

# Virginia Board of Education Agenda Item



**Agenda Item:** E

**Date:** March 22, 2012

|                  |  |              |                |
|------------------|--|--------------|----------------|
| <b>Title</b>     | Report on Major K-12 Legislation Passed by the 2012 General Assembly             |              |                |
| <b>Presenter</b> | Ms. Anne Wescott, Assistant Superintendent for Policy and Communications         |              |                |
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**Purpose of Presentation:**

For information only. No action required.

**Previous Review or Action:**

No previous review or action.

**Action Requested:**

No action requested.

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

|   |  |
|---|--|
| X | Goal 1: Expanded Opportunities to Learn                            |
| X | Goal 2: Accountability of Student Learning                         |
|   | Goal 3: Nurturing Young Learners                                   |
| X | Goal 4: Strong Literacy and Mathematics Skills                     |
| X | Goal 5: Highly Qualified and Effective Teachers and Administrators |
| X | Goal 6: Sound Policies for Student Success                         |
| X | Goal 7: Safe and Secure Schools                                    |
| X | Other Priority or Initiative. Specify: Reducing State Mandates     |

**Background Information and Statutory Authority:** This is a summary of the major K-12 legislation passed by the 2012 General Assembly. Included in this summary are bills that will require action by the Board of Education. The bills address the following Board goals:

- Goal 1: Expanded opportunities to learn through charter schools and college partnership laboratory schools;
- Goal 2: Accountability for student learning through school accreditation, including the accreditation of virtual schools;
- Goal 4: Strong literacy and mathematics skills through reading intervention services;
- Goal 5: Highly qualified and effective teachers and administrators, including teachers who just teach online courses;
- Sound policies for student success (Goal 6) for teaching students with autism spectrum disorder, and for teaching physical education;
- Safe and secure schools (Goal 7) in developing appropriate policies to address truancy; and

- Reducing state mandates by eliminating the requirements that school divisions have a School Health Advisory Board and a Gifted Education Advisory Committee.

### Summary of Important Issues:

- HB 76 (Habeeb) and SB 278 (Smith) would change the date of effective contract renewal for those teachers without continuing contract status from April 15 to June 15.

This legislation would require amendments to the *Regulations Governing the Employment of Professional Personnel* (8 VAC 20-440).

- HB 96 (Wilt) would delay the provisions of 2009 Standards of Accreditation that have not already been implemented. Specifically, the bill would delay, until July 1, 2013, the implementation of:
  - ✓ The Academic and Career Plan;
  - ✓ The new benchmarks for full accreditation, from a pass rate of 50 percent to 70 percent for science and history/social science in grade three, and from 70 percent to 75 percent in English in grades six through 12; and
  - ✓ The Standard Technical and Advanced Technical diplomas. (HB 2061 and SB 489 would eliminate these two diplomas.)

This legislation would require an amendment to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131).

- HB 250 (Cline) would require the Board, beginning on July 1, 2013, to report annually to the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health the percentage of each division's annual operating budget allocated to instructional costs for each fiscal year, as reported by each local school board. The Board of Education would include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For the purpose of these reports, the Superintendent of Public Instruction would establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality.

This legislation would require the Board to submit a separate report each year, and would require additional information to be included in the School Performance Report Card.

- HB 321 (Massie) and SB 131 (Stanley) would establish a tax credit program related to education improvement scholarships. Such scholarships would be awarded by eligible scholarship foundations to eligible students with disabilities and students who are economically disadvantaged, so that these students could attend a nonpublic school. The Department of Education would administer this program
- HB 325 (Massie) would require the Board of Education to set training standards for school boards to train aides assigned to work with teachers who have primary oversight of students with autism spectrum disorder in student behavior management. By September 1, 2014, each school board would be required to ensure that the aides receive training in student behavior management within 60 days of assignment to such responsibility.

This legislation would require the Board to develop standards for the training.

- HB 578 (D. Bell) would require the Board of Education to prescribe by regulation the licensure requirements for teachers who teach only online courses. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

This legislation would require amendments to the *Licensure Regulations for School Personnel* (8 VAC 20-22) and possibly the *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542).

- HB 642 (Stolle) and SB 51 (Wagner) would require the Board to adopt regulations adjusting the formula for calculating the final high school accreditation status for schools that are fully accredited. A minimum numerical value of three points would be added to the completion index total points calculation for each student obtaining both a diploma and a Board-approved industry certification, industry pathway certification, a state licensure, or an occupational competency credential in a career and technical education program.

This legislation would require an amendment to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131).

- HB 756 (Dance) would allow the Department of Education to establish a team of experts with experience in the establishment and operation of charter schools, college partnership laboratory schools, and virtual school programs, or it may retain the services of individuals with such expertise and experience to provide technical assistance and advice to the Board in carrying out its duties relating to charter schools, college partnership laboratory schools, and virtual school programs.
- HB 765 (Peace) and SB 475 (Locke) would allow private institutions of higher education that have a teacher education program approved by the Board of Education to operate a college partnership laboratory school. It would also permit there to be a collaborative partnership between the institution of higher education with a college partnership laboratory school and the public school division, which would be considered an educational program of the public school division for purposes of the Standards of Accreditation.

This legislation would require changes in the Board's criteria and application for establishing a college partnership laboratory school.

- HB 886 (Alexander) would require that the Board's proposed regulations governing truancy address:
  - ✓ Provisions for early intervention at the school level for repeated unexcused absences;
  - ✓ Identification of and a plan to address a student's academic, social, familial, and other barriers that impede attendance in school; and
  - ✓ Arrangement of conferences that may be necessary between school personnel, students, parents, and community services providers, as appropriate, to address plans and strategies to improve student attendance including, but not limited to, referrals to family assessment and planning teams.

This legislation would require amendments to the proposed *Regulations Governing Unexcused Absences and Truancy* (8 VAC 20-730).

- HB 1061 (Byron) and SB 489 (Ruff) would:
  - ✓ Eliminate the Standard Technical and Advanced Technical Diplomas;
  - ✓ Eliminate the Modified Standard Diploma and fold the requirements into the Standard Diploma, with accommodations for students with disabilities;
  - ✓ Revise the graduation requirements for the Standard Diploma to require students to earn a Board-approved industry certification, national occupational assessment, state professional license, or the Virginia Workplace Readiness Skills Assessment;
  - ✓ Require students earning a Standard Diploma or an Advanced Studies Diploma to take a virtual course, which may be non-credit bearing, and may be one of the other courses required for graduation;
  - ✓ Eliminate the General Achievement Diploma and fold the requirements into the Adult High School Diploma;
  - ✓ Revise the graduation requirements for the Adult High School Diploma to require students to earn a Board-approved industry certification, national occupational assessment, state professional license, or the Virginia Workplace Readiness Skills Assessment; and
  - ✓ Revise the requirements for the Individual Student Alternative Education Program to include earning a Board-approved industry certification, national occupational assessment, state professional license, or the Virginia Workplace Readiness Skills Assessment and successfully completing the course in economics and personal finance required to earn a Board of Education-approved high school diploma.

This legislation would require amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) and to the *Regulations Governing Adult High School Programs* (8 VAC 20-30), the repeal of the *Regulations Governing the General Achievement Diploma* (8 VAC 20-680), and revisions to the *Individual Student Alternative Education Plan (ISAEP) Program Guidelines*. The bill includes an enactment clause requiring the regulations to be emergency regulations, which would be followed by permanent regulations. The provisions of this legislation are to be effective within 280 days of enactment. The bill is enacted upon the Governor's signature.

- HB 1092 (O'Bannon) and SB 471 (Northam) would require the Board of Education to promulgate regulations governing physical education requirements in public schools. The Board would work with the American Heart Association, the American Cancer Society, the American Academy of Pediatrics, Virginia Chapter, the Virginia Association of School Superintendents, the Virginia School Boards Association and other interested stakeholders in developing these regulations.

This legislation would require amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131).

- HB 1173 (Lingamfelter) and SB 440 (Obenshain) would:
  - ✓ Specify that the per pupil funding provided to the charter school would be negotiated in the charter agreement and must be commensurate with the average school-based costs of

- educating the students in the existing schools in the division unless the cost of operating the charter school is less than that average school-based cost;
- ✓ Require local school boards to allow public charter schools to use vacant or unused property or real estate;
- ✓ Permit all purchases made by a public charter school to be exempt from the Virginia Public Procurement Act unless otherwise negotiated by contract;
- ✓ Allow the local school board to permit charter school staff to be employees of the charter school; and
- ✓ If a local school board makes the decision to deny a public charter school application or to revoke or fail to renew a charter agreement, the local school board must submit documentation to the Board of Education as to the rationale for the local school board's denial or revocation of the charter school application. However, the Board of Education shall have no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement.

This legislation would require revisions to the Board's charter school application and the criteria for charter schools.

- HB 1179 (Yost) would specify that a school board may provide its character education program during the summer in a youth development academy offered by the school division. The Department of Education would develop curricular guidelines for school divisions to use in establishing a character education program through a summer youth development academy.
- HB 1181 (Landes) would require local school divisions to provide reading intervention services to students in grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students.
- HB 1184 (Rust) would require local school boards and community colleges to develop agreements allowing high school students to pursue an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma.
- HB 1215 (D. Bell) would require the Board of Education to promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

This legislation would require amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) or separate regulations for virtual schools.

- HB 1295 (Byron) and SB 679 (Newman) would eliminate the requirement that local school divisions must have a School Health Advisory Board and a Gifted Education Advisory Committee. It would also eliminate the provision in a § 1 bill passed by the General Assembly in 2010 that teachers seeking renewal of their licenses with an endorsement in early/primary preK-3, elementary education preK-6, middle education [6-8](#), history and social sciences, history,

or political science to 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.

This legislation would require amendments to the *Regulations Governing Educational Services for Gifted Students* (8 VAC 20-40) and to the *Licensure Regulations for School Personnel* (8 VAC 20-22).

**Impact on Fiscal and Human Resources:** Department staff will provide the staff resources to assist the Board in developing the policies and guidance necessary to implement this legislation.

**Timetable for Further Review/Action:** Each of these items will come before the Board for appropriate action later in 2012.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education accept this report.