

## **BILLS OF INTEREST – 2017 GA SESSION**

HB 2251 (Jones) to create an optional DC retirement plan passed in the House. The Senate passed it with a reenactment clause, which didn't kill it but required it to pass again in the 2018 session before it could be effective. The House rejected the amendment, but the Senate insisted on it and asked for a conference committee. The House appointed three conferees, but the Senate did not. No further action was taken, so the bill failed to pass.

HB 2294 (McQuinn) to make the health insurance credit available to all retired school personnel was tabled by voice vote in the House Appropriations Subcommittee on Compensation and Retirement. The Commission on Employee Retirement Security and Pension Reform, a five-year study commission, did not take up this issue this year, but the subcommittee has publicly and privately given assurances that it will be included in the discussion next year. In addition, Bonnie Atwood and Bea Morris brought this to the attention of Speaker Howell's legislative aide, and although he is retiring in January 2018, they intend to keep this before his office, since he was the chairman of this group and will certainly pass on his wishes. Also, they will discuss it with the new chairman.

There was no legislation in 2017 to change the enhanced retirement benefit qualification from 1980 to 1990. It also is supposed to be discussed by the study commission before the 2018 session.

SB 1359 (McPike)/HB 2089 (Kory) requires each school board to develop and implement a plan to test for lead and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, giving priority in such testing plan to school buildings constructed, in whole or in part, before 1986. This is the version of the bill that passed. Previously, school divisions were not required to test water in the schools if the water came from a public source. Only buildings that had their own source, such as a well, had to be tested. However, the bill as introduced was amended to remove the requirement to report the results of the testing by posting them on the school board website and given to the Virginia Department of Health's Office of Drinking Water. Also, the original bill required that if any test indicated lead at or above 20 parts per billion, a plan to remediate the level of lead would be posted on the website and the remediation would be confirmed by retesting the water at two consecutive six-month intervals. The bill as introduced had a fiscal impact that could not be determined, but the bill that passed has no fiscal impact. It seems that any teeth in the bill were removed since there is no requirement for reporting the results of tests.

HB 2341 (Landes) requires at least two of the nine members of the Board of Education to represent business and industry in the private sector. This passed on a House vote of 71-25 and a Senate vote of 22-18.

HB 1578 (Greason) would have allowed local school boards to determine their school calendar. This passed on a House vote of 75-24 but failed in the Senate Education and Health Committee on a 9-6 vote.

HJ 629 (Rob Bell)/SJ 240 (Obenshain), a constitutional amendment to allow the Board of Education to establish charter schools, was defeated on a 4-3 vote in the House Privileges and Elections Subcommittee. The Senate version was stricken in committee at the request of the patron when it appeared there would not be enough votes to pass it.

HB 2342 (Landes)/SB 1283 (Obenshain) would authorize the Board of Education to establish regional charter school divisions consisting of up to three local school divisions that each have an enrollment of 3,000 students and that each have one or more schools that have been denied accreditation for two of the last three years. The regional charter school division would be governed by a separate board of eight members appointed by the BOE and one member appointed from each underlying locality (not the school board). The regional charter school would be funded by the SOQ per pupil funding of the jurisdiction in which each student resides. The regional charter school would not be entitled to receive any local share for the students. This is quite different from previous charter school bills, but it would take funding from public schools. This passed the House on a 55-42 vote and the Senate on a 21-19 vote. The Governor vetoed this on March 13, 2017.

HB 1578 (Rob Bell) would require VHSL to allow home schooled students to participate in interscholastic activities. It passed on a House vote of 60-38 and a Senate vote of 38-0. The Governor vetoed the bill on February 20, 2017.

HB 1807 (John Bell) the hearing officer at the end of the grievance procedure would be replaced by a fact-finding panel and the deadline for conducting grievance hearings would be removed, resulting in delays. This was defeated in the House Education Innovation Subcommittee on a 4-2 vote.

SB 1476 (McClellan) would require the Board of Education to develop and make available to each local school board a program of training for hearing officers who preside over teacher dismissal hearings and provide the school boards with a list of these trained hearing officers. The projected fiscal impact of this was \$150,000 for each of the next five years. (State employees have a similar list of hearing officers as part of their grievance procedure.) Perhaps because of the cost and the unlikely passage of this bill, it was stricken at the request of the patron.

HB 2191 (Landes) requires that parents be notified if their child is enrolled in a course that may include sexually explicit content and that replacement materials be provided. This was vetoed by the governor on March 13, 2017.

HB 1400 (Dickie Bell)/SB 1240 (Dunnavant) creates a statewide virtual school system. This passed the House on a 57-40 vote and the Senate on a 22-18 vote. The Governor vetoed this bill on March 13, 2017.

HB 1605 (LaRock) creates Parental Choice Educational Savings Accounts which will allow parents to receive state SOQ funding for tuition to private sectarian and non-sectarian schools, educational materials, transportation, internet, etc. The resident school division would oversee by checking receipts, etc. This bill passed in the House with a reenactment clause; however, the Governor vetoed it on March 16, 2017.

SB 1243 (Dunnivant) was a companion bill, but on a 20-20 vote in the Senate, the Lt. Governor voted no, so the bill was defeated.

HB 1534 (Dickie Bell), HB 1535 (Dickie Bell)/SB 996 (Stanley), HB 1536 (Dickie Bell), SB 995 (Stanley), SB 997 (Stanley) are bills related to long-term suspensions or expulsions. All were passionately debated but failed because of strong opposition. None of the bills included any funds for programs or personnel to deal with disruptive students. The statistics presented by JustChildren, a division of Legal Aid, are alarming, but administrators are charged with providing a safe environment and a climate conducive to learning. Schools already employ strategies, programs, and procedures to correct misbehavior and to maintain a safe learning environment. And they are willing to try solutions that others have found successful. This is a complicated issue that should be discussed at the local as well as the state level, but it is not a problem that can be solved just by an effort to improve statistics and to “keep kids in school.” Behind each number is a child who has needs not being met by family, community, the school, or all of these. Lack of good parenting, mental and physical health needs, society’s problems with drugs, gangs, etc., overcrowded classrooms, over-loaded school counselors, poverty resulting in food and shelter insecurity, etc., are just a few of the things that impact children and result in the statistics we see when children cannot cope. It is good that such problems are being brought to light. These bills will be back in 2018, we hope with some answers to the problems and not just another requirement for the schools to keep the kids on campus.

Please read these bills and discuss them with senators and delegates well before the 2018 GA Session.

### Redistricting

There were five Senate bills introduced by both Democrats and Republicans calling for redistricting reform, none of which passed. SJ 1206 (Lewis), patterned after Iowa’s redistricting process failed in the Privileges and Elections Committee on a 7-7 tie vote. SJ 269 (Deeds), SJ 260 (Barker), and SJ230 (Sturdevant) were incorporated into SJ 231 (Hanger) which called for a constitutional amendment that had specifics for establishing a seven-member commission to redraw congressional and General Assembly districts including standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. Sen. Hanger’s bill passed the Senate on a 33-7 vote. However, it was defeated in the House Privileges and Elections Committee on a 14-7 vote.

OneVirginia 2021 is a coalition of citizens from all across the state including Republicans, Democrats, and Independents with political beliefs ranging from progressive to Tea Party. Their mission is to “advocate for the adoption of an amendment to the Virginia Constitution that will establish an independent, impartial commission to apply a fair and transparent process in drawing political districts after the 2020 census.” Over the last three years, this group has provided information and speakers to groups and events in many parts of Virginia. I encourage you to go to their website, [www.onevirginia2021.org](http://www.onevirginia2021.org), read about their efforts, and sign the petition if you haven’t already done so.

Also, this group has produced a very informative and interesting documentary on gerrymandering that can be accessed by typing in the search bar JerryRigged Trailer You Tube. A disc is available to show to groups.

As you plan programs for your organization or a community group, consider asking someone from OneVirginia 2021 to be a speaker. Contact information is on the website. Interest is growing, but real change only happens when constituents make it clear to their legislators what they believe is necessary for a fair democratic process.

The following communities have passed a resolution supporting redistricting reform: Albemarle, Alexandria, Arlington, Blacksburg, Charlottesville, Christiansburg, Fairfax County, Glade Springs, Lexington, Martinsville, Norfolk, Richmond, Victoria, Vienna, Williamsburg. Encourage your locality to pass this resolution which can be found on the website.

Education Funding (We thank Chris Duncombe , Policy Analyst for the Commonwealth Institute for Fiscal Policy, for the following analysis.)

This session \$32 million was included in the Appropriations Act for a 2% salary increase in the SOQ funded positions, without requiring a local match, beginning in February 2018. Last year the money the state originally provided for salaries came from Revenue Reserves, so when the revenue was less than projected, the state rescinded its promised increase. By that time, many school divisions had already sent out contracts, so all but 12 school systems made good on the raises by taking money from other parts of their budgets instead of issuing new contracts. This year, the 2% will not be rescinded because it is in the Appropriations Act, but school divisions may use the money to replace the funds taken last year from other categories to give the increases. The effective February date is problematic for localities since school contracts are effective much earlier.

In the past, much of the money from the Lottery was used to fund special programs, and only about 30% went directly to school divisions. This year 40%, \$193.13 million, will be sent to localities to use for their greatest needs. It is difficult to tell how much localities will receive from this source and from the appropriated money for salaries because what they receive of the amount budgeted is dispensed through the composite index formula. The public thinks that every teacher will see a 2% increase in the paycheck, but this is not so.

Chris notes that although these modest increases will be helpful to localities in the short term, there is no “long-term solution for fixing Virginia’s inadequate investment in its public schools...the state made large-scale cuts to K-12 to balance the budget during the financial strain of the recession – equal to \$800 million per year...K-12 per pupil support still sits 11 percent below where we were in 2009, inflation adjusted. That’s a difference of \$648 for every Virginia student. And that has real impacts in the classrooms across the state like fewer instructors, growing class sizes, and deteriorating facilities...the state is providing \$32 million for its share of two percent pay increase that doesn’t kick in until February 2018, rather than the \$134 million to start in July 2017 that was initially promised when the budget was first adopted. The state support for salaries doesn’t even keep pace with inflation.”

The Board of Education unanimously approved recommendations to remedy some of the harmful cuts made during the recession and to ensure Virginia schools have adequate staffing for critical positions such as principals, assistant principals, school counselors, nurses, social workers, psychologists, and other support staff. However, lawmakers failed to address a single one of the recommendations for improving the SOQ from the board that had a fiscal impact. Also, lawmakers did not follow the board’s advice to eliminate an arbitrary cap on the number of support staff the state helps to pay for. They implemented this cap as a money saving tactic during the recession. The problem is it ignores the actual costs school divisions face. In the first year of the cap, the state cut funding for about 12,900 support positions from the number recognized before the cap. These positions had to be fully funded by local governments or eliminated. Lawmakers even rejected support for an adequacy study to identify the funding required to meet the state’s educational needs.

“Virginians have shown willingness to do their part to pitch in and better fund schools. A recent poll conducted by the VCU’s Commonwealth Education Policy Institute shows that a majority of Virginians are willing to pay higher taxes to increase school funding – as the poll has also found the last four years. An even higher percentage of Virginians (67 percent) are willing to pay extra to help low-performing schools.”

