should be approved. Waiver requests should also be approved if the General Assembly fails to fully fund the biennial “rebenchmarking” of Standards of Quality accounts.
- Unallocated state revenue streams should continue to be provided to the localities to be used at the discretion of the school board and not to fund new mandates.
- State funds should continue to be made available to local school divisions for a lunch program based on the number of children served regardless of the amount of federal funding for this program.
- The state should fully fund its share of all currently mandated programs. All new mandated programs, including those implemented by the Virginia State Board of Education through the rulemaking process, and should be fully funded.
- The Local Composite Index should be provided annually to localities no later than August 15 of the specified official base year for the biennium.
- Periodic adjustments to the equalization formula should be made when such changes improve the accuracy of the formula in estimating the true ability to pay of a locality.
- A floor should be established in the computation of the Local Composite Index, whereby a city or county with less than 8,000 population and whose school division has less than 1,000 Average Daily Membership (ADM) may use 8,000 population and 1,000 ADM for purposes of determining the composite index of ability-to-pay.
- The state should adjust basic aid payments when actual sales tax receipts are less than the state fiscal year estimate used in the basic aid formula.
- Categorical funding should be provided for required elementary guidance counselors and reading specialists.
- The state should provide adequate and realistic funding for the provision of school health services, including for school nurses, to assist in the delivery of such services to students, according to the model selected by each locality.
- The state should expand funding for the Virginia Teaching Scholarship Loan Program to no less than \$1 million so that the Commonwealth of Virginia will have a sufficient quantity of qualified teachers eligible for employment.
- The state should reinstitute the policy of forgiving student loans on a one-for-one year basis for those who teach in a Virginia public school.
- The statewide salary figures used in calculating basic aid payments should be determined by applying an unweighted measure of the arithmetic mean to the actual salaries paid instructional personnel in Virginia, using the employee rather than the school division as the basic unit of measurement.
- The VSBA is encouraged to provide information to and support for statewide and regional coalitions that promote this policy.
- Program and service requirements enacted by the state that exceed the minimum regularly funded programs and services mandated by Congress should be implemented only if 100% of the cost difference is funded by the state.
- It is the state’s responsibility to fund 100% of the costs of all testing required by state and federal accountability programs, including mandated tests of English language proficiency and the development and administration of “plain English” versions of every ~~NCLB-mandated~~ federally-mandated test for LEP students.
- The state should use the actual costs of educational and support services as faced by local school divisions in its biennial “re-benchmark” of state education funding formulas. Statistical methodologies that purposely disassociate local costs from the costs included in state reimbursement formulas or that place artificial caps on state reimbursements including, for example, the use of general measures of inflation (e.g. the Consumer Price Index) instead of actual cost increases in school divisions, only serve to reduce required and appropriate state contributions to education.
- Additional state resources should be targeted to assist school divisions and individual schools with high levels of student poverty. In addition, there should be coordinated

local, state and federal policies and resources available to help address the needs of students in poverty within a school's community.

**Motion to accept as a bloc:** Elizabeth Lowe

**Motion Seconded:** Gunin Kiran

**LPC Committee Vote:** Unanimous--For

**Motion Carried**