Committee Members Present: Brenda Sheridan and Eric Hornberger
Other Board Member Present: Tom Marshall
Participating Staff and Others: Michael Richards, Stephen DeVita, Karen Dawson, Christopher O’Rourke, Kirk Dolson, Robert Wertz, Johnna Cossaboon, Ron Jordan

I. Public Comment. None.

II. Approval of Minutes.

1. The Committee reviewed minutes for the meeting held on August 21, 2018. The minutes were approved 2-0-1 (Huck absent) with an amendment, but was later discovered no amendment was necessary.

2. The Committee reviewed minutes for the meeting held on September 20, 2018. The minutes were approved 2-0-1 (Huck absent) with no revisions or additions.

III. Staff Input to County of Loudoun Proposal Item: Legislation Regarding Vehicles Issued LCPS Parking Permits. At the August 21st meeting, the Committee requested input from high school principals. Staff invited three principals to speak to the item tonight of which one was unable to attend the meeting. Kirk Dolson of Park View High School and Christopher O’Rourke of Briar Woods High School provided input to the Committee:

- Summary of Mr. Dolson’s comments and opinions:
  o School has difficulty filling the parking lot and many of his students ask that the student parking fee be waived.
  o We are here to educate, not collect taxes - why are we becoming involved in this process?
  o Could possibly deter his students from asking to waive fee and might negatively impact students’ attendance.
  o There are instances where students live in split households (Loudoun County and another jurisdiction) wherein a car could be registered in the parent’s name who lives outside of Loudoun County – what happens in this case?
  o The schools should not be a device to ensure everyone is following the taxation rules.
  o He is not in favor of this request.

- Summary of Mr. O’Rourke’s comments and opinions:
  o How did this problem come to the school?
  o Targeting students’ and not teachers’ parking lots – there could be a perception of discrimination holding students to a higher burden for parking on school parking lots.
  o Students could become wise to the situation and park in the neighboring communities instead of the student parking lot causing community discontent.
  o A standardized process of collecting data/forms would simplify matters, but it would not alleviate my concerns of discrimination between school employees and students.
Committee comments:
- Concerns about protecting student privacy.
- Recognize that school funding comes from the County.
- How easy is it to collect and provide the information the County is requesting?
- Once the vehicles are assessed what happens if the taxes are not paid?
- Not interested in giving the schools anything else to collect or having the school be perceived as passing information to the Commission of Revenue.
- The schools should have an electronic standardized process of collecting data/forms for student parking permits to alleviate the need for schools to become involved in collecting this type of information.
- In developing a standardized process, we need to make sure the parents know their rights under new House Bill 1 - “opt-in”.

County Staff/Wertz comments:
- Information collected would remain confidential.
- All residents are held to the same standard and are required to comply with local tax regulations.
- Any student who has a parking permit is likely a resident of Loudoun County. Teachers or County employees could come from multiple jurisdictions outside of Loudoun County, therefore harder to track.
- The County is not asking the schools to police the vehicles, it would be the County’s burden to police the vehicles.
- The request for information will only be done on an annual basis.
- The Commissioner of Revenue’s office assesses the value of a vehicle and the Treasurer’s office collects the taxes.
- Other entities being asked to provide information are: homeowners associations and utilities companies such as Dominion Power.

ACTION: None – discussion item only. Staff will contact DDI to discuss developing an electronic standardized process between all schools and what the impact would be for staff.

IV. 2019 Legislative Program Discussion with Legislative Consultants. The Chair led a discussion on staff’s proposed recommendations for the 2019 Legislative Program. The Legislative Consultants (“LC”) provided history and recommendations on the proposed 2019 Legislative Program. Notes were made on the attached document as Attachment 1. Notable items discussed as follows:

- Position 7 of attached document (lines 67-101) – The state is not sending enough money. LC suggests taking a different approach to get at the primary issue of funding. LC laid out the plan on lines 91-101 to support legislation for these items. Several school divisions and VASS will be taking a similar position.
- Position 11 of attached document (lines 131-145) – LC suggests an Attorney General's Opinion instead of position on this item. Practice of other districts vary considerably. Division Counsel noted that the code is relatively clear. Chances are that getting an Attorney General’s Opinion are higher that it will not support our position in this matter. Division Counsel supports a position of changing the code as we did last year.
- Mrs. Sheridan requested a new position to designate all school board owned property as gun-free:
Division Counsel gave his initial views on the matter and stated a state law would have to be addressed that limits localities from passing ordinances that would restrict gun rights. There are several Attorney General Opinions with regards to university employees and “work rules”. Based on those, the School Board could have a work rule that says “no employees shall have weapons on school property except for designated safety officers,” although, this would not apply to visitors.

Currently schools, school transportation, and off campus school-sponsored events exclusively used for school activities are deemed “gun-free zones.”

Mrs. Sheridan would like staff to bring a copy of the relevant code redlined to include all school board property to the October 11th special meeting.

Mr. Marshall requested a new position to strengthen Code of Virginia 22.1-254(B)(1) by requiring all declarations of notices of intent to seek religious exemption from school attendance by parents or legal guardians to present their petition(s), in person, accompanied by their child/children for whom the exemption is requested, to a school official designated by the superintendent. See Attachment 2 for Mr. Marshall’s rationale for this position.

Mr. Marshall stated that he has always been concerned with this statute especially now that the state has made educators “mandatory reporters” of abuse and neglect of a child or student.

Mr. Marshall stated he is concerned that the Department of Pupil Services accepts all religious exemptions without question. He is more concerned with the religious exemption waivers from the Compulsory School Attendance (22.1-254) due to the lack of a regulated curriculum.

Committee concerns, comments and requests:

The code states “A school board shall excuse from attendance” which gives a school board no choice but to excuse for a bona fide religious belief. The Committee suggested a better option would be getting a clarification on the words “bona fide” by asking for an Attorney General Opinion letter to ensure the process LCPS uses is fulfilling the law (or research if there are existing Attorney General Opinions on this matter).

Committee requested research on how many LCPS students have requested a religious exemption waiver (go 3 to 5 years back), what is required of parents to be provided to LCPS, how LCPS interprets the phrase “bona fide”, and if any have been turned down.

The mandatory reporting law does not require the school divisions to “police” all children; it is a passive role, if educators see it, they have a responsibility to report it, not investigate it.

There are other mandatory reporters other than educators.

Staff asked LC to see if this issue has come up in any other school divisions.

ACTION: None – discussion item only. Further work on the Legislative Program will occur at the next Special Committee meeting scheduled on October 11, 2018.

V. Adjourn. The meeting was adjourned at 7:15 p.m.
2019 LEGISLATIVE PROGRAM

2019 Legislative Priority Positions

1. Requests that the State direct the Virginia Board of Education to authorize School Divisions of Innovation (SDIs), with demonstrated capacity and interest, to enhance assessment and accountability of student learning by replacing select SOL exams at select schools (elementary and middle school science, Virginia Studies, and Civics and Economics) with locally scored and externally validated performance assessments.

History: House – Delegate Murphy introduced HB 652; which was laid on table by House Education Subcommittee 1.

Delegate LaRock introduced HB 1278 which was reported from the House Education Committee and referred to the House Appropriations Committee where no action was taken.

Senate – Senator Barbara Favola carried bill number SB302; (and Senator Jennifer Wexton, SB437, which was incorporated into SB302). Passed by indefinitely with a letter by Senate Subcommittee 1.

Speak to Delegates Favola and LaRock about carrying the bill for this year’s legislative program.

Staff Recommendation: Keep

Consultant Recommendation: Keep

L&P Committee Vote:

2. Requests that the General Assembly determine the financial impacts of legislation on local school districts and fully compensate school districts for state directed mandates. When the Commonwealth considers a program important enough to mandate, it should consider the mandate important enough to fund.

History: Legislative team fights every attempt of passage of an unfunded mandate. No specific legislation is required.

Staff Recommendation: Keep
Consultant Recommendation: Monitor bills closely, be present at meetings and testify against any unfunded mandates as they arise. Keep as position statement.

L&P Committee Vote:

II. Other 2019 Legislative Positions

3. Supports legislation to grant local school boards control of their academic calendars, including the ability to set the date for the opening of the school year.

History: New School Calendar legislation has been attempted since 2012, by numerous legislators in both House and Senate, with varying degrees of success. In 2018, Delegate Roxann Robinson’s bill (HB372) passed the House and later died in Senate Education and Health. Tourism groups protested it, while many districts (including LCPS) testified on behalf of local control.

Staff Recommendation: Keep
Consultant Recommendation: Keep. Liaisons currently working with Hampton Roads Tourism on compromise legislation. Speak to Delegate Jennifer Boysko and Senator Barbara Favola about carrying the compromise bill for this year’s legislative program.

L&P Committee Vote:

4. Supports changes to the Code of Virginia that would permit a school board to institute legal action or proceedings without obtaining the consent of the local governing body.

History: Senator Wexton introduced SB 440 which was passed by indefinitely in the Senate Courts Committee 10-5. The bill was strongly opposed by local government representatives.

Staff Recommendation: Omit
Consultant Recommendation: Omit

L&P Committee Vote:

5. Supports changes to the Code of Virginia that would permit a local school board to purchase real estate without the possibility of the property being subject to unrecorded equitable servitudes, easements, negative easements or any other undocumented encumbrances.

History: SB 270 introduced by Senator Black. Passed by indefinitely in Senate Courts of Justice (14-Y 0-N). The Committee spent some time discussing the bill and many of the attorneys on the committee were not supportive of the concept.
Staff Recommendation: Omit.

Consultant Recommendation: Omit.

L&P Committee Vote:
6. Supports the continued use of the Cost of Competing factor in the reimbursement formula for Planning District Eight.

History: No legislation needed to continue using the same reimbursement formula and it was fully funded in the current budget.

Staff Recommendation: Keep
Consultant Recommendation: Keep as position statement.

L&P Committee Vote:
7. Supports the removal of positions directly related to instruction in the classroom from under the SOQ Support Position Cap.

History: Numerous budget amendments were introduced to lift or modify the support position cap. None were approved.

Staff Recommendation: Keep
Consultant Recommendation: This issue is symptomatic of a larger issue regarding the broken nature of the state/local public education funding partnership. This should be retained but as part of a larger statement focusing on state funding for public education.

Suggest something along the lines of the following:
The state public education funding model is broken. It does not reflect the true cost of public education, does not honor the intent of voters who approved earmarking 100% of the lottery proceeds as NEW education funding and ignores the need for 21st century facilities. The funding model is supposed to be a shared responsibility between state and local governments, yet the Commonwealth has failed to fully honor its share of this obligation. As a result, local governments are increasingly bearing an ever-greater proportion of public education costs. This failure is evidenced by per-pupil funding that still trails pre-recession amounts and the additional failure of the General Assembly to enact changes in the standards of quality (SOQ) that were intended to bring the standards in line with statewide prevailing education practices and recommendations by the State Board of Education. The latter results in maintenance of SOQ that do not reflect current practice and whose sole purpose is to depress the required amount of
state funding. There are also other costs associated with providing a quality public
education that are not even addressed in the SOQ and therefore not funded by the state
at any level. Therefore, the Board supports the following actions:

- Direct JLARC to review the true costs of public education and the State’s
  responsibility for funding those costs;
- Adopt and fund the 2016 SOQ changes adopted by the State Board of
  Education;
- Increase the lottery Per Pupil payment from 40% to 50% of total lottery profits in
  the current biennium, with a formal goal of returning 100% of lottery funds to
  school divisions in this manner;
- Restore the prevailing cost methodology for the funding of non-instructional
  school support staff;
- Undertake a comprehensive review of school facility modernization needs and
  adopt a state financial assistance plan for addressing those needs.

L&P Committee Vote:

8. Supports legislation that allows local school boards to retain any unspent
appropriations in a school board's operating budget from one fiscal year to the operating
budget of the following fiscal year.

History: There was no 2018 bill filed and the issue is strongly opposed by local
governments.

Staff Recommendation: Omit – Discussion Needed.

Consultant Recommendation: Omit

L&P Committee Vote:

9. Supports revision to legislation to allow long term substitutes to fill absences for
up to 125 days without a waiver to align with Virginia Retirement System’s Virginia Local
Disability Program (VLDP) and minimize disruptions to instruction.

History: SB 190 introduced by Senator Favola and HB 388 introduced by Delegate
Boysko. Both bills were stricken from the docket at the requests of their respective
patrons based on information provided by LCPS.
10. Supports legislative changes that would either generally permit the hiring of school board's immediate family members provided that the certification requirements of Section 2.2-3119 of the Code of Virginia are retained (member certifies no involvement in the hiring and Superintendent certifies decision based on merit and fitness by competitive rating of qualifications); or, add Planning District 8 (includes Loudoun, Fairfax, Arlington, Prince William and several cities and towns) to the six (6) Planning Districts for which a statutory exception currently exists.

**History:** SB 124 introduced in 2018 by Senator Black passed the General Assembly.

11. Supports legislative changes to specifically permit school board members to participate in transactions (e.g. budget, benefits, personnel policies and related discussions) when school board's immediate family members are employed by the school board and are in a group of three or more persons to be affected by the transaction and the required public disclosures required by subsection H of Section 2.2-3115 shall be fully satisfied by listing school board immediate family members employment in the annual financial disclosure form in Section 2.2-3117.

**History:** SB 816 was introduced by Senator Black and was continued until 2019 on a 14-0 vote. Committee discussion showed that practice regarding this matter varied considerably by local government and school board. HB 655 was introduced by Delegate Murphy and was passed by indefinitely in the House General Laws subcommittee #4.

**Staff Recommendation:** Keep

**Consultant Recommendation:** Omit and seek an Attorney General’s opinion to clarify interpretation of the statute.

**L&P Committee Vote:**
12. Support legislative changes to Item 130.D, Appropriation Act - Standards of Learning; Verified Credits in History and Social Science, so that a performance-based assessment MAY be the instrument through which divisions verify a History/Social Science credit for students in high school. The performance-based assessment for the single high school history/social science credit requiring verification should be allowed in ANY required course: World History I, World Geography, World History II, US/VA History, or US/VA Government.

Staff Recommendation: New

Consultant Recommendation: Speak to Delegate John Bell and Senator Jill Vogel about carrying the budget amendment bill for this year’s legislative program.

L&P Committee Vote:

13. Support legislative action at the state and national level to shift voting activities from weekdays to weekends in order to minimize interaction between the voting general public and public-school students to enhance school safety and safeguard the operational effectiveness of public schools in Loudoun County and throughout the Commonwealth.

Staff Recommendation: New

Consultant Recommendation: Speak to Delegate(s) Jennifer Boysko and Senator Jill Vogel about carrying the bills for this year’s legislative program.

L&P Committee Vote:

14. Additional Funding for School Counselors

Staff Recommendation: New

Consultant Recommendation: Speak to Delegate(s) John Bell and Senator Jill Vogel about carrying the bills for this year’s legislative program.

L&P Committee Vote:

15. Opposes any legislation or regulatory actions that makes dual enrollment courses less accessible to students through the implementation of a statewide uniform tuition rate and any other tuition proposal that does not appropriately factor the significant indirect costs borne by school divisions (facilities, teachers, materials, professional development, etc.) to offer dual enrollment opportunities for their students.
Staff Recommendation: New

Consultant Recommendation: *This would be a position statement and would not need a patron to carry it.*

L&P Committee Vote:
Dear Ms. Sheridan, Ms. Huck, Mr. Hornberger & Dr. Richards

I am responding to your invitation to submit proposals for our Legislative Priority Positions that would be sent to Richmond. I understand that religion can be a "third rail" in politics, but given the renewed interest in child safety and our vital role as mandatory reporters of child abuse and neglect, I feel it is imperative that we adopt language that will allow educators to fulfill their responsibility as it pertains to the Virginia Code 22.1-254, Compulsory School Attendance.

Proposed 2019 Legislative Priority Position
Submitted by Tom Marshall, LCSB Leesburg District

Supports legislation to strengthen The Code of Virginia 22.1-254 (B)(1) by requiring all declarations of notices of intent to seek religious exemption from school attendance by parents or legal guardians to present their petition(s), in person, accompanied by their child/children for whom the exemption is requested, to a school official designated by the superintendent.

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The Code of Virginia 22.1-254 (B)(1) states that "A school board shall excuse from attendance at school any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief” does not include essentially political, sociological or philosophical views or a merely personal moral code.”

1
The practice by Loudoun County Public Schools, implemented by the Department of Pupil Services, is to accept any and all requests without question or scrutiny of any kind except for a specific bureaucratic paper trail which merely requires a letter and supporting documentation that is in essence, perfunctory in nature.

The State recognizes that educators are on the front line in the protection of children from abuse and neglect and have designated educators as mandatory reporters of abuse of a child or student. However, school personnel never see children who have been routinely excused from attendance from school resulting from a parental declaration of religious exemption. In order to fulfill our responsibility to protect children, we need to see the children or students prior to granting any exemption from school attendance as a child safety precaution.

Loudoun County Public Schools’ policies state:

1. Policy 8-14, Admission and Attendance, states in part “The School Board fully endorses the concept of compulsory attendance, in a free and public system of education where the cost of a student’s education is borne by the general citizenry.

2. Policy 7530, Duty to Report Child or Student Abuse and Neglect, states in part, “any employee, who, in his or her professional or official capacity, knows, or has reasonable suspicion that a child or student is the subject of abuse or neglect, shall report such knowledge or reasonable suspicion immediately in accordance with this policy”.

3. The above school board policy, 7530 is written directly pursuant to the Code of Virginia 63.2-1606 that states “any person employed in the Loudoun County Public Schools, who in his or her professional or official capacity has reason to suspect that a child or student shall report the matter as soon as possible, but no longer that 24 hours after having reason to suspect a reportable offense or neglect.”

Tom Marshall