

Board of Education Agenda Item

Item: I.

Date: May 24, 2006

Topic: Review of the Board of Education Legislative Responsibilities Resulting from Actions of the 2006 General Assembly

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting

Action requested at future meeting:

Previous Review/Action:

No previous board review/action
 Previous review/action
date _____
action _____

Background Information:

Certain legislation passed by the 2006 General Assembly requires consideration and/or action from the Board of Education. The legislation presented in this report includes only those pieces of legislation directly affecting the Board and is not inclusive of all legislation affecting K-12 education.

Summary of Major Elements:

The following list highlights those pieces of legislation that require action/consideration by the Board in 2006.

Legislation and Resolutions Passed by the 2006 General Assembly

HB 19 – This bill amends § 22.1-253.13:4 of the Code of Virginia to direct the Board to collect, analyze, and report high school graduation rates using a standardized formula prescribed by the bill by October 1, 2008. The bill also permits the Board to promulgate such regulations as may be necessary and appropriate to carry out its responsibilities. By December 1, 2006, the Board shall report to the General Assembly on the formula to be used. The bill states that the Board must consider the 2005 Report of the National Governors' Association Task Force on State High School Graduation Data in its deliberations regarding a standardized formula.

HB 348 - and **SB 39** – These bills authorize the Board to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any review or investigation conducted because of violations of test security from any person who violates test security procedures.

HB 350 and **SB 676** – These bills address a consolidation plan for the Virginia Schools for Deaf, Blind and Multi-Disabled in Staunton and Hampton. The bills authorize the Department of General Services to enter into an agreement for necessary renovations, additions, and new facility construction at the Staunton campus under traditional procurement or PPEA. The Department of Education would assist with the transition of services to a regional day program in the Hampton Roads area. Amendments proposed by the Governor were rejected by the General Assembly. Final action by the Governor regarding these bills is pending.

HB 577 – This bill requires the Boards and Departments of Education, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to promulgate regulations that require, as a condition of initial licensure of, and, if appropriate, license renewal, that the applicant: 1) be personally interviewed to determine the qualifications of the owner or operator before granting an initial license; 2) provide evidence of having relevant prior experience before any initial license is granted; 3) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and 4) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

HB 813 – This bill provides that the Board may adopt special provisions related to the administration and use of any SOL test or tests in a content area as applied to accreditation ratings for any period during which the SOL content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board must provide notice to local school boards regarding such special provisions.

HB 838 – This bill requires the Board to promulgate regulations to ensure the transfer of credits from any private elementary, middle, or high school located in the Commonwealth to a public school in any Virginia school division. Working with affected entities, the Board has addressed this issue in its proposed revisions to its *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

HB 1058 and **SB 71** – These bills shift the review of the Standards of Quality (SOQ) from odd to even-numbered years. The Board addressed the review process for the SOQ in this calendar year at its April

meeting and planning session. Affected organizations have been asked to provide public comment to the Board this month.

HB 1427 and **SB 410** – These bills require the Board to develop a plan to identify initiatives or conditions currently funded under the federal *No Child Left Behind Act of 2001* (NCLB) that are not integral components of Virginia’s accountability system as authorized by the General Assembly and Board. The plan must address the consequences of noncompliance with the identified integral components, which should include any potential loss of federal funds. The bill also includes a provision requiring the Office of the Attorney General to include an estimate of the costs of providing legal services in the event that federal funds are withheld. The report must be provided to the General Assembly by October 1, 2006.

HB 1428 – This bill encourages the President of the Board, in calendar year 2006, to request waivers and exemptions to the provision of NCLB from the U.S. Department of Education (USED). The waiver requests included, but are not limited to, the following: 1) additional flexibility regarding supplemental services and public school choice; 2) the identification of schools in improvement to consider those schools that fail to make adequate yearly progress (AYP) for two consecutive years in the same subject and for the same subgroup; 3) the modification of AYP progress calculation policies to accommodate appropriate measures of progress for students with disabilities and those students who are limited English proficient (LEP); and 4) the ability to count the passing scores of students on retests in the calculation of AYP in a manner that increases the validity of AYP determinations across tested grade levels. At the March 2006 Board meeting, a waiver request was approved for submission to USED. The submission covered the four categories noted above.

Prior to the commencement of the 2007 General Assembly, the President of the Board is required to report on the status of all waiver requests. Should the response from USED to the Board waiver requests be considered unsatisfactory, then the report must provide recommendations regarding additional actions to include: 1) the nullification and revocation of the Virginia Consolidated State Application submitted to the USED; 2) legal actions that may be taken by the Office of the Attorney General; and 3) additional negotiations with the USED.

SB 683 - This bill requires the Board and the Department of Education to collect statewide data on Virginia's public school LEP students as well as school division programs for LEP students. The data collection shall include, but need not be limited to, the demographics of Virginia's LEP students according to the following:

- 1) Country of origin;
- 2) First or native language;
- 3) School attendance in the country of origin;
- 4) Age and grade of first enrollment in a Virginia public school;
- 5) Standards of Learning (SOL) assessment scores;
- 6) Reasons for dropping out of high school;
- 7) Barriers to high school graduation; and
- 8) Graduation rates; types of diplomas awarded to LEP students, class standing, and college aspirations and attendance.

The data collection must also address school division programs designed to assist LEP students in academic achievement. The data collection should cover issues such as: 1) exercising the option to allow LEP students to attend until attaining the age of 22; 2) providing targeted remediation classes for

students who have failed the English 11 SOL assessments, summer school English for Speakers of Other Languages (ESOL) classes, after-school and weekend tutoring; and 3) other strategies to assist older high school LEP students in meeting graduation requirements.

In addition to collecting these data, the Board must analyze the information in the context of existing Board regulations, NCLB, and LEP student needs. By December 1, 2006, a report must be provided to the General Assembly to include steps to resolve any issues related to LEP student abilities to obtain a diploma and achieve high academic standards.

SB 687 - This bill prohibits the Board from conditioning full approval of teacher education programs provided by an institution of higher education on (i) the number of students in individual licensure programs, such as, but not limited to, prekindergarten-three, Spanish, music education, high school physics, or other disciplines, or (ii) documented efforts to increase enrollment in such programs.

HJ 96 and **SJ 125** –These resolutions encourage the Board and Department of Education and the Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. The Board and Department of Education are urged to continue to implement regulatory initiatives designed to strengthen teacher qualifications, to include pre-service and in-service professional development opportunities relating to the effective treatment of autism spectrum disorders. The Board and Department of Education are also urged to examine appropriate educational placements considering the IEPs of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities.

SJ 171 – This resolution requires the Board to survey Family Life Education programs in the public schools.

Superintendent's Recommendation: No action is required. This report is for informational purposes.

Impact on Resources: N/A

Timetable for Further Review/Action: All reports that must be made to the General Assembly as the result of legislative mandates will be presented to the Board for review and approval.