Committee Members Present: Brenda Sheridan, Beth Huck, Eric Hornberger (late arrival)
Other Board Member Present: Tom Marshall, Jeff Morse, Jill Turgeon
Participating Staff and Others: Michael Richards, Stephen DeVita, Karen Dawson, Bill Brazier, Kevin Lewis, Johnna Cossaboon (via teleconference), Ron Jordan (via teleconference)

I. Approval of Minutes. The Committee reviewed minutes for the meeting held on October 2, 2018. The minutes were approved 2-0-1 (Hornberger absent) with no revisions or additions.

II. Public Comment. None.

III. 2019 Legislative Program. The Chair led a discussion on staff and legislative consultants (“LC”) proposed recommendations for the 2019 Legislative Program (the document can be found by clicking here and is also attached as Attachment 1). Staff provided the Committee requested rationales and research. The Committee proceeded to vote on each position as follows:

ACTION:
L&P Committee Vote 3-0 to Retain Position 1 of Attachment 1 (lines 2-19);
L&P Committee Vote 3-0 to Retain Position 2 as a position statement of Attachment 1 (lines 21-29);
L&P Committee Vote 3-0 to Retain Position 3 of Attachment 1 (lines 32-42);
L&P Committee Vote 3-0 to Omit Position 4 of Attachment 1 (lines 44-50);
L&P Committee Vote 3-0 to Omit Position 5 of Attachment 1 (lines 52-60);
L&P Committee Vote 3-0 to Retain as a position statement Position 6 of Attachment 1 (lines 62-67);
L&P Committee Vote 3-0 to Revise as recommended by staff Position 7 of Attachment 1 (lines 69-107);
L&P Committee Vote 3-0 to Retain Position 8 of Attachment 1 (lines 108-114);
  • Discussion Points:
    o Committee voted against Staff and LC recommendation.
    o This position was not picked up last year by a patron.
    o Many of the members of last year’s delegation were new and now that the local delegation is more experienced, the Committee hopes that a patron will carry the bill this year.
L&P Committee Vote 3-0 to Omit Position 9 of Attachment 1 (lines 116-123);
  • Discussion Point: Last year staff asked our patron to pull the bill due to requesting procedures already being in place.
L&P Committee Vote 3-0 to Omit Position 10 of Attachment 1 (lines 125-134);
L&P Committee Vote 3-0 to Retain Position 11 of Attachment 1 (lines 136-151);
  • Discussion Points:
    o Committee would like to retain the position to get clarification of the law and also ask the LC to get a delegate to request an informal Attorney General’s Opinion letter.
    o Division Counsel was asked to further research if an Attorney General’s Opinion letter was already sought; and if so, where is that in the process to date.
L&P Committee Vote 3-0 to Add New Position 12 of Attachment 1 (lines 153-162);
L&P Committee Vote 3-0 to Add New Position 13 of Attachment 1 (lines 164-170);
L&P Committee Vote 3-0 to Eliminate New Position 14 of Attachment 1 (lines 172-175);

- Discussion Point: This position has been included in staff recommended revised language of Position 7.

L&P Committee Vote 3-0 to Add New Position 15 of Attachment 1 (lines 177-184);

L&P Committee Vote 3-0 to Add New Sheridan Position 18 [sic] of Attachment 1 (lines 186-187);

- Discussion Points:
  - Proposed changes to the law (18.2-308.1): to include school board owned or leased property and charter schools.
  - Other LCPS facilities not considered schools: Administration Building, Staff Training Center, Round Hill facility, Transportation/Warehouse facilities, and Child Find Center.
  - Concerns against this proposal: a gun-free zone will probably not dissuade an agitated person from carrying and can prohibit from protecting; we live in an open carry state; if a building is known as a gun-free zone and an individual walks out of the building, a disgruntled person will know the individual does not have a firearm and cannot defend himself or herself with a firearm.
  - Concerns in favor of this proposal: with a gun-free zone being in place, it gives law enforcement an immediate reason to engage and/or stop an individual carry a firearm; during training the Sheriff’s office instructed persons carry a firearm during an incident not to engage as they could be construed as the person of interest; Sheriff’s deputies are present at every meeting and offer their service of escorting individuals to their car.

L&P Committee Vote 3-0 to Not Add New Marshall Position 17 of Attachment 1 (lines 189-195);

- Discussion Points:
  - Staff provided the Committee and other Board members present research requested at the last meeting.
  - Mr. Marshall reiterated his concern about the lack of a regulated standardized curriculum when a waiver for religious exemption is sought.
  - Mr. Marshall recognizes that more research is needed on this subject and his position should be refined prior to it being part of the legislative program.
  - Research needed if we can request adding a requirement to the law (22.1-254) that a parent or legal guardian has an obligation to educate the child.
  - The Committee agreed that the law should be modified, but more research and discussion is needed regarding this position prior to it being part of the legislative program and would not be timely for this year.

The Committee recommended that the Committee Proposed 2019 Legislative Positions, as voted on above, be forwarded to the full School Board for consideration as an Information Item at its next regularly scheduled meeting.

IV. VSBA Legislative Positions Proposals. Staff recommended to support all of the VSBA Legislative Positions Proposals (the document can be found by clicking here and is also attached as Attachment 2).

ACTION:

L&P Committee Vote 3-0 to support all of the VSBA Legislative Positions Proposals as recommended by Staff and to forward to the full School Board for consideration as an Information Item at its next regularly scheduled meeting.

V. Adjourn. The meeting was adjourned at 7:10 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: Revise as follows: Supports the removal of positions directly related to instruction in the classroom from under the SOQ Support Position Cap. Overhaul the State Public Education Funding Model.

L&P Committee Vote:

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 NEVER 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, with a focus on mental health professionals, including school counselors;
- Undertake a comprehensive review of school facility modernization needs and adopt a state financial assistance plan for addressing those needs.

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

**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.

Staff Recommendation: Omit

Consultant Recommendation: Omit

L&P Committee Vote:

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.

Staff Recommendation: Omit – Passed

Consultant Recommendation: Omit

L&P Committee Vote:

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 – Click here for amended COIA Rationale and Proposed Law Change.
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 – Click here for Rationale.

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 – Click here for Rationale.

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: [This has been moved and is now included in Item 7]

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 – Click [here](#) for Rationale.

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

**L&P Committee Vote:**

18. Supports legislation to designate all school board owned property as gun-free.

*Brenda Sheridan Recommended:* New – Click [here](#) for Proposed Law Change.

**L&P Committee Vote:**

17. Supports legislation 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.

*Tom Marshall Recommended:* New – Click [here](#) for Marshall Rationale and Committee Requested Research.

**L&P Committee Vote:**
STAFF RECOMMENDATION IS TO SUPPORT ALL OF THE VSBA LEGISLATIVE POSITIONS PROPOSALS
L&P COMMITTEE VOTE: 3-0 to support all of the VSBA Legislative Positions

VSBA LEGISLATIVE POSITIONS PROPOSALS

LEGISLATIVE POSITION PROPOSAL NO. 1

At-Risk Add-On (NEW)

Virginia’s At-Risk Add-On program, as part of basic aid, targets additional resources to school divisions based on the percentage of students in the division who are eligible for free lunch. This program recognizes the additional services that students from low-income families may need to achieve their academic potential (counseling and dropout prevention, after-school programs, and specialized instruction) and directs resources to all school divisions across the Commonwealth to offer these vital services.

Virginia’s current At-Risk Add-on percentage of 1 to 14 percent falls woefully below the national average. VSBA supports Virginia legislators to increase the percentage of At-Risk Add-On funding to more closely align with the national average.

(Proposed by Bristol City)

RATIONALE: Virginia’s percentage falls well below the National Average of 29%.

LEGISLATIVE POSITION PROPOSAL NO. 2

Fair Assessment of Limited English Language Proficient Students (AMEND)

Virtually every school division in Virginia educates students with limited English proficiency (LEP). The performance of LEP children on standardized tests required by federal accountability standards has direct consequences for the schools they attend, their school divisions and the Commonwealth of Virginia, namely:

• The education of LEP students requires additional classroom space, forcing school divisions to need to build additional classrooms or use portable classrooms;
• It costs an average 25% more to educate students who are English language learners, most of which cost is being provided by local divisions; and
• The Virginia Department of Education is able to provide only limited technical assistance to school divisions with fast growing numbers of LEP students due to the Department’s small staff and budget.

The VSBA recommends that the General Assembly provide funding for:

☐ An improved teacher/pupil ratio for LEP programs and services that is aligned with current local school division best practices, which almost universally exceed the current SOQ standard of 17 teachers per 1,000 LEP students, as well as state funding for related pupil personnel positions;
☐ Improved state instructional and support resources to address the needs of English learners, particularly students who enter school with little or no formal education or language skills;
• The implementation of, and adequate state and federal funding for, a valid, reliable and
accurate English language proficiency assessment based on Virginia SOL standards to
be used statewide. Such assessments are costlier and time consuming to administer
than standard SOL tests, and should be funded accordingly;
• State funding for all federally mandated tests for LEP students, including the
development and administration of a “plain English” version of every NCLB-mandated
test for LEP students;
• Improved statewide data collection to ensure accountability; and
• State assistance with facility needs, and enhanced technical support for smaller school
divisions including the establishment of a best practices center to collect and
disseminate information about the most innovative and successful LEP programs
already in place in school divisions throughout the Commonwealth.

The VSBA supports:

• Permitting local school divisions to use the WIDA (World-Class Instructional Design and
Assessment) ACCESS (Assessing Comprehension and Communication in English
State-to-State for English Language Learners) score of 5.0-6.0 on the Tier C test for
English Language Learner (ELL) students as an alternative for fulfilling Virginia’s
requirement for a verified credit in the English Reading End of Course (EOC) Standards
of Learning (SOL) test by substituting the WIDA ACCESS for ELLs assessment; and
• Development of “Total English Learner” accountability sub reporting groups that would
include both current and successfully exited English learners and former English
learners (level 6 students; and students who had been levels 1-5 at any time in their K-
12 schooling) to more accurately measure the overall achievement for students covered
by this subgroup and to better reflect the successes of achieving overall language
proficiency achievement.
• Alternate assessments accommodations for English learners that are linguistically
appropriate and yield accurate information on a student’s content knowledge; including
expanded use of performance-based assessments, expanded use of competency
provisions for the industry credential graduation requirement, as well as a pilot allowing
assessment in languages other than English.

(Proposed by Fairfax County)

RATIONALE: Changes intended to generalize, clarify and update advocacy language to better
reflect current assessment and resource needs for English Learners. Language taken from Fairfax
County School Board 2018 State and Federal Legislative Program, Item I4, English Learners and
Item S8, Standards of Accreditation and Standards of Learning.

LEGISLATIVE POSITION PROPOSAL NO. 3

Safe School Environment (AMEND)

Students have a right to and school divisions have a responsibility to ensure a teaching/learning
environment that is safe and free of disruption. There are incidents involving weapons, assaults
and threats at schools which require interventions in addition to those school personnel are able
and authorized to provide. There are incidents involving the spread of bodily fluids between
students, or between students and school personnel or volunteers, which can cause life-
threatening illnesses if not diagnosed and treated immediately. The Virginia Code contains
provisions which facilitate immediate testing for health-care and law-enforcement workers
exposed to such diseases, but not for school personnel and students. Schools are implementing proactive programs designed to maintain secure and orderly schools.

The VSBA supports state government, local communities, law enforcement agencies, and school cooperation to provide appropriate prevention and intervention programs that are effective in addressing violence, and the precursors to violence, in schools and their communities, including additional state resources devoted to student mental health. The VSBA supports teacher preparation program expansions to include course work and practical experience in handling school violence and related issues.

The VSBA also supports decisions with regard to health services for students, including staffing and funding of school nurses being made at the local level.

The VSBA urges the General Assembly to:

- Support local school division efforts to achieve strong, fair and consistent disciplinary expectations and applications to all students;
- Appropriate sufficient funds to the School Resource Officer Grants Program so that each school board may choose whether or not to employ uniformed officers in their schools, as well as sufficient funds for local school boards to use at their discretion in ensuring safe and respectful school environments through effective programs such as peer mediation, conflict resolution, character education, and other proactive initiatives appropriate for individual school communities
- Pass legislation which would afford greater protection to students, school employees, and volunteers who are exposed to bodily fluids which put them at risk of dangerous infectious diseases, and
- Oppose legislation requiring the designation of school personnel to carry concealed weapons in schools.

(Proposed by Fairfax County)

RATIONALE: Comprehensive preventative state efforts to ensure student safety must include resources devoted to student mental health in addition to other safety measures.

LEGISLATIVE POSITION PROPOSAL NO. 4

Graduation and Completion Index Calculation for English Learners (NEW)

The Virginia School Boards Association supports:

- Adjusting Graduation and Completion Index (GCI) calculations for English Learners, whereby students who enter a Virginia public school as WIDA English Language Proficiency (ELP) Level 1 or 2 would not be entered in their GCI cohort until they have received English for Speakers of Other Languages (ESOL) services in Virginia for approximately the time necessary for a newly arrived English Learner to achieve a WIDA ELP Level of 3.
- Allowing English Learners who have a WIDA ELP Level of 3 or 4 who arrive in a Virginia high school for the first time in the second semester of an academic year to delay their addition to a GCI cohort until the following year.

(Proposed by Fairfax County)
RATIONALE: An ever increasing number of students enter Virginia Schools with both limited English language skills as well as limited formal schooling of any kind, including many older students. The proposed changes would help to adjust the state’s calculation of the Graduation and Completion Index to better reflect where many English Learners start their schooling in Virginia as well as how long it takes to acquire both English language skills as well as content knowledge.

Language taken from Fairfax County School Board 2018 State and Federal Legislative Program, Item S14 and S15, Standards of Accreditation and Standards of Learning.

LEGISLATIVE POSITION PROPOSAL NO. 5

Amend the Standards of Quality to Include Dedicated Funding for Mental Health Student Support Positions and School Security Personnel (NEW)

VSBA supports the amending the Standards of Quality to include specific funding for mental health professionals and school safety and security personnel at a rate that is commensurate with the current needs of our Commonwealth's school divisions.

(Proposed by Goochland County)

RATIONALE Currently funding for mental health professionals like social workers and school psychologists is included in funding for "Student Support Positions" that includes other positions related to truancy, homebound instruction, etc. Funding for security personnel is included in "Operation and Maintenance Positions". The Standards of Quality do not reflect the current needs of school divisions. They are archaic standards that have not kept pace with the needs of students today.

LEGISLATIVE POSITION PROPOSAL NO. 6

Funding for Governor’s Schools (AMEND)

The VSBA supports additional state funding for Governor’s Schools, recognizing the funding needs of full day and partial day programs in budget appropriations for the Commonwealth’s Regional Governor’s Schools.

(Proposed by Goochland County)

RATIONALE Currently, full day Governor's Schools programs like the one at Maggie L. Walker are funded using the same mechanism as are partial day programs. Full day programs require greater funding needs from an administrative, maintenance, operations, security, and programmatic standpoint. However, the nature of the full day program is not accounted for in budget appropriations.

LEGISLATIVE POSITION PROPOSAL NO. 7

Amend Virginia Code to Allow Full-Time Employment of Retired VA Law Enforcement Officers in School Security (NEW)

VSBA supports amending the Code of Virginia (§§ 51.1-155, 51.1-206, and 51.1-217) relating to the Virginia Retirement System to permit retired law-enforcement officers to be hired in full-time school security positions without loss of retirement benefits.
RATIONALE: Currently, Virginia VRS appears to penalize school and divisions and counties from hiring these individuals. Current law limits retired Virginia police officers to a maximum of 80% of full-time employment after qualifying for retirement. Allowing retired police officers to be hired for full-time school security positions is especially valuable given this year’s passage of legislation enabling school divisions to hire armed School Security Officers. Former law enforcement officers, who already know local schools and communities, can provide immediate safety benefits. Facilitating their employment must be a top legislative priority.

**LEGISLATIVE POSITION PROPOSAL NO. 8**

**Modify Proffer Limitations to Restore Important Contributions to Growing School Divisions (NEW)**

VSBA supports removing limitations on proffers as addressed in the Code of Virginia (§15.2-2303.4) essential to new schools and other needs driven by expanded development.

**LEGISLATIVE POSITION PROPOSAL NO. 9**

**Color Vision Deficiency and Its Negative Impact on School Performance (NEW)**

1. The VSBA supports legislation advocating universal screening for color blindness.
2. The VSBA supports legislation requiring the Virginia Department of Education include color blindness screening as part of students’ regular vision screenings at school.
3. The VSBA supports legislation requiring that when the Virginia Department of Education negotiates new testing contracts, information and test items be designed to be visible to children who are color vision deficient.
4. The VSBA supports legislation requiring the Virginia Department of Education strongly consider producing future educational software and tests to accommodate for the large number of color-vision-deficient children.

RATIONALE: Research indicates that color blindness or color vision deficiency is a common disability and likely affects 1.6% or 21,000 Virginia public school students. Researchers from the Multi-Ethnic Pediatric Eye Disease Study Group tested 4,005 California preschool children age 3-6 for color blindness and found the following prevalence by ethnicity and gender:

5.6% of Caucasian boys 3.1% of Asian boys 2.6% of Hispanic boys
1.4% of African-American boys

0.5% of girls are color vision deficient

Color vision deficiency negatively impacts school performance and makes it difficult for students to be as successful in school as their peers without color vision deficiency.

Teachers rely on online educational resources which are not usually designed with color blind students in mind.

Screening kids for color vision deficiency can be achieved with an easy to administer test. In Virginia, there are approximately 1,293,049 public school students. The population-based, cross-sectional study (the Multi-Ethnic Pediatric Eye Disease Study) found that the prevalence of color vision deficiency overall was 1.6%. This means Virginia may have almost 21,000 color vision deficient students, yet a tiny fraction of them are identified. Most color blind students are undiagnosed and not receiving the support they need.

Universal design techniques can make information visible to color deficient students who otherwise may miss out on critical information.

Educational software and textbook producers do not take into account the needs of color blind children.

LEGISLATIVE POSITION PROPOSAL NO. 10

Increased Student Access for Internships/Apprenticeships (NEW)

The VSBA supports establishing a tax credit for businesses that host students from a high school, technical center, or specialty school as interns or apprentices in a qualified field that aids students in completing CTE course requirements or in preparation for career certifications.

(Proposed by Virginia Beach City)

RATIONALE: As part of the new Standards of Accreditation, all students are required to have work-based learning experiences. One of the best avenues for students to receive first-hand work-based learning experiences is for students to participate in apprenticeship programs through local businesses during their junior or senior year. This allows students to gain actual experience and exposure to the workforce. There are, however, few opportunities for students to participate in these programs. By providing a tax incentive for businesses to make internships or apprenticeships available to high school students, this will encourage more businesses to open up internship or apprenticeship opportunities for students.
LEGISLATIVE POSITION PROPOSAL NO. 11

At its meeting in July 2017, the VSBA Legislative Positions Committee instructed VSBA staff to review all existing VSBA Legislative Positions to identify Positions which could be **eliminated** because their objectives have been accomplished and to identify Positions which should be revised they contain outdated language, such as references to the No Child Left Behind Act (NCLB), which is no longer the most recent reauthorization of the Elementary and Secondary Education Act (ESEA).

A list of the Legislative Positions (LPs) identified during that review, and a brief description of the recommended action for each Position, follows. The goal of the proposed changes is for the Legislative Positions Handbook to provide practical guidance to VSBA lobbyists based on the current state of the law.

1.2 Fair Assessment of Limited English Proficient Students

Second paragraph, second bullet: “more” added because the context of the sentence suggests that it was inadvertently omitted.

Second paragraph, third bullet: language referring to NCLB replaced with more general language.

1.5 Aligning State and Federal Accountability Programs

Second paragraph: language referring to NCLB replaced with more general language.

1.7 Single Letter Statewide Grading Scale for Evaluating Individual School Performance

The A-F grading scale for evaluating schools was abolished by Acts 2015, ch. 368. Thus, the purpose of this LP has been achieved, the LP is no longer necessary and it is recommended that the Position be deleted.

1.8 Creation of a Statewide School Division to Operate Non-Accredited Schools

The Opportunity Educational Institution was ruled unconstitutional in *School Board of the City of Norfolk v. Opportunity Educational Institution*, 88 Va. Cir. 317 (Norfolk Cir. Ct. 2014) and all statutory references to it were abolished by Acts 2015, Ch. 369, Thus, the purpose of this LP has been achieved and it is recommended that the Position be deleted.

3.1 Educational Technology Funding

Third paragraph: detailed references to state and federal law, including reference to NCLB, replaced with more general language.

4.8 Teacher Preparation and Licensure

Fourth paragraph, second sentence: language referring to NCLB replaced with more general language.

4.14 Testimony of School Personnel

First sentence: the specific statute referred to in the LP was repealed by Acts 2008, ch. 209; reference to that statute removed in order to allow VSBA lobbyists to lobby for changes to any relevant Virginia law.

4.17 Drug Testing for Employees

First paragraph, third sentence: additions made to quoted language to keep it consistent with statute.

First paragraph, fourth sentence: the referenced statute no longer requires school boards to petition the General Assembly as described in the LP; instead, the process is now that all employees must provide consent and the necessary information for the school board to search the registry of founded complaints of child abuse and neglect; thus, the sentence is no longer necessary and the recommendation is that it be deleted.
4.18 Superintendent Attendance at Meetings
First paragraph, second sentence: reference to “executive session” removed because the term “closed session” has replaced the term “executive session” in the Freedom of Information Act (FOIA).

5.3 Twenty-first Century Communication for School Boards
First paragraph: specific citations to individual sections of FOIA changed to more general reference to the entire Act because the individual sections have recently been changed.

7.1 Support for Private Education, Vouchers, and Tax Credits
Third paragraph, first sentence: language referring to specific state laws and to NCLB replaced with more general language.

9.1 Standards of Quality and Standards of Accreditation
Second paragraph, fourth sentence: reference to “six-year” plan changed to “comprehensive” plan to reflect change to statutory requirement by Acts 2005, c. 450.

9.5 State Budget Adoption Study
First paragraph, second sentence: LP rewritten to reflect that the situation described as having happened in 2004 and 2006 has also happened more recently.

9.7 State Funding for Advanced Placement and International Baccalaureate Tests
Second paragraph first sentence: statement that the Standards of Accreditation (SOA) require high schools to provide access to at least two Advanced Placement or college-level courses for credit changed to reflect that the current SOA (8 VAC 20-131-140) requirement is for at least three such courses.

9.9 Textbooks
Second paragraph, first sentence: LP revised to reflect fact that school boards now have authority to charge fees for the replacement of lost or damaged text books.

9.10 Standards of Quality and State Education Funding
Second paragraph, 20th bullet: language referring to NCLB replaced with more general language.

In addition to the changes recommended above, during the review of the existing Legislative Positions it was noted that Position 5.9 Right of School Boards to Implement Education Reforms includes the statement “[t]here should be no changes to the charter school law unless initiated by local school boards through the VSBA and there should be no appeal allowed to any entity, in accordance with existing charter school law (22.1-212.10), of the local school board decision to establish such schools/programs.” The italicized portion of that sentence is an accurate statement of existing law and thus could be removed under the criteria established by the 2017 Legislative Positions Committee. However, no recommendation for removal is being made at this time because there are frequent legislative proposals for significant amendments to Virginia law regarding charter schools. It seems prudent to retain this language so that it can direct VSBA’s lobbyists in the event relevant legislation is proposed.

1.2 Fair Assessment of Limited English Proficient Students
Virtually every school division in Virginia educates students with limited English proficiency (LEP). The performance of LEP children on standardized tests required by federal accountability standards has direct consequences for the schools they attend, their school divisions and the Commonwealth of Virginia, namely:
- The education of LEP students requires additional classroom space, forcing school divisions to need to build additional classrooms or use portable classrooms;
• It costs an average 25% more to educate students who are English language learners, most of which cost is being provided by local divisions; and
• The Virginia Department of Education is able to provide only limited technical assistance to school divisions with fast growing numbers of LEP students due to the Department’s small staff and budget.

The VSBA recommends that the General Assembly provide funding for:
• An improved teacher/pupil ratio for LEP programs and services that is aligned with current local school division best practices, which almost universally exceed the current SOQ standard of 17 teachers per 1,000 LEP students, as well as state funding for related pupil personnel positions;
• The implementation of, and adequate state and federal funding for, a valid, reliable and accurate English language proficiency assessment based on Virginia SOL standards to be used statewide. Such assessments are costlier and more time consuming to administer than standard SOL tests, and should be funded accordingly;
• State funding for all federally mandated tests for LEP students, including the development and administration of a “plain English” version of every NCLB-mandated federally-mandated test for LEP students;
• Improved statewide data collection to ensure accountability; and
• State assistance with facility needs, and enhanced technical support for smaller school divisions including the establishment of a best practices center to collect and disseminate information about the most innovative and successful LEP programs already in place in school divisions throughout the Commonwealth.

The VSBA supports:
• Permitting local school divisions to use the WIDA (World-Class Instructional Design and Assessment) ACCESS (Assessing Comprehension and Communication in English State-to-State for English Language Learners) score of 5.0-6.0 on the Tier C test for English Language Learner (ELL) students as an alternative for fulfilling Virginia’s requirement for a verified credit in the English Reading End of Course (EOC) Standards of Learning (SOL) test by substituting the WIDA ACCESS for ELLs assessment; and
• Development of a “Total English Learner” accountability subgroup that would include both current English learners and former English learners (level 6 students; and students who had been levels 1-5 at any time in their K-12 schooling) to more accurately measure the overall achievement for students covered by this subgroup and better reflect the successes of achieving language proficiency.

### 1.5 Aligning State and Federal Accountability Programs

While there are many similarities between the state and national accountability programs, there are also major differences, including whether students are held accountable, subjects and grade levels tested, standards for determining school success, and sanctions applied when schools do not meet standards. It will be complicated, burdensome, and expensive for schools and school divisions as well as the state to implement and comply with the requirements of these two accountability programs;

The VSBA urges the Board of Education to regularly review and revise the Standards of Accreditation so that the assessment accountability program mandated therein does not conflict with the implementation of the federal accountability program mandated in the No Child Left Behind Act federally-mandated accountability program.
The Board of Education is urged to request the Governor and General Assembly to assist local school boards with realistic and sufficient state funding so that they may not only comply with all federal and state accountability requirements, but also provide the programs and services essential for all of Virginia’s public school students to achieve educational success.

1.7 Single Letter Statewide Grading Scale for Evaluating Individual School Performance

The VSBA does not support the new statewide A-F grading system and requests that all language creating and requiring such system for individual schools be removed.

Background and Legislative History: The position urges the reversal of the General Assembly’s adoption in 2013 of HB 1999 and SB 1207, which both mandate the creation of an “A-F grading scale” to measure individual school performance by October 2014. The VSBA believes that such a system would greatly oversimplify school performance and provide less information to parents and the community about school performance rather than more. Adopted 11/13; Review Date: 2019.

1.8 Creation of a Statewide School Division to Operate Non-Accredited Schools

The VSBA does not support the establishment of the Opportunity Education Institution and requests that all language creating and authorizing the Opportunity Education Institution be removed.

Background and Legislative History: During the 2013 Session, the General Assembly passed legislation creating the Opportunity Education Institution (OEI), which will be administered and supervised by the Opportunity Educational Institution Board. The legislation requires any school that has been denied accreditation for two years to be transferred to this statewide school division and permits any school that has been accredited with warning for three consecutive years to be transferred to the OEI by majority vote of the OEI Board. Pursuant to the legislation, a transferred school will remain in the OEI for five years or until the school achieves full accreditation. School Boards support a more collaborative approach on the part of the state to work with the school boards and/or local governments to develop strategies to help schools reach an accredited status. JLARC is conducting a formal study to identify what has been successful in similar situations with failing schools, and no changes should be made done until JLARC concludes its work and reports its findings. Adopted 11/13; Review Date: 2019.

3.1 Educational Technology Funding

Educational technology, including electronic information systems and sources, is an important element of cost-effective quality public education. The state should assume a leadership role in developing a technology funding formula that will provide predictable and continuing revenue for the acquisition, maintenance and replacement of educational technology, and for support personnel to train and assist in the use of educational technology. Such funding
should be sufficient to improve and enhance classroom instruction, to fulfill mandates for virtual instruction and online assessment, as well as to assist with the state and federally-mandated collection and reporting of student achievement and teacher quality data.

The current state-provided “technology-refresh” funding program is insufficient to keep up with the growing number of digital devices in the schools and the end-of-life cycle of equipment replacement. These technology needs include everything from basic network infrastructure (both wired and wireless) – to servers and related equipment – to student computers, tablets, and other devices. Further, it is recommended by the Education Superhighway and the State Educational Technology Directors Association that our schools be at 1.0 Mbps of internet bandwidth per student by 2018. Currently, the infrastructure does not exist for all schools in the Commonwealth to meet this goal. Further, the cost to fill the gap between what exists and what is required is too large for school divisions to fund at the local level alone. VSBA supports statewide initiatives that would help business and schools throughout the Commonwealth to have high speed/broadband access at cost-competitive prices (such as the aforementioned goal of 1.0Mbps). Finally, if the Commonwealth requires school divisions to provide a specified bandwidth capacity per student, appropriate funding shall be provided to reimburse localities for the increased cost.

The state should fund the implementation of the extensive data collection, cleansing, warehousing, tracking, and reporting requirements placed on the State Department of Education and all local school divisions by 27 assessment and accountability mandates, including the state Standards of Accreditation Assessment Program and the federal No Child Left Behind Act—state and federal assessment and accountability mandates. Moreover, such funding should be included in the Standards of Quality.

4.8 Teacher Preparation and Licensure

The Board of Education should retain responsibility for establishing and maintaining general criteria for initial licensure and license renewal. The Board should assume all additional administrative procedures and costs for licensure and renewal.

Moreover, the Board should provide for individual waivers from specific licensure requirements that prohibit local school divisions from retaining otherwise qualified personnel who have demonstrated proficiency in the classroom and are teaching in a critical shortage area. Additionally, the Board will allow local school divisions to have the flexibility to establish alternative licensure criteria and metrics that will allow provisionally licensed teachers to receive their full professional license based on these locally designed, performance-based standards. These performance-based measures shall be approved by the Board and may serve as a local alternative to current assessments currently in existence.

The Board of Education should coordinate licensure and accreditation activities to prevent the listing of accreditation deficiencies for personnel whose licensure applications are in the state licensure office to be processed.

The Board of Education should work collaboratively with State Council of Higher Education for Virginia to assure that teacher preparation programs in Commonwealth colleges and universities are closely aligned with the knowledge and skills that teachers need to educate students. In particular, teacher preparation programs should include instruction and practicums aligned with the subjects and subgroups used to calculate Adequate Yearly
Progress under the No Child Left Behind Act assess schools and school divisions under federal law. Targeted training should be provided to address the needs of gifted students, students with disabilities, students acquiring English proficiency, students in poverty, and students challenged by cultural, racial, and ethnic differences. The Virginia School Boards Association supports statewide study to determine consistency in public college and university requirements for students seeking to become licensed teachers including current best practices, knowledge, and skills sought by public divisions throughout the Commonwealth.

4.14 Testimony of School Personnel

The VSBA supports legislation to amend Virginia Code section 20-124.3:1 to make changes in the system of subpoenaing school personnel in custody and visitation cases, such as: to require that the evidence of school personnel, taken other than during school hours, be presented by deposition rather than by live testimony; to require the party that issues a subpoena to reimburse the school division for the cost of providing substitute personnel, if a deposition is not used; to provide for exemption of authentication by school personnel of subpoenaed certified student educational records; and, to prohibit subpoenas of school personnel in custody cases without prior approval by a court.

4.17 Drug Testing for Employees

There exists a special need to ensure the safety and welfare of students and employees in a school. The General Assembly of Virginia has recognized the need for local school boards to obtain personal information about an individual prior to employment. As a condition of employment, an applicant who is offered or accepts employment requiring direct contact with students must “provide written consent and the necessary personal information for the school board to obtain ... a search of the registry of founded complaints of child abuse and neglect, maintained by the Department of Social Services....” (§ 22.1-296.4—Child Abuse and Neglect Data Required). School boards may petition the General Assembly in accordance to the provisions of § 22.1-296.2 of the Code of Virginia to require an applicant who is offered or accepts employment in a school division to submit to fingerprinting and to provide personal descriptive information to be used to obtain a criminal history of the individual. This legislation indicates that there are instances in which the need for safety and welfare of students is a priority which supersedes the individual privacy of an applicant.

The VSBA supports legislation that permits, as a condition of employment, local school boards to require any applicant who is offered employment to submit to drug testing.

4.18 Superintendent Attendance at Meetings

Section 22.1-69 of the Code of Virginia states that the superintendent or designee shall attend all meetings of the school board and the superintendent’s (or designee’s) attendance may be dispensed with at a special meeting of the school board upon an affirmative vote of a majority of the members. When this section is read together with executive or the closed meetings statute in Title 2.2 the Virginia Freedom of Information Act, it appears that the superintendent is required to attend such closed meetings.

The VSBA supports allowing, but not requiring, the superintendent to attend executive or closed meetings of the school board.
5.3 Twenty-first Century Communication for School Boards

Where a quorum of a public body is physically assembled at one location for the purpose of conducting a meeting, additional members of such public body may participate in the meeting through telephonic or video means provided such participation may be heard by the public, as authorized under the Code of Virginia (§ 2.2-3708 and 2.2-3708.1) Virginia Freedom of Information Act. A quorum may be accounted for via an electronic roll call.

The VSBA supports revision of the records management regulations issued by the Library of Virginia, especially those regulations regarding the management and retention of school board e-mail, in order to achieve a suitable balance between access to and archiving of public records and the resources required for compliance.

7.1 Support for Private Education, Vouchers, and Tax Credits

The VSBA believes that all public schools should provide a quality education for each student and that in meeting local educational needs, locally developed policies and program options which give parents the opportunity to select schools or programs for their children should be considered among a variety of possible educational strategies.

The VSBA opposes federal or state efforts to mandate school choice, including efforts to divert or condition funding from existing federal and state programs. The VSBA supports any plan allowing public, private or home-school students access to schools or school programs that assure the following:

- The plan does not foster racial, social, or economic segregation or segregation of children with disabilities;
- Financial and other administrative issues, such as transportation concerns, are addressed. The VSBA believes local school divisions should not be required or asked to assume the liabilities and burdens of transporting nonpublic school students;
- The plan is not part of a federal or state voucher or scholarship program to finance non-public education;
- Students are required to make at least a one-year commitment to a school or program of choice to afford stability of school management;
- Full state reimbursement is made to school divisions for each student who is admitted; and
- No state mandate is created and that decisions regarding access to public school by non-public school students remain prerogatives of the local school board.

Private and home schools have no direct accountability to taxpayers for their use of tax revenues because they are explicitly excluded from public accountability under both the state’s Standards of Learning and Accreditation programs and the federal No Child Left Behind Act state and federal law. With vouchers and tuition tax credits, private and home schools would have an advantage in competition with public schools because they can be selective in admissions and can refuse to provide services which public schools by law must provide.

Vouchers and tuition tax credits for private and home schools could result in fewer existing state and federal funds appropriated to support public school programs.

The VSBA opposes any federal or state voucher and tuition tax credit legislation and any legislation that would provide vouchers or tuition tax credits for elementary and secondary
private and home-schooled school students. The VSBA also opposes measures requiring
the transfer of local taxpayer funds to other jurisdictions or to private providers should a
student choose to enroll in a virtual program outside of their home school division.

9.1 Standards of Quality and Standards of Accreditation

The Board of Education and the General Assembly work jointly to develop the Standards of
Quality (SOQ), which are the constitutionally mandated minimum program requirements and
the primary driver of both costs and state basic aid funding for the Commonwealth’s public
school divisions. However, the General Assembly does not approve revisions of the Standards
of Accreditation (SOA), as it does the Board of Education’s revisions of the SOQ, even though it
is the SOQ that require the Board of Education to promulgate regulations establishing
standards for accrediting public schools.

The SOA have become, over the last several years, another driver of educational costs and
state basic aid funding, and now have substantial financial impact on state government and
local school board budgets and on school operations. The new SOA adopted by the Board of
Education will add significantly to the local cost of public education, costing local school
boards millions of additional dollars statewide. The Board of Education has not coordinated
the SOA changes with the General Assembly to ensure adequate funding for the new SOA
requirements. Both the SOQ and the SOA require local school boards to revise, extend and
adopt biennially division-wide six-year improvement plans, with staff and
community involvement.

The VSBA strongly requests sufficient notice to and the participation of local school boards and
the public when the SOQ or the SOA are revised. There should be a return to the practice of
revising the SOA only after legislative approval of revisions of the SOQ and the adoption of a
biennial state budget which appropriates funds sufficient to implement the revisions.

The VSBA urges the Board of Education to provide the General Assembly with a realistic
fiscal impact statement, based on information it collects from local school boards, regarding
the estimated additional costs of the new SOA’s. Mandates resulting from the SOQ and the
SOA should be relaxed, delayed, or deleted if the state’s appropriated share of the costs is
not realistically and fully funded.

9.5 State Budget Adoption Study

The General Assembly has traditionally completed the adoption of the biennial budget within
the time frame established by the regular General Assembly Session. In both 2004 and 2006,
the adoption of a biennial budget was In some years, however, the adoption of a biennial
budget has been delayed well beyond the adjournment of the regular General Assembly
Session.

Localities are highly dependent on state funding for education, with state revenues
representing as much as 80 percent of some school divisions and total operating revenue.

School divisions face various statutory and logistical deadlines that are contingent on the
availability of state revenue. These include decisions on the hiring and firing of personnel and
the provision of summer school programs that address the needs of children and comply with
state and Federal mandates for remediation. The needs of school divisions and the state’s
funding obligations therefore can be relatively well documented through the Board of
Education’s biennial re-benchmark of the Standards of Quality funding accounts.
The VSBA supports a study of mechanisms that would guarantee essential services spending in a biennium by a certain date, in the event the General Assembly fails to produce a budget on time. The spending level would be predicated on the previous biennium’s budget plus additional revenues to fully address educational funding needs as identified through the State’s biennial re-benchmarking process plus revenues sufficient to cover any additional mandates adopted by the General Assembly.

9.7 State Funding for Advanced Placement and International Baccalaureate Tests

The Commonwealth of Virginia has adopted Standards of Accreditation (SOA) which require its students to demonstrate achievement of the Standards of Learning (SOL) academic objectives. The SOL raise the expectations for academic achievement in the four core subject areas of mathematics, science, English, and history and social science for all students in Virginia’s public schools, and also are the foundation for each individual school’s accreditation status because accreditation is determined by the degree to which a school’s students master these standards.

The SOA require high schools to provide students with access to at least two three Advanced Placement (AP) courses or two three college-level courses for credit. The College Board’s Advanced Placement Program, which local school boards may provide to their students, provides rigorous college-level instruction, sets high expectations for successful course completion, encourages additional professional training for teachers, and, through its testing program, provides external and independent measures of a school’s success in delivering such advanced instruction. The State Board of Education agreed that successful performance on AP and IB tests shall substitute for successful performance on end-of-course SOL tests. The cost to a student for taking one or more Advanced Placement or IB tests upon course completion is significant and may be a disincentive to enrollment, thereby acting as a barrier to advanced study at both the high school and college levels.

The Commonwealth of Virginia should assume the costs of Advanced Placement Program and IB testing to encourage its public secondary school students to pursue and benefit from such advanced instruction and individual examination. Any such funding should be provided on both a categorical and an incentive basis as an addition to basic aid funding.

9.9 Textbooks

A system for providing textbooks to all public school pupils at public expense should be established. State funding for textbooks should be based on actual costs and appropriated for each year of the biennium. Further, the state definition of textbooks should be expanded to include electronic information networks or sources to conform to current educational practice.

Local school boards should have authority to charge fees for replacement of lost or damaged textbooks. In addition, local school boards should be allowed to withhold a student’s report card or diploma or transcript because of nonpayment of a fee for replacement of a lost or damaged textbook. Further, each local school board may establish policy exempting a student or parent or guardian from such fees upon adequate documentation of financial need.
9.10  Standards of Quality and State Education Funding

The VSBA strongly supports the Standards of Quality as the foundation of the education program in Virginia.

The VSBA believes all mandated programs and services of education should be funded on the basis of realistic costs, more specifically the costs that are actually incurred by local school divisions to provide a high quality education, and the state should bear a fair share of those costs. The state should increase the percentage of general SOQ funds appropriated to elementary and secondary education. Full funding, rather than just modification of the formula or creation of new categories, should be the goal. The VSBA believes that:

- It is the responsibility of the state to fund, on a statewide basis, at least fifty-five percent of the actual cost for providing a quality educational program to all students in the Commonwealth, and to provide cost-for-competing add-on funding to all Virginia school divisions.

- Supplemental state funds should be directed to legitimate areas of state concern including, but not limited to, educational technology, alternative education, remedial programs, the gifted and talented, special education, vocational education, English-as-a-second-language programs, textbooks, summer school, staff development, management skills, regional cooperative programs and facilities, and transportation. Maximum caps related to percentages or number of students for which funding is available should be eliminated. Present categorical incentive and grant funds should not be folded into basic SOQ aid.

- All full-time school employees should be included in the Virginia Retirement System (VRS), and the entire employer’s share of VRS costs (retirement and life insurance) and federal Social Security should be budgeted by and paid directly by the state, and should not be subject to the equalization formula.

- State funds should be made available to local school divisions for school construction, renovations, additions and debt service, including those related to state mandates and federal requirements which result in facilities impact, including the requirements of the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

- Waiver requests seeking relief from certain mandated requirements when reductions in state aid occur during the school years should be approved. Waiver requests should also be approved if the General Assembly fails to fully fund the biennial “rebenchmarking” of Standards of Quality accounts.

- Unallocated state revenue streams should continue to be provided to the localities to be used at the discretion of the school board and not to fund new mandates.

- State funds should continue to be made available to local school divisions for a lunch program based on the number of children served regardless of the amount of federal funding for this program.

- The state should fully fund its share of all currently mandated programs. All new mandated programs, including those implemented by the Virginia State Board of Education through the rulemaking process, and should be fully funded.

- The Local Composite Index should be provided annually to localities no later than August 15 of the specified official base year for the biennium.

- Periodic adjustments to the equalization formula should be made when such changes improve the accuracy of the formula in estimating the true ability to pay of a locality.

- A floor should be established in the computation of the Local Composite Index, whereby a city or county with less than 8,000 population and whose school division has less than 1,000 Average Daily Membership (ADM) may use 8,000 population and 1,000 ADM for purposes of determining the composite index of ability-to-pay.

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☐ The state should adjust basic aid payments when actual sales tax receipts are less than the state fiscal year estimate used in the basic aid formula.

☐ Categorical funding should be provided for required elementary guidance counselors and reading specialists.

☐ The state should provide adequate and realistic funding for the provision of school health services, including for school nurses, to assist in the delivery of such services to students, according to the model selected by each locality.

☐ The state should expand funding for the Virginia Teaching Scholarship Loan Program to no less than $1 million so that the Commonwealth of Virginia will have a sufficient quantity of qualified teachers eligible for employment.

☐ The state should reinstitute the policy of forgiving student loans on a one-for-one year basis for those who teach in a Virginia public school.

☐ The statewide salary figures used in calculating basic aid payments should be determined by applying an unweighted measure of the arithmetic mean to the actual salaries paid instructional personnel in Virginia, using the employee rather than the school division as the basic unit of measurement.

☐ The VSBA is encouraged to provide information to and support for statewide and regional coalitions that promote this policy.

☐ Program and service requirements enacted by the state that exceed the minimum regularly funded programs and services mandated by Congress should be implemented only if 100% of the cost difference is funded by the state.

☐ It is the state’s responsibility to fund 100% of the costs of all testing required by state and federal accountability programs, including mandated tests of English language proficiency and the development and administration of “plain English” versions of every NCLB-mandated federally-mandated test for LEP students.

☐ The state should use the actual costs of educational and support services as faced by local school divisions in its biennial “re-benchmark” of state education funding formulas. Statistical methodologies that purposely disassociate local costs from the costs included in state reimbursement formulas or that place artificial caps on state reimbursements including, for example, the use of general measures of inflation (e.g. the Consumer Price Index) instead of actual cost increases in school divisions, only serve to reduce required and appropriate state contributions to education.

☐ Additional state resources should be targeted to assist school divisions and individual schools with high levels of student poverty. In addition, there should be coordinated local, state and federal policies and resources available to help address the needs of students in poverty within a school’s community.