

**Attachment to Item M**  
**Report on K-12 Legislation Passed by the 2013 General Assembly**

**Career and Technical Education**

- HB 1858 (Orrock) – Requires the Board of Education to develop, by July 1, 2014, a model waiver form for use by any entity providing a career and technical occupational experience for public secondary school students.
- HB 2101 (Ramadan) and SB 1248 (Black) – Directs the Board of Education to develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create apprenticeships, internships, and job shadow programs in a variety of trades and skilled labor positions. The guidelines are required to include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability. Local school boards may encourage high school career and technical education administrators to collaborate with school counselors to establish these partnerships.

**Charter Schools, Public School Choice**

- HB 2076 (Stolle) and SB 1131 (McWaters) – Exempts charter school applications initiated by local school boards from the Board of Education’s review, comment, and determination as to whether the application meets the approval criteria.
- SB 1196 (Locke) – Requires the Board of Education to include information in its annual report to the Governor and the General Assembly about parent and student choice in each school division and any plans that school divisions have to increase school choice.

**Discipline, Crime, and Violence**

- HB 1864 (Robinson) – Clarifies that the school and the local law-enforcement agency may deal with school-based offenses through graduated sanctions or educational programming, instead of delinquency charges being filed with the juvenile court, when a student commits an act that may constitute a criminal offense. The Board of Education and the Department of Criminal Justice Services are required to develop a model cooperative agreement between schools and local law-enforcement agencies for dealing with school-based offenses.
- HB 1866 (Robinson) – Removes from the definition of “firearms” certain weapons (not guns) that are not included in the definition of "firearms" in the federal Improving America's Schools Act of 1994. Possession of these weapons on school property or at a school-sponsored activity is punishable by mandatory expulsion from school.
- HB 1871 (McClellan) – Defines "bullying" as *“any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power*

*imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.*" The Board of Education is required to develop model policies and procedures for local school boards by January 1, 2014. Local school boards are required to develop and implement, by July 1, 2014, policies and procedures about bullying that include a prohibition against bullying.

## **Local School Boards**

- SB 899 (Reeves) – Permits local school divisions to place decals on the rear of school buses noting that the buses stop at railroad crossings.
- SB 960 (Barker) – Allows a child receiving kinship care as defined in § 63.2-100 of the Code from an adult relative to enroll in the school division where the kinship care provider resides. The bill allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child. This bill will sunset on June 30, 2016.

## **Policies and Regulations**

- HB 2019 (LeMunyon) – Requires that a current copy of all school division policies and regulations approved by the local school board must be posted on the division's Web site and available to employees and to the public. Printed copies of such policies and regulations are required to be available as needed to citizens who do not have online access.
- HB 1201 (McDougle) – Repeals the requirement that the Board of Education promulgate regulations governing the process for submitting proposals for the consolidation of school divisions, the qualifications of substitute teachers, and the process for conducting division level academic reviews. These regulations reiterate the requirements set forth in statute.

## **Special Education**

- HB 1344 (Bell) and SB 1097 (Hanger) – States that local school divisions may ensure that Individualized Education Program (IEP) teams consider the specific communication needs of children who are deaf or hard-of-hearing and address those needs as appropriate in the child's IEP. The bill further provides that no child who is identified as deaf or hard-of-hearing may be denied the opportunity for instruction in a particular communication mode or language solely because another communication mode or language was originally chosen for the child, and that a child may receive instruction in more than one communication mode or language.
- HB 1420 (Pogge) – Requires the Board of Education to promulgate regulations defining "intervener" as *“an individual with knowledge and skill in the mode of communication of a deaf-blind student and who can communicate to the deaf-blind student what is occurring in the student's educational setting.”*

## Standards of Accreditation

- SB 1999 (Greason) and SB 1207 (Stanley) – Establishes an A to F grading system of individual school performance that includes the Standards of Accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The growth indicators must be used in the Standards of Accreditation of schools and in teacher evaluations.

By July 31, 2013, the Board of Education must approve student growth indicators. "Student growth" is defined as: *“(i) whether individual students on average fall below, meet, or exceed an expected amount of growth based on a statewide average or reference base year on state assessments or additional assessments approved by the Board; (ii) maintaining a proficient or advanced proficient performance level on state assessments; or (iii) making significant improvement within the below basic or basic level of performance on reading or mathematics assessments as determined by the Board.”*

By December 1, 2013, the Department of Education must submit a report to the Governor and the General Assembly on the approval of student growth indicators and their uses.

By October 1, 2014, the Board of Education shall assign a grade from A to F to each public school in the Commonwealth; make both the system and the grade assigned to each school in the Commonwealth available to the public; and report to the General Assembly a summary of the system and the assigned grades.

- HB 2144 (Landes) – Allows elementary schools with an adjusted pass rate of less than 75 percent on the third grade Standards of Learning (SOL) reading assessment to apply to the Board of Education for a two-year waiver from the SOL science or history and social science assessment requirement, or both, for third grade students. Elementary schools that apply for a two-year waiver must satisfy certain conditions to be granted the waiver, including: hiring a full-time reading specialist to work with the third grade students and teachers; developing a system to monitor the academic progress of third grade students in the subject areas in which the waiver is sought, which would include the administration of a summative assessment or another division-wide assessment; committing to publishing the adjusted pass rate of third grade students on such summative assessments; and committing to providing at least 30 minutes of instruction per day to third grade students in the subject areas in which the waiver is sought. The bill will sunset on July 1, 2015.
- SB 1167 (Barker) – Requires the Board of Education to develop student growth indicators by October 1, 2014, to be used in the accreditation of schools and in teacher evaluations. The Department of Education must submit an interim report to the Governor and the General Assembly on the development of the student growth indicators by December 1, 2013, and a final report on the indicators and their uses by October 1, 2014.

- SB 1324 (McDougle) – Creates the Opportunity Educational Institution (OEI), to be administered and supervised by the nine member OEI Board, consisting of two members of the House of Delegates, two members of the Senate, and five non-legislative members. The Secretary of Education and the Executive Director would be ex-officio members of the board.

The bill requires any school that has been denied accreditation to be transferred to the OEI. The OEI board may require schools accredited with warning for three consecutive years to be transferred to OEI. The schools will remain in OEI until the Board of OEI decides to transfer the schools back to the school divisions. Schools are eligible to be transferred at the end of five years or when the school achieves full accreditation. The OEI board shall supervise and operate schools in OEI in whatever manner that it determines to be most likely to achieve full accreditation for each school, including the utilization of charter schools and college partnership laboratory schools.

### **Standards of Learning**

- HB 1350 (Albo) – Requires local school divisions to provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level SOL mathematics assessment that measures non-calculator computational skills.

### **Standards of Quality**

- HB 2066 (Peace) and SB 1172 (Blevins) – Permits local school divisions that employ a sufficient number of librarians, guidance counselors, and school-based clerical personnel to meet the staffing requirements prescribed in the Standards of Quality to assign librarians, guidance counselors, and school-based clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.
- HB 2068 (LeMunyon) and SB 1171 (Blevins) – Requires all local school divisions to offer early intervention reading services and algebra readiness intervention services.
- HB 2098 (Tata) and SB 1189 (Martin) – Permits the Board of Education to grant waivers of regulatory requirements that are not mandated by state or federal law or designed to promote health or safety. The Department of Education is required to provide guidance to any local school division that requests release from state regulations and information about opportunities to form partnerships with schools that have been granted waivers and have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in the SOQ staffing requirements to grant a local school board the authority to assign instructional personnel to the schools with the greatest needs, so long as the

school division employs a sufficient number of personnel division-wide to meet the total number required by the SOQ, and all pupil/teacher ratios and class size maximums are met.

## **Student Health**

- HB 1406 (D. Bell) – Requires each school board to annually provide parents with educational information on eating disorders for public school students in grades five through 12. The bill also requires the Department of Education and the Department of Health to develop and implement policies for providing parents with educational information on eating disorders.
- HB 1468 (Greason) and SB 893 (Howell) – Adds employees of local governing bodies and employees of local health departments to the lists of individuals who are permitted to possess and administer epinephrine. These employees would not be held liable for civil damages when certain conditions are met.
- HB 2028 (Dudenhefer) and SB 807 (Stuart) – Allows school boards to require current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AEDs) for bus drivers. It increases the number of staff required to have such training (from one to two in schools with an administrative staff of fewer than ten, and from two to three if the school has an administrative staff of ten or more).

The bill requires every teacher seeking initial licensure or renewal of a license to provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator; however, the Board may waive this requirement for people with disabilities.

The bill requires first-time ninth grade students in the 2016-2017 school year to receive training in emergency first aid, CPR, and the use of AEDs in order to earn a Standard or Advanced Studies Diploma.

Finally, the bill allows each local school board to develop a plan for the placement, care, use, and funding of an automated external defibrillator in each school.

## **Student Safety**

- HB 2343 (Sherwood) – Establishes the School Security Infrastructure Improvement Fund and the Local School Safety Fund, to be administered by the Department of Criminal Justice Services. The School Security Infrastructure Improvement Fund shall be used to make grants and loans to local school divisions for capital infrastructure improvements related to school safety and security.

- HB 2344 (Cole) – Requires the Center on School Safety to develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public schools; and, in consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention for students whose behavior poses a threat to the safety of school staff or students.

Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention for students whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School Safety. Each threat assessment team shall report quantitative data on its activities according to guidance developed by the Department of Criminal Justice Services.

- HB 2345 (Yost) –Requires the Virginia Center for School Safety to develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public schools; and, in consultation with the Department of Education, provide schools with a model policy for the establishment of threat assessment teams for each school, including procedures for the assessment of and intervention with individuals whose behavior poses a threat to the safety of school staff or students.
- HB 2346 (Ransone) – Requires each school safety audit committee to conduct a school inspection walk-through using a standardized checklist, and to make the completed walk-through checklist available to the chief law-enforcement officer of the locality or his designee upon request. The bill also requires each public school to conduct at least two lock-down drills: one in September and one in January of each school year.
- HB 2347 (Ramadan) – Permits the principal, in his discretion, to provide information about a student charged with a violation of the law to a threat assessment team established by the local school division. No member of a threat assessment team shall disclose any juvenile record information obtained pursuant to this section or use such information for any purpose other than evaluating threats to students and school personnel.
- SB 1376 (Martin) – Provides that any person who, in good faith and without malice, reports, investigates, or causes an investigation to be made into the activities of any person relating to conduct involving bomb threats or other explosives or alcohol or drug use at a school or institution of higher learning or in connection with a school or institution activity shall be immune from all civil liability that might be incurred as a result of making such a report or investigation.

## Teachers and Administrators

- HB 1388 (Habeeb) and SB 936 (Smith) – Changes the deadline for a school board to notify principals, assistant principals, or supervisors under continuing contract of their reassignment to teaching positions from April 15 to June 15.
- HB 1889 (LeMunyon) – Requires performance indicators, or other data used by the local school board to judge the growth or quality of a teacher, to be kept confidential but permits such information to be disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law.
- HB 2083 (K. Cox) and SB 1185 (Vogel) – Establishes the Strategic Compensation Grant Initiative and Fund, which provides that local school divisions may submit proposals to the Board of Education to receive grants that may be used as incentives to improve teacher and school performance. School divisions must include in their proposals a compensation model and designate groups or types of teachers to receive awarded funds. The bill sets forth eligibility requirements for teachers receiving funds.
- HB 2084 (K. Cox) and SB 1175 (Ruff) – Creates a two-year provisional license for participants in Teach For America, a nationwide nonprofit organization focused on closing the achievement gaps among students in low-income areas, who meet certain criteria, including having an offer of employment from a school division in the Commonwealth. The Board of Education may extend each Teach For America license for one additional year and may issue each licensee a renewable license upon completion of two full years of teaching experience, satisfaction of all other requirements for such a license, achievement of satisfactory scores on all professional teacher assessments required by the Board, and achievement of satisfactory end-of-year evaluations.
- HB 2151 (D. Bell) and SB 1223 (Norment) – Makes changes to the processes by which teachers and administrators are evaluated. The bill requires teachers, assistant principals, and principals to be evaluated every year, either formally or informally, and such evaluations to include student academic progress as a significant component and an overall summative rating. The bill allows local school boards to increase the term of probationary service required before a teacher becomes eligible for a continuing contract from three years to up to five years.

The bill also changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board and by removing the option for a grievance to be heard in front of a fact-finding panel.

- HB 2193 (Merricks) – Requires the local department of social services to report to a local school board founded complaints of child abuse or neglect about any full-time, part-time, permanent, or temporary employee of the school division. The current law requires that only teachers are reported, and not other employees.

- SB 1345 (Petersen) – Requires the Board of Education to amend its regulations to require any individual licensed and endorsed to teach middle school civics or economics, or high school government or history who is seeking renewal of such license to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government that has a value of five professional development points. This requirement applies to the individual's next or initial renewal occurring after July 1, 2014.

### **Legislative Studies**

- HJR 595 (Loupassi) – Directs the Virginia State Crime Commission to study laws and policies governing the investigation of alleged child sexual abuse in the Commonwealth as related to teachers taking indecent liberties with students.
- SJR 328 (Saslaw) – Directs the Joint Legislative Audit and Review Commission to study the efficiency and effectiveness of elementary and secondary school spending in Virginia. The Commission shall submit its report in November 2016.
- SJR 330 (Northam) – Directs the Joint Commission on Health Care to study the service needs of individuals with autism and autism spectrum disorders transitioning from public and private secondary schools, including needs related to housing, employment, and day support services.