

IX.

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, or subject to action by the Delegate Assembly.
- The full text of all current Legislative Positions is included in the Appendix.

LEGISLATIVE POSITION PROPOSAL NO. 1

1.5 Aligning State and Federal Accountability Programs (AMEND)

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.

~~The VSBA urges the Board of Education to re-evaluate the decision not to adopt the Common Core State Standards. The VSBA urges the Board of Education to provide information to local school boards during the course of the Board's re-evaluation so that school boards can become better informed regarding the Common Core State Standards. The VSBA urges the Board of Education to seek and consider the input of local school boards on the consideration of the Common Core State Standards.~~

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.

(Proposed by: Lancaster County)

Rationale: The Common Core State Standards were not created by a state led process, subject to any freedom of information acts, public meeting laws, or sunshine laws. Review and adoption is not the same as creation.

Motion to Approve the Proposed Legislative Positions: Morgan Phenix (Page County)

Motion Seconded: Jon Buttram (Fairfax City)

LPC Committee Vote: Unanimous- For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 2

3.8 Educational Technology Staffing (NEW)

To enable higher levels of student achievement and engagement, the use of technology within school divisions has grown. VSBA recognizes that technology personnel are key to the successful integration of technology in schools. Therefore, VSBA supports an increase in staffing prescribed by SOQ's to better match the current level of technology in school divisions for support of on-line testing requirements and the expansion of e-Learning as well as 1:1 initiatives and the state-sponsored backpack program. To help school divisions fund the staffing

required to successfully support technology at the building level where it is critically needed, we propose that the SOQs should stipulate the following staffing levels with funding to match: technical support is funded at a rate of one full-time equivalent position per school for those schools with 300 or more students plus one additional FTE for each 500 students above that in each schools. The current ratio of 1 FTE per 1,000 students for instructional technology resource teacher could remain.

(Proposed by: Hampton City)

Rationale: No written rationale provided.

Motion to Approve the Proposed Legislative Position: Morgan Phenix (Page County)

Motion Seconded: Jon Buttram (Fairfax City)

LPC Committee Vote: 4- For/1-Against

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 3

1.3 State Testing and Coordination Support (AMEND)

The VSBA supports the provision of Standards of Quality (SOQ) funding for local school Divisions that supports the coordination and analysis of the required Standards of Learning (SOL) accountability program and NCLB testing while maintaining local flexibility. The SOL provides useful data that is used to compare the performance of Virginia's students with their peers across the nation. The Board of Education requires that information derived from the testing program may be incorporated into school performance report cards and the process for accrediting public schools, 21 as well as be used for application of consequences to students, teachers, schools and school divisions.

The VSBA supports accountability and an effective and accurate program to assess progress in meeting the new SOL's and believes that accountability and effective performance assessment for both students and teachers demand that the assessment of course learning be provided in close time proximity to the completion of the course.

The VSBA supports end-of-course testing for credit-bearing courses designed to meet the Virginia SOLs and supports policies and practices to ensure that tests are administered judiciously and for purposes consistent with their intent.

The VSBA supports the need to monitor student achievement on a regular basis but emphasizes that the Board of Education should provide the frequent opportunity and adequate time for local school divisions to review and comment upon test instruments and testing criteria, and issues related to the purpose, validity, cost, implementation and administrative burden.

The VSBA urges the Board of Education to notify local school boards of significant changes to the required testing program at least two years in advance and to provide local school boards with 100% financial support necessary for all administrations of academic assessments mandated by the state accountability program.

A transience factor should be maintained by the state for determining pass rates for accreditation purposes, so that schools with highly transient populations will not be unduly penalized for the performance of students who have only been enrolled for a short time.

The VSBA urges the Board of Education and SOL Innovation Committee to offer possible remedies, such as establishing a threshold or guidelines, for how many opt-out students can be excluded from calculations for accreditation purposes. The current practice of giving a score of zero for those students unduly penalizes schools by reducing their overall score and holding them accountable for a decision that is ultimately within the control of the parent.

The VSBA reiterates support for norm-referenced, criterion-referenced and alternative assessment and the commitment to assist the Board of Education in establishing a testing program that provides accountability as well as opportunities for program improvement, diagnosis of individual student learning needs, remediation and appropriate adaptations for students with disabilities and students with limited English proficiency. The VSBA also supports the retention of appropriate and valid alternative assessments of student achievement, including paper and/or portfolio-based assessments.

(Proposed by: Hampton City)

Rationale: No written rationale provided.

Motion to Approve the Proposed Legislative Position: Morgan Phenix (Page County)

Motion Seconded: Linda King (Floyd County)

LPC Committee Vote: Unanimous-For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 4

2.2 Virginia Preschool Initiative (VPI) Funding (NEW)

The VSBA supports an adjustment or elimination of the local school division budgetary match currently required to receive Virginia Preschool Initiative (VPI) funding to allow school divisions to expand preschool opportunities without negatively impacting funding for other programs and services.

(Proposed by Prince William County)

Rationale: Adjusting or eliminating the financial match would allow school divisions to increase preschool services even when there are limited or no local matching funds available.

Motion to Approve the Proposed Legislative Position: Jon Buttram (Fairfax City)

Motion Seconded: Iris Lane (Westmoreland County)

LPC Committee Vote: Unanimous – For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 5

9.12 Public School Calendar and Make-Up Days (AMEND)

Control of the public school calendar should be solely a prerogative of local school boards. The VSBA supports local school board actions to increase the minimum number of instructional days beyond 180 and a required, commensurate increase in state funding. The VSBA also supports an amendment to Section 22.1-98 of the Code of Virginia related to inclement weather and other emergency make-up days. Further, the VSBA supports permitting local school boards, within guidelines developed by the Department of Education, the option of allowing at-home, digital e-learning (or offline assignments when home technology and/or connections to the internet is not available) to count for required days/minutes of instruction when students are home due to unexpected school closures (e.g., inclement weather, natural disaster, facility problems).

(Proposed by Prince William County)

Rationale: With an increase in access to digital devices, students and teachers have the ability to carry on instruction even when there are unplanned school closures. Teachers would support and be in communication with students using email and other electronic communications tools. Details would need to be worked out (e.g., home access to digital devices and the Internet, support for students with disabilities, policies and regulations with guidelines for when the superintendent would activate home instruction). This proposal would be implemented easies in those school divisions that have gone to 1:1 e-Learning. Additionally, the amount of “e-Learning time” would need to be determined to know just how much “make-up credit” a school division would receive. Support for this request and “virtual school days” would limit the need for adding days to the school calendar and/or minutes to the instructional day when unforeseen circumstances require schools to close.

Motion to Approve the Proposed Legislative Position: Linda King (Floyd County)

Motion Seconded: Jon Buttram (Fairfax City)

LPC Committee Vote: Unanimous – For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 6

1.2 Fair Assessment of Limited English 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 the federal No Child Left Behind Act of 2001 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 practices. Funding school divisions on the basis of at least 30 teachers per 1,000 LEP students, which is far closer to current school division best practices; as well as state funding for two pupil personnel positions per 1,000 LEP students,
- 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 more costly 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.

(Proposed by Prince William County)

Rationale: WIDA’s mission advances academic language development and academic achievement for linguistically diverse students through high quality standards, assessments, research, and professional development for educators. WIDA ACCESS is a secure large-scale English language proficiency assessment given to K-12 students who have been identified as ELLs. It provides information on how a student uses literacy, reading, and writing skills to communicate in the language of math, science, social studies, and language arts. From an academic point of view, an ELL demonstrates application of well-developed literacy skills within these four content areas. ELLs entering high school at beginner English proficiency levels would have the opportunity to waive Virginia’s verified credit in the English Reading EOC exams when attaining a score of 5.0 or higher on the WIDA ACCESS for ELLs’ assessment in achieving their graduation plan. High school ELLs who achieve the highest score (5.0-6.0) on the Tier C test in both the composite and literacy scores meet the Virginia exit criteria and are recognized to demonstrate skills that communicate attainment of language proficiency comparable to that of their English-proficient peers.

Motion to Approve the Proposed Legislative Position: Linda King (Floyd County)

Motion Seconded: Iris Lane (Westmoreland County)

LPC Committee Vote: Unanimous – For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 7

5.15 Land Acquisition **(NEW)**

The VSBA 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 and the like.

(Proposed by Loudoun County)

Rationale: Equitable servitudes impede the School Board's authority to purchase land for schools in residential subdivisions. Current legal precedents make it difficult to locate a school in a residential subdivision unless specifically included in the covenants. Legal precedent makes it difficult to comply with county zoning and the general plan which indicate that schools should be located in residential subdivisions.

Motion to Approve the Proposed Legislative Position: Jon Buttram (Fairfax City)

Motion Seconded: Morgan Phenix (Page County)

LPC Committee Vote: Unanimous – For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 8

4.5 Virginia Retirement System Contributions **(AMEND)**

The Virginia Retirement System (VRS) has continued to increase the local employer contribution far above the Consumer Price Index (CPI). The systematic underfunding of VRS is a recognized challenge that developed over years. Attempts, however, to increase rates in amounts to resolve the funding issue in two or three years will unduly burden local school divisions and interfere with the local control of schools, its allocation of resources, and the general conduct of the schools under Article VIII, Section 7, of the Constitution of Virginia. A slower phased-in approach would make the increases with state fund balances should be considered as well. Moreover, attempts to credit temporary supplemental pay for retirement purposes should be rejected.

~~The cost of this mandated employee benefit is causing local school boards to allot budget moneys for retirement that should more properly be spent on teacher raises.~~

~~An employer's decision about whether the employer or the employee pays the VRS member contribution is part of a locally developed balanced compensation and benefits package, including salary supplements for temporary voluntary activities such as club sponsorship or coaching in the definition of creditable compensation would significantly increase the costs of local employer contributions, provide no benefit to most employees, and fruitlessly increase costs for those employees who pay the member contribution.~~

The VSBA urges the legislature to:

- Require VRS to demonstrate the fiscal reasons for each contribution rate change and disclose the effect of the rate change on local school board budgets in the fiscal year prior to the consideration of any employer rate increase, slow the planned VRS

contribution increases to localities, and/or buy-down the proposed rate increases with state fund balances; and

- Refrain from imposing additional VRS cost increases on local school boards through mandates requiring employer payment of member contributions or payment based on compensation which includes salary supplements.

(Proposed by Loudoun County)

Rationale: Sudden increases in VRS funding by local school boards are difficult to absorb in the short-run and should be avoided. A more phased-in approach would make the increase much more affordable for all localities. Continued buy-down of the proposed VRS rate increases with state fund balances should be considered as well.

Motion to Approve the Proposed Legislative Position: Morgan Phenix (Page County)

Motion Seconded: Ed Wise (Buckingham County)

LPC Committee Vote: Unanimous – For

Motion Carried



LEGISLATIVE POSITION PROPOSAL NO. 9

9.6 Composite Index (AMEND)

Virtually all state education funding is equalized via the State's Local Composite Index (LCI), which measures local ability to pay, it is critically important that the LCI formula fairly and accurately reflects both local ability to pay and the resource needs of local school divisions. The Joint Legislative Audit and Review Commission recommend various changes in 55 the LCI formula in its 2002 Review of Elementary and Secondary School Funding which to date have not been adopted by the General Assembly.

The VSBA requests that the Commonwealth undertake a study of the Local Composite Index formula to determine the appropriateness of changes to the LCI funding formula itself, including the fiscal impact of such changes to the Commonwealth and individual local school divisions. Such a study should include an evaluation of:

- The original JLARC recommendations from 2002 including the addition of a population density adjustment; using total adjusted gross income (AGI) and median AGI, in instances where the use of median AGI would decrease the locality's LCI; and updating the relative weights that are given to the real property, sales tax, and other revenue components of the formula;
- The impact on ability to pay off a locality's choice to employ the "use value" method of determining the value of real estate for tax purposes;
- The impact of unequal city and county taxing authority on local ability to generate revenue, and thus ability to pay;
- The impact cost of living has on a locality's ability to pay;
- The incorporation of direct measures of service burden such as student demographics, limited English proficiency population, and special education population;

- The impact of adding a factor based upon the percentage of students in the division eligible for free or reduced lunch, providing a fair and reasonable reflection of the local poverty level;
- The impact of replacing the “total property value” with “total taxable property value ” and;
- The impact of replacing “total adjusted gross income” with “median adjusted gross income.”

(Proposed by Rockbridge County)

Rationale: No written rationale provided.

Motion to Approve the Proposed Legislative Position with Amendments: Jon Buttram
(Fairfax City)

Motion Seconded: Iris Lane (Westmoreland County)

LPC Committee Vote: Unanimous – For

Motion Carried

