

Board of Education Agenda Item

Item: I.

Date: March 18, 2010

Topic: Report on Legislation Passed by the 2010 General Assembly

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

Telephone Number: (804) 225-2403 **E-Mail Address:** Anne.Wescott@doe.virginia.gov

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: Department staff tracked all bills and resolutions affecting K-12 education that were considered by the 2010 General Assembly. The attached report lists bills and resolutions passed by the General Assembly that address topics under the purview of the Board of Education.

Summary of Major Elements: The report provides a summary of legislative actions, and specifies those areas in which the Board will need to take action in the upcoming year.

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

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

<p>HB1390 (Lingamfelter) SB737 (Newman)</p>	<p>Public charter schools. Requires the public charter school applicant to submit its application to the Board of Education for review, comment, and a pre-certification recommendation prior to the submission of such application to a local school board. The Board's review must include a recommendation as to whether the application meets the approval criteria developed by the Board. Also, provides for an opportunity for a public charter school applicant to appeal a local school board decision to deny a public charter school application.</p>	<p>Board:</p> <ul style="list-style-type: none"> Establish procedures for receiving and reviewing applications and post on the Web 	
<p>SOA</p>			
<p>HB111 (Lohr) SB352 (Obenshain)</p>	<p>Delayed implementation of the new Standards of Accreditation provisions. Delays until July 1, 2011 the implementation of the regulations for the accreditation of schools that were not already in effect on June 30, 2008, with the exception of the Graduation and Completion Index.</p>	<p>Board:</p> <ul style="list-style-type: none"> Regulatory revision to change effective date (fast track) 	
<p>HB196 (Ware)</p>	<p>Delayed implementation of the new graduation requirements. Postpones implementation of any additional graduation requirements, including the economics education and financial literacy requirement and the requirements for the Standard Technical and Advanced Technical Diplomas, until July 1, 2011.</p>	<p>Board:</p> <ul style="list-style-type: none"> Regulatory revision to change effective date (fast track) 	
<p>HB257 (McClellan)</p>	<p>Review of homebound instruction. Requires the Board to review the Standards of Accreditation to determine if homebound instruction may be made available to students confined at home or in a health care facility based upon evidence submitted by any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions. Currently, a licensed physician or a licensed clinical psychologist may certify a student for homebound instruction.</p>	<p>Board:</p> <ul style="list-style-type: none"> Review regulations governing homebound instruction 	
<p>HB622 (Orrock)</p>	<p>Economics and personal finance. Allows local school boards to permit students to earn credit for this course if they successfully complete a career and technical education course that includes the Board objectives for economics education and financial literacy. (The bill was carried over to 2011 with a letter to the Board.)</p>	<p>Board:</p> <ul style="list-style-type: none"> Review bill and report any recommendations to the Chairman of the House Education Committee 	<p>Prior to 12/2/10</p>

<p>HB1199 (Iaquinto)</p>	<p>Waiver of graduation requirements. Requires the Board of Education to provide for the waiver of graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Provide for a waiver as may be necessary 	
CTE and STEM			
<p>HB394 (Lohr) SB629 (Wagner)</p>	<p>Sequential electives required to earn a Standard Diploma. Requires the two sequential electives, which provide a foundation for further education or training or preparation for employment, to be identified in the Academic and Career Plan as described in the Standards of Accreditation.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise the Standards of Accreditation Guidance Document <p>Department:</p> <ul style="list-style-type: none"> • Revise technical assistance materials 	
<p>HB566 (Tata) SB630 (Wagner)</p>	<p>Virginia's Workplace Readiness Skills assessments. Requires each local school board to include in its annual report to the Board of Education the number of Virginia's Workplace Readiness Skills assessments passed and the number of national occupational competency assessments passed.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Collect data and add to the School Report Card posted on the Web 	
<p>HB1172 (Phillips) SB145 (J. Miller)</p>	<p>Virginia Index of Performance incentive program. Codifies a current recognition program that recognizes fully accredited schools and school divisions that make significant progress toward achieving advance proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics (STEM).</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise VIP criteria to include STEM 	
<p>HJR100 (LeMunyon)</p>	<p>Support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth. Encourages the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth.</p>		

Health and Safety			
HB270 (Englin)	Plan for the vaccination of school children. Requires the Department of Health to include in its vaccination plans procedures to ensure the prompt vaccination of all persons of school age in the Commonwealth, including private and home-schooled students, upon declaration of an emergency involving a vaccine-preventable disease and consent of the parent.		
HB1217 (Lewis)	Firearm safety education program. Requires the Board of Education to establish curriculum guidelines for a standardized program of firearm safety education for the elementary school grades. Local school boards electing to provide firearm safety education shall offer instruction pursuant to the Board's curriculum guidelines.	Board: <ul style="list-style-type: none">• Develop curriculum guidelines for a firearm safety education program for elementary students.	
HB1048 (Kory) SB566 (Ticer)	Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. (These bills failed, with letters to the Board.)	Board: <ul style="list-style-type: none">• Review bill and revise the driver education curriculum as may be necessary	
HB1376 (Sickles)	Guidelines on administration of drugs to public school students with epilepsy and other seizure disorders. Requires the Board of Nursing to revise the guidelines for seizure management. The guidelines shall be posted on the Department of Education's Web site. The Board of Education shall develop a standardized form to be used for authorizing the administration of such medications in the public schools and shall post it on the Department of Education's Web site.	Board: <ul style="list-style-type: none">• Develop standardized form Department: <ul style="list-style-type: none">• Post guidelines and standardized form on the Web	
SB197 (Blevins)	Records of pesticide application. Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.	Department: <ul style="list-style-type: none">• Disseminate guidelines for integrated pest management developed by the Virginia Cooperative Extension and the Pesticide Control Board	7/1/2010

SB269 (Whipple)	Driver education programs. Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum.	Board: <ul style="list-style-type: none"> Revise the driver education curriculum as may be necessary 	
SB414 (Vogel)	Competitive foods. Requires the Board of Education to promulgate regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours. Local school boards are required to report to the Department of Education on their plans to implement the final regulations	Board: <ul style="list-style-type: none"> Promulgate regulations governing competitive foods 	
SB652 (Northam)	Guidelines about concussions. Requires the Board of Education to develop guidelines for policies dealing with concussions in student-athletes, including the nature and risk of concussions; criteria for return to play; and risks of not reporting the injury and continuing to play. Requires each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.	Board: <ul style="list-style-type: none"> Develop guidelines related to concussions Develop approved process to acknowledge receipt of information Determine appropriate licensed health care providers 	
HJR95 (E. Scott)	Virginia Farm-to-School Week. Designate the second full week of November, in 2010 and in each succeeding year, as Virginia Farm-to-School Week in the Commonwealth.		
SJR85 (Peterson)	Encouraging physical activity in public schools. Encourages the local school divisions to promote daily physical activity and reduce childhood obesity.		
Special Education			
HB304 (O'Bannon)	Virginia Grade Level Alternative assessment. Requires an annual justification to the Board, as part of the Individual Education Program, for every student who takes the Virginia Grade Level Alternative assessment instrument in grades three through eight. Such justification shall include evidence that the student meets participation criteria defined by the Department of Education.	Department: <ul style="list-style-type: none"> Define the participation criteria for VGLA Collect certification of compliance from school divisions Monitor compliance through special education monitoring Board: <ul style="list-style-type: none"> Report noncompliance in the Board's Annual Report 	

SB46 (Stuart)	Special education program for children with disabilities; recovery of attorney fees. Authorizes a court to award reasonable attorney fees and costs to the prevailing party.		
Teachers			
HB623 (Orrock)	Substitute teachers. Allows local school boards to employ substitutes, with the approval of the Superintendent of Public Instruction on a case-by-case basis, for periods longer than 90 teaching days in a school year, and requires the Board to develop guidelines pertaining to the employment of substitutes for longer than 90 teaching days during one school year.	Board: <ul style="list-style-type: none"> Develop guidelines 	Prior to 7/1/11
SB715 (Petersen)	Teacher preparation in civics education. Requires the Board of Education to promulgate regulations to require: (i) All education preparation programs for teachers in history and social sciences, elementary education K-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) Any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education K-6, or middle education 6-8 to undertake 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.	Board: <ul style="list-style-type: none"> Revise regulations governing teacher licensure and approved programs 	
Local School Divisions			
HB107 (Cole)	Notification to schools. Clarifies that notification is to be given to the superintendents of school divisions when students who are 18 years of age or older are charged with certain crimes and are subject to the jurisdiction of the juvenile and domestic relations district court.		
HB227 (Watts)	Sex offenses prohibiting entry onto school property. Current law allows an adult who is prohibited from entering upon school or child day center property because he was convicted of a sexually violent offense to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property; this bill provides that the petition must be filed in circuit court.		

<p>HB669 (May) SB413 (Vogel)</p>	<p>Triennial census of school population. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Provide information regarding the number of students ages two through four and 20 through 21 receiving special education services 	
<p>HB907 (R. Bell)</p>	<p>Reports of certain acts to school authorities. Provides that for any report from local law-enforcement authorities to the principal or his designee and the division superintendent regarding certain offenses committed by a juvenile student that would be an adult misdemeanor, local law-enforcement authorities and attorneys for the Commonwealth shall also be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders to the superintendent of the school division.</p>		
<p>HB1245 (Kory)</p>	<p>Surplus property. Allows elected school boards to donate obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.</p>		
<p>HB1353 (Cline)</p>	<p>Possessing or consuming alcoholic beverages while operating a school bus; penalty. Provides that any person who possesses or consumes an alcoholic beverage while operating a school bus transporting children is guilty of a Class 1 misdemeanor.</p>		
<p>SB196 (Blevins)</p>	<p>Notification of school nonattendance. Clarifies that, in addition to the attendance officer, school personnel, and volunteers, the school principal or his designee is responsible for notifying parents concerning students' nonattendance at school.</p>		
<p>SB209 (Barker)</p>	<p>International Baccalaureate courses. Requires the governing boards of each public institution of higher education to have policies regarding the granting of undergraduate course credit to entering freshmen students who have successfully completed one or more International Baccalaureate or Advanced Placement courses.</p>		

<p>SB354 (Obenshain)</p>	<p>Limited English proficient assessment. Provides that local school divisions may administer a locally developed or selected limited English proficiency assessment pursuant to the federal No Child Left Behind Act, so long as such assessment has been approved by the Board of Education.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Reissue Superintendent’s Memo outlining the process for Board approval of locally selected or developed instruments 	
<p>SB361 (Barker)</p>	<p>Religious holidays. Requires local school boards to develop policies ensuring that any student's absence because of the observance of a religious holiday be recorded as excused on the student's attendance record and that a student not be deprived of a perfect attendance award because of such absence.</p>		
<p>Administrative Procedures/ Regulations</p>			
<p>HB208 (Bulova)</p>	<p>Reduction of data collection and reporting requirements. Eliminates several outdated or duplicative reports to the General Assembly, including the reports on acceptable Internet use, remedial programs, and regional alternative programs, and combines the charter school report with the Board’s annual report.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise or repeal regulations governing remedial programs <p>Department:</p> <ul style="list-style-type: none"> • Continue to consolidate and eliminate data collections and reports 	
<p>HB491 (Lingamfelter)</p>	<p>Student fees. Clarifies that student fees for instructional materials must not be construed to authorize a school board to charge fees for materials that are not directly used by the student.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise regulations governing student fees (these regulations are already under revision) 	
<p>HB557 (Tata) SB253 (Reynolds)</p>	<p>Opening of the school year. Provides school divisions may self-certify that they meet one of the “good cause” provisions of the Code to enable the school division to open prior to Labor Day.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Revise current administrative process 	
<p>HB709 (Peace)</p>	<p>Electronic textbooks. Requires publishers of textbooks approved by the Board of Education for grades 6-12 to allow for the purchase of either printed or electronic textbooks.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise regulations governing textbooks (these regulations are already under revision) 	

<p>HB1289 (Plum)</p>	<p>Permitted fees and charges; local school boards. Clarifies that local school boards are not prohibited from: (i) Making supplies, services, or materials available to pupils at cost or (ii) Imposing a fee or charge for a field trip or any educational program that is not a required activity. School boards may waive such fees or charges for those pupils it determines are unable to afford them. (The bill was left in House Education, with a letter to the Board)</p>	<p>Board:</p> <ul style="list-style-type: none"> • Revise regulations governing student fees (these regulations are already under revision) 	
<p>SB241 (Watkins)</p>	<p>Open Education Curriculum Board. Establishes the Open Education Curriculum Board to designate qualifying entities as Open Education Consortia and to set the standards for submission of education materials and subsequent licensing of educational curriculum developed by the Consortia. Materials submitted to a Consortium may be edited in any manner and released under a Creative Commons license or licensed for use as a commercial product, subject to restrictions developed by the Board. Consortia may offer financial incentives to encourage individuals to submit educational materials to the Consortium.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Fund and staff the Open Education Curriculum Board <p>Open Education Curriculum Board:</p> <ul style="list-style-type: none"> • Develop an application process for designating consortia • Develop reporting requirements for monitoring and compliance • Report annually to the General Assembly and the Governor • Recommend open education policies that have the potential to reduce the cost of textbooks and educational materials • Promulgate regulations as may be necessary 	
<p>SB299 (J. Miller)</p>	<p>Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. Requires the Department of Education to employ a military family education liaison to provide staff support for the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and to assist military families and the state in facilitating the implementation of the Interstate Compact.</p>	<p>Department:</p> <ul style="list-style-type: none"> • Provide staff support to the Council • Provide information and assistance to military families and to school divisions 	

<p>SB633 (Stosch)</p>	<p>Neighborhood assistance tax credits; impoverished people. Changes the definition of "impoverished people" for education proposals under the Neighborhood Assistance Act Tax Credit program from 180 percent to 200 percent of the current federal poverty guidelines.</p>	<p>Board:</p> <ul style="list-style-type: none"> Revise guidelines related to the Neighborhood Assistance Act 	
<p>Studies</p>			
<p>HB485 (Lingamfelter)</p>	<p>Financial and management review of all state agencies. Directs the Governor to initiate an operational and programmatic performance review of executive agencies, including Department of Education and primary and secondary education funded by the Commonwealth. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The language specifies that the "costs to conduct the operational and programmatic performance reviews shall be funded by a percentage of any savings resulting from the recommendations proposed by the private management consulting firm that are implemented by either the Governor or the General Assembly by July 1, 2012."</p>		<p>Review to be completed by 12/1/11</p>
<p>HB978 (Anderson)</p>	<p>Statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy that interprets end-of-course grades used for students in public schools in grades six through 12 as follows:</p> <ol style="list-style-type: none"> Grade "A" is 90-100 percent, has a GPA value of four, and is defined as "outstanding progress"; Grade "B" is 80-89 percent, has a GPA value of three, and is defined as "above average progress"; Grade "C" is 70-79 percent, has a GPA value of two, and is defined as "average progress"; Grade "D" is 60-69 percent, has a GPA value of one, and is defined as "lowest acceptable progress"; and Grade "F" is 0- 59 percent, has a GPA value of zero, and is defined as "failure." <p>(The bill was carried over to 2011, with a letter to the Board.)</p>	<p>Board:</p> <ul style="list-style-type: none"> Review bill and report any recommendations to the Chairman of the House Education Committee 	<p>Prior to 12/2/10</p>

<p>HJR60 (K. Cox)</p>	<p>JLARC study on procurement. Directs the Joint Legislative Audit and Review Commission to study the feasibility and effectiveness of requiring local school divisions to contract collectively in certain areas of procurement.</p>		
<p>HJR101 (Peace) SJR50 (Y. Miller)</p>	<p>Virginia Workplace Readiness Skills. Requests that the Board of Education approve the revised Virginia's Workplace Readiness Skills test. The Board of Education must submit an executive summary and report of its progress in meeting the request of this resolution to the Governor and 2011 Regular Session of the General Assembly.</p>	<p>Board:</p> <ul style="list-style-type: none"> • Review workplace Readiness Skills test when it is revised • Report to the Governor and General Assembly 	<p>Prior to 1/12/2011</p>
<p>SJR31 (J. Miller)</p>	<p>JLARC study on reading proficiency of third grade students. Directs the Joint Legislative Audit and Review Commission to study ways to promote and ensure early reading proficiency and comprehension among third graders in the public schools. In conducting its study, JLARC shall:</p> <ol style="list-style-type: none"> (i) Determine the number of third graders who read at grade level; (ii) Rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) Identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) Examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and its relationship to academic success, and recommend those recommendations appropriate for implementation in Virginia; and (v) Determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students. 		

<p>SJR32 (McDougle)</p>	<p>JLARC study on improving coordination between K-12, community colleges, and four-year institutions of higher education. Directs the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education. In conducting its study, JLARC shall:</p> <ul style="list-style-type: none"> (i) Examine the statutory authority and duties of the Secretary of Education in overseeing education in the Commonwealth from K-12 through higher education, (ii) Consider possible ways of expanding such authority or duties in order to better coordinate education at all levels throughout the Commonwealth, (iii) Emphasize the need to better anticipate the workforce needs of the Commonwealth, and ways to direct students toward education and training that will fulfill those needs, and (iv) Make recommendations as to how to accomplish these objectives. 		
<p>SJR87 (Vogel)</p>	<p>Study of dyslexia screening in kindergarten. Requests the Department of Education to study dyslexia screening for kindergarteners. In conducting its study, the Department shall:</p> <ul style="list-style-type: none"> (i) Examine available scientific data on the success of early screening for dyslexia, (ii) Consider the cost-effectiveness of such strategy, and (iii) Make recommendations as to whether such screening is advisable and, if so, the particular method that is most effective. 	<p>Department:</p> <ul style="list-style-type: none"> • Conduct study and make recommendations 	