

Tab X

Proposed Legislative Positions Amendments

Previously adopted Legislative Positions remain in full effect from year to year. **No vote is necessary on legislative positions if no change is made.**

- Only changes to existing Legislative Positions (Amendments to add or delete language), or new Legislative Positions, are to be considered by the Delegate Assembly.
- When a proposed new legislative position, or proposed amendment, is removed from the "block" to be considered separately, **only the proposed changes are open to consideration/discussion.** It takes a 2/3 vote to suspend the rules to consider/discuss any part of a position not new or proposed for amendment.
- The explanation for and history of each position that is included in the official VSBA Handbook of Legislative Positions is omitted in this section. They are omitted because they are used for lobbying purposes and are not part of the position statement, nor subject to action by the Delegate Assembly.
- The full text of all current Legislative Positions are included in the Appendix.

Proposed New and Amended Legislative Positions

LEGISLATIVE POSITION PROPOSAL No. 1

1.7 - Single Letter Statewide Grading Scale for Evaluating Individual School Performance (NEW)

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.

Rationale:

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.

LEGISLATIVE POSITION PROPOSAL No. 2

1.8 – Creation of a Statewide School Division to Operate Non-Accredited Schools (NEW)

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.

Rationale:

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.

Though there is agreement that schools should not be permitted to persistently fail, School Boards have significant concerns about this new statewide school division and school board.

- No information has been provided as to how the OEI board will be able to solve the problems facing these troubled schools. There is no evidence that this statewide division, which is modeled after a program in Louisiana, will improve educational services.
- The Code establishing the OEI includes the following provision: No later than six months prior to the expiration of a school's fifth year in the Institution, the Board shall decide whether to retain the school in the Institution for a specified number of additional school years or transfer the school back to its previous local school division. There are no formal standards/expectations for the OEI once a school is transferred to the Institution, nor is there an accountability process in place for the OEI should the schools fail to be successful while under its supervision. After five years the OEI Board can return a school to its locality without demonstrating any progress.
- The Code establishing the OEI contains no criteria by which the statewide OEI board will decide to take over a school that has been accredited with warning. Pursuant to the Code, a majority vote of the OEI Board is all that is required:

Supervision of any school that has been accredited with warning for three consecutive years may be transferred to the Opportunity Educational Institution following a majority vote by the Board to transfer such school to the Institution.

- Transferring control of schools to the OEI Board which has no experience operating schools and little, if any, connection with the local community will not solve the problem of failing schools. Community and parental involvement are key components of a successful school.

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.

LEGISLATIVE POSITION PROPOSAL No. 3

1.9 – Assessment Reform and Accountability Reform (NEW)

The VSBA supports the establishment of a balanced assessment and accountability system, as defined by local school boards, that utilizes a more complete picture of student learning by providing both measures of achievement (such as the Standards of Learning (SOL) tests) and state- approved, authentic measures of individualized student growth over time. Furthermore, the VSBA supports a reduction in the number of SOL tests to carefully selected grade-levels and content-areas to permit the reallocation of assessment dollars and instructional time.

Rationale:

The Commonwealth's current practice of administering as many as four achievement (SOL) tests each and every year in grades 3-8 is decidedly unbalanced. Parents want to know that their child is making academic progress and teachers long to celebrate how far they bring each student each year. Pass rates and standard scores on achievement (SOL) tests administered at one moment in time do not provide this information and cohort based statistics such as the Student Growth Percentile (SGP) are woefully inadequate. With greater emphasis on student academic growth as a component of a teacher's professional evaluation, a balanced approach using multiple measures over multiple years will dramatically increase reliability when making value-added determinations about schools, programs, and professional educators.

Every student in Virginia takes 34 SOL tests between the grades of 3-11. While SOL-like tests are important, 34 tests per student over 9 years is an expensive, outdated, and unbalanced approach to assessment. In March 2013, the DOE approved a list of vendors that provide, "valid measures of student growth" (State Superintendents Memo #078-13) correlated with the SOLs. This was an important step in recognizing that the art and science of teaching and learning has progressed in exciting ways, and that innovations in assessment are ripe for implementation.

The reallocation of a portion of the current state testing budget by reducing the number of one-shot SOL tests to reallocate resources for authentic measures of student growth will be accelerated by legislation authorizing the use of these new measures in place of traditional SOL tests at select grade-levels and content-areas.

The time has come to re-examine the current assessment system.

LEGISLATIVE POSITION PROPOSAL No. 4

1.10 – Local Control of SOL Testing (NEW)

The VSBA supports local school division control of SOL testing windows. Local school boards should have the flexibility to provide opportunities for early SOL test administrations; to allow for retaking of tests not passed during the same school year; and to assess students based on mastery of course content and not solely upon reaching a particular number of instructional clock hours.

Rationale:

The proposal requesting additional flexibility in the administration of SOL's is based on the state's increasing reliance on using standardized test scores for "high stakes" outcomes (school accreditation, teacher evaluations). The appropriateness of reliance on SOL scores on such decisions is a separate matter, but at least a grant of additional flexibility given current state policy choices will give students the best chance to demonstrate content mastery and in turn more appropriately measure both school and teacher performance.

Furthermore, when students complete SOLs successfully earlier in the year, school divisions can move beyond the focus of SOLs to teach those students project-based learning.

LEGISLATIVE POSITION PROPOSAL No. 5

1.11 - Expedited Retakes of All SOL Exams (NEW)

The VSBA supports expedited retakes in all SOLs and in all grades.

Rationale:

Currently, only high school credit End of Course tests are eligible for expedited retakes. Legislation that would allow all students taking SOLs to take expedited retakes was proposed in the 2013 General Assembly (SB1162), but was left in the House Committee on Appropriations. All students taking SOLs should be allowed expedited retakes in the same criteria that exist under law for high school students now.

LEGISLATIVE POSITION PROPOSAL No. 6

2.1 Early Childhood Developmental Programs and Funding for At-Risk Three- and Four-Year Olds (AMEND)

The General Assembly has found quality preschool programs to be an effective mechanism for assisting students at-risk of school failure and helping ensure that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century.

Early childhood developmental programs may be more appropriately provided by existing programs or through interagency cooperation. Many at-risk children are already being helped through established Head Start and Preschool Disabled Programs.

Shortages of public school facilities in many areas will be furthered with projected growth in the preschool population. These challenges will impact educational budgets, which cannot absorb the added costs of early childhood developmental programs.

To address these concerns and to adequately provide early childhood development programs, the VSBA supports the following:

- School divisions using Head Start funds should be allowed to access their state allocation;
- The provision of voluntary programs for three- and four-year-olds should be a local prerogative with the exception of programs for at-risk three- and four-year-olds;

- The concept of developmental preschool programs for at-risk four-year-olds, but emphasizes that preschool services should not be mandated as a responsibility or a financial burden of local school boards; and
- An amendment to the state budget that would eliminate any inequities regarding the State Program for Three- and Four-Year-Olds.
- In the absence of full funding for early childhood programs, the state should pay particular attention to minimizing both program start-up costs (including facilities costs) and any required local match for localities.

Rationale:

The proposed amended position supports a focus on two areas commonly cited as local impediments to expansion of early childhood programs in the absence of full state funding - program start up costs (including facilities costs) as well as local matching requirements. For example, Federal Head Start only requires a 20% match, whereas the state requires a match based on Local Composite Index (capped at a maximum of 50%).

LEGISLATIVE POSITION PROPOSAL No. 7

3. 1 Educational Technology Funding (AMEND)

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 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 assessment and accountability mandates, including the state Standards of Accreditation Assessment Program and the federal No Child Left Behind Act. Moreover, such funding should be included in the Standards of Quality.

Rationale:

Position requests additional state funding support for the many technology-related mandates created by the General Assembly (examples: newly required virtual course for graduation; expansion of on-line SOL testing to all grade levels; ongoing state encouragement to provide virtual options for education).

LEGISLATIVE POSITION PROPOSAL No. 8

7.1 Support for Private Education, Vouchers, and Tax Credits (AMEND)

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. 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.

LEGISLATIVE POSITION PROPOSAL No. 9

3.4 – Cost/Benefit Analysis of Virtual Education (NEW)

The VSBA proposes that the General Assembly authorize an evaluation and cost-benefit analysis of virtual course offerings in Virginia local school divisions and at the state level. This study would include Virtual Virginia, as well as other locally developed programs.

Rationale:

The purpose for the evaluation and cost-benefit analysis is to establish the current state of virtual education in Virginia, and the wide range of courses available to students across the state. The cost-benefit analysis would quantify the cost for virtual courses correlated to type and conduct a qualitative and quantitative assessment of the associated learning outcomes based upon the cost and type of virtual course.

LEGISLATIVE POSITION PROPOSAL No. 10

3.5 Funding for Model Virtual Education Programs (NEW)

The VSBA proposes that the General Assembly adopt legislation establishing a Pilot Model Virtual Learning Program to provide support and grant funded incentives for local school divisions in Virginia to offer innovative K-12 virtual education programs which could serve as models for programs in other school divisions.

Rationale:

It is critical that local school divisions have the flexibility and resources to provide innovative education programs to meet unique and diverse student needs. With a pilot program to support selected school divisions' choice of the best virtual learning delivery model for their locality, the

General Assembly could provide financial incentives and resources to foster design and implementation of a variety of different programs that meet the needs of the local community, provide research on best practices, and demonstrate successful outcomes that could be replicated in school divisions throughout Virginia.

LEGISLATIVE POSITION PROPOSAL No. 11

10.13 – Use of Video Recording Devices and School Bus Safety (NEW)

The VSBA supports legislation whereby additional video recording devices that could be used in prosecuting a motorist for failure to stop when approaching a stopped school bus. Further the VSBA supports the use of video evidence of such a violation taken from cameras installed at intersections. A portion of revenue received from the related penalties should be directed to the local school division.

Rationale:

Under current law, a motorist who fails to stop when approaching a stopped school bus may be subject to a \$250 civil penalty. However, if the locality adopts an ordinance allow for a civil penalty, the local school division can receive the revenue from the civil penalty imposed only when video recordings used in the prosecuting these violations are taken from cameras installed on school buses.

Falls Church City Schools is implementing a plan to have traffic-safety cameras on all school buses by start of the 2013-2014 school year, and anticipate this will be effective in deterring motorists from passing stopped buses, and imposing penalties on those that do not obey the bus stop rules. However, it has taken a full year to effect this plan for Falls Church. If video evidence from cameras installed at intersections were considered in the same manner as video taken from cameras installed on school busses, this addition additional evidence could aid prosecutions where bus-mounted cameras were not present or not able to capture the incident effectively and increase the sources of revenue for school divisions.

LEGISLATIVE POSITION PROPOSAL No. 12

5.3 Twenty-first Century Communication for School Boards (AMEND)

~~Local school boards and other local public bodies should have the same authority as state public bodies to conduct electronic communication meetings.~~ 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). 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.

Rationale:

Under a 2013 Virginia Code amendment, a “personal matter” can support a school board member’s request to participate in a board meeting from a remote location. However, no member can use this option more than two times per year. Extending this option to additional meetings would enhance participation at particular meetings, but also make it feasible for those frequently affected by business travel or family care obligations to engage in public service, and thereby greatly expand the range of talents available for each public body’s decision-making. This would modernize, clarify and simplify the conditions under which a member of a school board or other local public body may participate in a meeting from a remote location. It would bring meetings of local public bodies into closer alignment with long-recognized best practices for meetings of boards of directors in the private sector. With this change, members of such a

body could participate in meetings while continuing to meet business travel or family care obligations.

Even if the change were adopted, several required conditions would still protect the integrity of the meeting, including:

- 1) a quorum must be present at one site;
- 2) the public must be able to hear the remote participant; and
- 3) other members of the body have to consent to the off-site participant's inclusion in the meeting.

LEGISLATIVE POSITION PROPOSAL No. 13

7.2 Non-Public School Students Participating in Virginia High School League activities.

(AMEND)

~~The VSBA opposes non-public school students' participation in Virginia High School League (VHSL) activities. The VSBA supports a JLARC study on the impact of non-public school students participating in VHSL activities.~~

Rationale:

The proposing school board would like to see the results of a JLARC study regarding the eligibility of non-public school to participate in VHSL activities. The proposing school board believes that the VSBA should take a position on non-public students participating in athletics only after learning the impacts of such a change from the results of a JLARC study.

LEGISLATIVE POSITION PROPOSAL No. 14

10.4 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. 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 ~~middle and high~~ 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; ~~and~~

- 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.

Rationale:

Proposed position responds to state policy discussions regarding school safety and urges retention of local discretion and flexibility over decisions whether or not to employ School Resource Officers, and if so, in which grade levels they were most appropriate and opposes specific mandates to arm school personnel.

LEGISLATIVE POSITION PROPOSAL No. 15

10.13 – Childhood Obesity (NEW)

The VSBA supports continued attention to the issue of childhood obesity in Virginia's public schools. Any such consideration should include the collection and dissemination of best practices for nutrition, physical activity, and sleep which may help combat childhood obesity; but which allow local school divisions to retain flexibility in how they address this problem through local wellness policies (as opposed to state mandates).

Rationale:

The proposed position is a response to ongoing state level discussions regarding the best approach to address childhood obesity. This position advocates local discretion regarding appropriate policies as based on current research as opposed to state mandates.