

2016 General Assembly Update: Changes in Virginia School Law



by Roger E. Jones, Ed.D., Editor

September 2016 • Richmond, Virginia

INTRODUCTION

Virginia Superintendent for Public Instruction Dr. Steven R. Staples recently issued two memorandums related to changes in school law mandated through action of the 2016 Virginia General Assembly:

- June 2016, Superintendent's Memo #147-16, Final Legislative Report for the 2016 General Assembly,
http://www.doe.virginia.gov/administrators/superintendents_memos/2016/147-16.shtml.
- July 2016, Superintendent's Memo #176-16, 2016 General Assembly Revisions to the Standards of Quality,
http://www.doe.virginia.gov/administrators/superintendents_memos/2016/147-16.shtml.

All legislation became effective on July 1, 2016, unless otherwise indicated.

While school administrators should review all legislative changes, some of these changes will have immediate and direct impact on secondary schools. This document addresses some of the most significant changes followed by *Implications for Schools*. Legislation is addressed under the following headings:

- Accreditation and School Improvement
- Board of Education
- Civics
- CTE, dual enrollment, workforce development, and STEM
- English Language Learners
- Enrollment
- Freedom of Information Act (FOIA)
- Threat Assessment Teams
- Graduation Requirements
- Access to School Facilities by Youth Groups
- Assignment of Teachers
- SOL Instruction
- SOL Test and Recovery Credit
- SOL Pass Rate Calculation
- Alternative Assessments for Students with Disabilities
- School Resource Officers
- Student Health and Nutrition
- Return to Learn Protocol
- Physicals for Middle School Athletics
- Family Life Curriculum
- Fire Drills and Lock-Down Drills
- Student Privacy and Protection of Student Personal Information
- Teacher Performance Data
- Professional Development in Indicators of Dyslexia
- Model Exit Questionnaire
- Transportation

Accreditation and School Improvement

There are changes in SB 368 and in the Appropriations Act that are important for principals to know. These changes provide that when the Board of Education determines that a corrective action plan submitted by a local school board is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance.

In addition, the amendments require the Superintendent of Public Instruction to report to the Board on the accreditation status of all school divisions and schools. Currently the State Superintendent is required to identify to the Board schools or divisions that do not meet certain criteria.

The biggest change, however, is in the appropriations language. If an academic review process undertaken pursuant to § 22.1-253.13:3 of the *Code of Virginia*, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the State Superintendent certifies that a local school board has failed or refused to meet any of those obligations, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year.

Implications for Schools: This legislation puts more teeth into the authority of the Board of Education in regard to school improvement by allowing the Board to withhold some funds. While this legislation allows local school boards to maintain control of education as required by the Virginia Constitution, it does, for the first time, link school improvement to the withholding of state funds. It is very clear that state monitoring of student learning is not going away. From discussions by members of the Board of Education at public meetings, many are frustrated by the inability of the Board to put pressure on some very low achieving school divisions to bring about school reform. This legislation may help the Board apply more pressure in low-achieving school divisions. The local school board may recover lost funds by meeting the requirements outlined in the corrective action plan.

Board of Education

Amendments included in HB 196 require the Board of Education to adopt policies to ensure that the Department of Education does not require public elementary or secondary schools or local school divisions to provide certain duplicate information or certain information that is not necessary or required pursuant to state or federal law. The legislation requires the Department to study the transition to electronic submission of all information and forms to the Department by public elementary and secondary schools and local school divisions and to submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2016.

In addition, the legislation requires the Department to annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions and requires the Board to annually report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such annual evaluation and determination and other matters related to collected information and forms.

Implications for Schools: School administrators have long complained about the duplication of efforts in collecting information. It appears the General Assembly has finally heard those concerns. The legislation does not, however, immediately fix anything. It only creates the possibility that collection of information could be consolidated and improved. The hope is that the report submitted to the General Assembly by November 1 will identify areas of improvement.



**VIRGINIA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS / NASSP
UNIFIED MEMBERSHIP APPLICATION FORM**

Name _____ Position _____

School Name _____ Division _____

School Address _____ City _____ Zip _____

School Phone () _____ School Fax () _____ E-mail: _____

Yes, I am an administrator at a middle level, high, or vocational school and I want to join VASSP/NASSP.

MEMBERSHIP CATEGORY: Please check (✓) one:

- | | DUES AMOUNT |
|---|--------------------|
| <input type="checkbox"/> VASSP/NASSP Unified Individual Membership
This membership is paid by the individual member. | \$536 |
| <input type="checkbox"/> VASSP/NASSP Institutional Membership
An institutional membership is paid for and owned by the school, but in the name of an individual.
Only that individual may receive member benefits. For further explanation, contact the VASSP membership coordinator. | \$536 |

METHOD OF PAYMENT: Please check (✓) one:

_____ **Full Payment:** I am paying the entire amount now. Please find enclosed a check for \$_____

_____ **Installment Plan:** I will pay in four (4) equal monthly installments. Enclose first payment with this form. Sorry, VASSP cannot bill.

_____ **Payroll Deduction:** I have informed my school board payroll department to begin deduction of my membership dues of \$536.

_____ **Automatic Bank Draft:** I will contact the VASSP office to initiate 12 equal monthly payments of \$44.67 from my bank account.

_____ **Credit Card:** I am charging my membership dues to: *check (✓) one* Visa _____ MasterCard _____

Name and Address of Cardholder _____

Account No. _____ Expiration Date _____

Signature _____

For questions about joining VASSP/NASSP, please call the Richmond office at 1-800-249-8001. Request to speak with the membership coordinator. Dues are effective for one year from date of membership enrollment or anniversary due date. Regardless of which enrollment plan above you use, please return this enrollment form to: VASSP, 4909 Cutshaw Avenue, Richmond, VA 23230.

Civics

Changes mandated in HB 36 reference the responsibilities of local school boards to implement a program of instruction in each Virginia and U.S. Government course in the school division on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

Implications for Schools: To become a naturalized United States citizen, an individual must pass a naturalization test in English and civics unless the person qualifies for an exemption or waiver. There are 100 questions on the civics naturalization test. During the naturalization interview, individuals are asked up to 10 questions from the list of 100 questions. Individuals must answer six questions correctly. To see the list of 100 questions, go to <https://www.uscis.gov/sites/default/files/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/100q.pdf>.

To assist with the implementation of this legislation, the State Superintendent released in July 2016, Superintendent's Memo #188-16. This memo can be found at: http://www.doe.virginia.gov/administrators/superintendents_memos/2016/188-16.shtml. In the memo, it is noted that since a program of instruction currently exists in the Virginia and United States Government course that exceeds all information and concepts contained in the civics portion of the U.S. Citizenship and Immigration Services assessment, school divisions are encouraged to incorporate the standards and curriculum framework into a broader, locally designed curriculum to ensure all civics concepts are covered. Thus, principals need to make sure that government teachers are using the locally designed curriculum.

CTE, dual enrollment, workforce development and STEM

Sections 23-38.10:14 through 23-38.10:20 were added to the *Code of Virginia* to create a new Economy Workforce Credential Program (HB 66 and SB 576). The program was established for the purpose of (i) creating and sustaining a demand-driven supply of credentialed workers for high-demand occupations in the Commonwealth by addressing and closing the gap between the skills needed by workers in the Commonwealth and the skills of the available workforce in the Commonwealth; (ii) expanding the affordability of workforce training and credentialing; and (iii) increasing the interest of current and future Virginia workers in technician, technologist, and trade-level positions to fill the available and emerging jobs in the Commonwealth that require less than a bachelor's degree but more than a high school diploma.

Dual enrollment options will be expanded through amendments offered in SB 245. The legislation requires each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

An amendment in SB 246 establishes a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018.

Implications for Schools: The workforce credential program is included in the *Code* under section 23 rather than section 22.1 since it is considered a higher education act. The program itself must be further developed with many details remaining; however, school officials need to be aware of the potential changes since this legislation could be connected to career readiness skills.

The change in dual enrollment options could be huge as the state revises graduation requirements and moves toward more defined college and career-ready standards. Principals should be as directly involved in this initiative as possible. Since the legislation requires each community college to establish agreements with each school division, these agreements should be individualized. Find out who is working on this initiative in your school division and stay connected with what is happening.

The STEM competition initiative does not begin until 2017 so there are significant details to be developed. If 40% or more of your students are on free and/or reduced lunch, pay careful attention to how your school may be involved.

English Language Learners

An amendment in HB 241 requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments.

Implications for Schools: This legislation does not appear to mandate anything. It simply asks the Board to consider assessments that are more appropriate for ELL students. Principals are encouraged to engage their faculty in discussions regarding this issue and to share your observations with school division staff. The views of the school division should be shared with members of the Board of Education.

Enrollment

SB 776 addresses the issue of kinship care. The legislation allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The legislation also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child.

Implications for Schools: This is enabling legislation and does not appear to be mandatory legislation since the legislation clearly states that it allows school divisions to implement these requirements. Dealing with kinship care has been an issue in many schools for years. This legislation may give school divisions an opportunity to minimize problems related to kinship care. Principals are encouraged to be involved in discussions at the local level to determine if the changes are beneficial to secondary schools.

Freedom of Information Act (FOIA)

An amendment offered through HB 817 reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, and provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law.

Further, the legislation states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record

containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

Another piece of legislation also applies to FOIA as HB 818 requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies, including state authorities, and all local public bodies that are subject to FOIA, to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

A third piece of FOIA legislation (SB 493) clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

Implications for Schools: These pieces of legislation address the concern by members of the General Assembly for transparency in dealing with the public. All issues regarding redaction of sections of documents should be addressed with school division attorneys. No principal should redact any parts of a document without the review of legal counsel.

The second piece of legislation seems pretty direct. Since school divisions are public bodies subject to FOIA, they need to publicly identify a FOIA officer who serves as a point of contact for the public. These officers need to be trained and contact information provided.

The third piece of legislation would appear to be common sense put into law. It is interesting, however, that the legislation specifically notes an elected school board and not an appointed one.

Threat Assessment Teams

Legislation passed through HB 1013 excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

The legislation allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall re-disclose any such information or use the information beyond the purpose for which the disclosure was made.

Implications for Schools: In spite of other legislation passed by the General Assembly providing greater access to public documents, they recognize that some documents and information should not be shared with the public because access could impact the safety of

students. Allowing the public access to safety audits, security plans, and areas of a building that are vulnerable creates an opportunity for someone to take advantage of such information to harm students. This legislation clearly focuses on student safety.

Graduation Requirements

HB 895 removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to: (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021.

Implications for Schools: This has the potential to be significant legislation. How the state responds to this opportunity, however, will be the key. Principals should be directly involved in conversations regarding the Profile of a Virginia Graduate. This profile should be the foundation for all future changes. This legislation could change the entire high school experience. It must be given deliberate thought and should include the best ideas. Principals must be involved in this discussion.

Access to School Facilities by Youth Groups

Legislation included in HB 942 requires school boards to provide reasonable and appropriate access to school property to youth-oriented community organizations, such as the Boy Scouts of America and the Girl Scouts of the United States of America, and their volunteers and staff, to distribute and provide materials to encourage participation in such organizations. The bill prohibits such access from interfering with instructional time and provides that such access may also include after-school sponsored activities.

Implications for Schools: This legislation requires a policy issue at the division level. School boards will need to review existing policy and modify as necessary. Principals need to enforce local policy. It is important for principals to remember that case law is pretty clear that when you open up your school as a forum for one group, you open it for many other groups as well.

Assignment of Teachers

An amendment passed in HB 1377 provides that, after September 30 of any school year, any time the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limits. The bill requires such notification to state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with the limit.

Implications for Schools: While the notification to parents is the responsibility of the school division, this legislation could be a public relations issue for some principals. There are two ways school divisions and principals can respond to this legislation. One is proactive and one is reactive. Being proactive will mean that principals will need to review class size limits in building the master schedule. If using a scheduling software package with maximizer capability, principals should have that capability. Principals will also need to check class sizes on a daily basis during the first few weeks of school and make necessary adjustments early in the semester. For principals who are reactive, you will need to share a plan on how you are complying with regulations. It seems that a proactive effort would be the best approach.

SOL Instruction

Changes in HB 831 require the Standards of Learning established by the Board of Education and the program of instruction for grades kindergarten through 12 developed and implemented by each local school board to include computer science and computational thinking, including computer coding.

Implications for Schools: Since the SOL are affected here, it would appear that the State Board will provide some guidance to ensure that these changes take place. However, local school divisions will need to make some changes within the instructional program. Whenever any content is added to the curriculum, some other content must be adjusted.

SOL Tests and Recovery Credit

The Department of Education is required through HB 436 to award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English/reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

Implications for Schools: This legislation gives elementary and middle schools additional recovery credit options. If a student receives remediation and re-takes the SOL test, qualifies for expedited re-take, and then retakes and passes the test, he or she counts as a recovery credit. This change will give some students another opportunity to pass the test.

SOL Pass Rate Calculations

An amendment offered in SB 427 prohibits the Board of Education from including in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusion would result in the school's not meeting any required state or federal participation rate.

Implications for Schools: This legislation will be helpful in cases where parents decide they do not want their child taking a state assessment. Keeping a student out of testing will not count against a school unless that refusal puts the school under the required participation rate. This legislation is not a blanket statement that reduces accountability. If a large percentage of parents see this legislation as support for not taking the test, it may create problems for schools in meeting the required participation rate. Encouraging parents to opt their children out of testing is not a strategy that any principal should use.

Alternative Assessments for Students with Disabilities

The legislation (HB 381) requires the Board of Education to prescribe alternative methods for the administration of assessments for children with disabilities who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. The amendment provides that an eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

Implications for Schools: This amendment appears to address the methods of administration of SOL assessments rather than the creation of alternative assessments. Modifying the manner in which the tests are administered could be very helpful for some students and may assist the IEP team utilize a more effective administration strategy.

Student Discipline

Changes to the *Code* through HB 487 relieves school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

Implications for Schools: This legislation should not be overlooked by principals. It is always the responsibility of a police officer to enforce the law. This amendment effectively means that the school resource officer should always be considered a police officer. In doing so, their interaction with students should have different standards in dealing with student constitutional rights than do school administrators. While this legislation may for many schools just codify what has happened in practice, it may be helpful to have division-wide discussions with school resource officers, administrators, and faculty. It may also mean that some adjustments may need to be made in student handbooks.

Student Health and Nutrition

While this legislation applies only to K-5 students, secondary principals should be aware of the legislation. As a result of HB 357, at least 20 minutes of physical activity is required per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed.

Implications for Schools: This legislation promotes the importance of physical activity and attempts to put elementary schools on par with secondary requirements.

Return to Learn Protocol

HB 475 requires the Department of Education to review relevant federal regulations and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

HB 954 requires each local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn Protocol" that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including: (i)

difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving. The school division's policies must accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

The bill also broadens the scope of the "Return to Learn Protocol" in the Board of Education's guidelines for school division policies and procedures on concussions in student-athletes to require school personnel to: (a) be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury; and (b) accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury. Under current law, the "Return to Learn Protocol" only imposes such requirements on school personnel with respect to student-athletes.

Implications for Schools: The "Return to Learn Protocol" is gaining increased attention and support. Helping students respond to injury and sickness is obviously in the best interest of students. Cancer patients and students who have gotten a concussion for any reason have been added to the list of those who benefit from the protocol. It is important to discuss this change with faculty. It may also be helpful to include a reference in future student-parent handbooks.

Physicals for Middle School Athletics

Legislation passed through SB 665 prohibits a public middle school student from participating on or trying out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined within the preceding 12 months and found to be physically fit for athletic competition. The bill is a recommendation of the Commission on Youth.

Implications for Schools: Student safety continues to be a priority of the General Assembly. Middle school principals are encouraged to have conversations with division staff about how this process will work. Since some students will only play a sport in the fall, winter, or spring, the physicals will be required across all three seasons. Someone will be responsible for collecting, storing, and monitoring the process. Middle schools who do not have athletic directors likely will have this responsibility fall to a school administrator.

Family Life Curriculum

As a result of HB 659, all high school family life education curriculum offered by a local school division is now required to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

Implications for Schools: Principals need to know how and where such curriculum changes have been made. It may be helpful to inform parents of the change through school communication channels.

Fire Drills and Lock-Down Drills

HB 1279 requires every public school to hold a fire drill at least twice during the first 20 school days of each school session and at least two additional fire drills during the remainder of the school session. Under current law, every public school is required to hold a fire drill at least once every week during the first 20 school days of each school session and at least once every month during the remainder of the school session. The bill also requires every public school to hold a lock-down drill at least twice during the first 20 school days of each school session and at least two additional lock-down drills during the remainder of the school session. Under current law, every public school is required to hold at least two lock-down drills every school year.

Implications for Schools: This legislation changes both the fire drill and lock-down drill process. It is important for principals to be aware of the change and to ensure implementation.

Student Privacy and Protection of Student Personal Information

Passage of HB 519 extends various protections for student information that is collected and maintained, used, or shared on certain websites, mobile applications, or online services used by school-affiliated entities. The bill defines "school-affiliated entity" as any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth, including alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

HB 749 makes several changes to the provisions relating to the protection of student personal information by school service providers, including (i) defining "targeted advertising" as advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information, which does not include advertising that is presented to a student at an online location on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or in response to that student's request for information or feedback and for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising, and (ii) clarifying that other provisions of law do not prohibit school service providers from performing certain acts, including disclosing student personal information to ensure legal or regulatory compliance, protect against liability, or protect the security or integrity of its school service.

HB 750 excludes any websites, mobile application, or online service that is used for the purposes of college and career readiness assessment from the definition of "school service," thus relieving providers of such websites, mobile applications, and online services from the obligation to provide various protections for student personal information collected through such websites, mobile applications, and online services.

Implications for Schools: Passage of these three bills impacts the distribution and monitoring of student information. It is important for principals and counselors to understand how the school division is going to ensure adherence to the legislation. Principals should seek clarification from division staff. The most effective way to deal with this may be through revision to school board policy.

Teacher Performance Data

Amendments to the *Code* through HB 524 requires data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment. The bill provides that if such data is disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law, such disclosure shall be made in a form that does not personally identify any student or other teacher.

Implications for Schools: This legislation is another example of the importance of privacy given by this year's General Assembly. This legislation should make its way to school board policy, and school administrators will need to adhere to the policy.

Professional Development in Indicators of Dyslexia

Amendments offered in HB 842 requires Board of Education regulations governing teacher licensure to require every person seeking initial licensure or renewal of a license to complete awareness training, provided by the Department of Education, on the indicators of dyslexia and the evidence-based interventions and accommodations for dyslexia. The bill requires the Department to collaborate with the State Council of Higher Education for Virginia to ensure that all teacher preparation programs offered at public institutions of higher education in the Commonwealth or otherwise available to convey information on the identification of students at risk for learning disabilities, including dyslexia, other language-based learning disabilities, and attention deficit disorder. The bill has a delayed effective date of July 1, 2017.

Implications for Schools: While implementation of this legislation is a year away, it clearly notes the continued importance of working with students who have a variety of disabilities. Future teachers will be trained as part of teacher preparation, and current teachers will receive training as part of the licensure renewal process.

Model Exit Questionnaire

SB 360 requires the Superintendent of Public Instruction to develop and provide to local school divisions a model exit questionnaire for teachers.

Implications for Schools: There continues to be great concern around the number of teachers who exit the profession. While much has been written and speculated about why, this legislation appears to be a call from the General Assembly to determine specific reasons why teachers for leaving. Perhaps having state data will be helpful.

Transportation

Local school boards are allowed to enter into agreements with nonpublic schools to provide student transportation to and from school field trips as a result of HB 353. Current law authorizes such agreements for transportation to and from school.

Implications for Schools: This legislation may be viable for some school divisions.

About the Editor

Roger E. Jones is professor and dean of the School of Education, Leadership Studies, and Counseling at Lynchburg College. Since 2003, Dr. Jones has served as director of the VASSP/VFEL Center for Educational Leadership which is housed at Lynchburg College. He is a former middle and high school principal, assistant superintendent and has served as president of VASSP.

For More Information

For more information about the impact of laws passed by the Virginia General Assembly, policies and regulations passed by the Virginia Board of Education, and laws passed by Congress, logon to VASSP's website at www.vassp.org. Postings are made regularly on the website by VASSP Director of Government Relations Elizabeth "Bet" Neale (bneale@vassp.org). Ms. Neale and VASSP Executive Director Dr. Randy Barrack (rbarrack@vassp.org) are registered lobbyists at the General Assembly.

For case law affecting the principal's role in public school education read VASSP's bimonthly publication, *Developments in School Law*, written by T. Page Johnson (tpjohnson@vassp.org). *Developments in School Law* is now in its 32nd year of continuous publication. Mr. Johnson, a former VASSP director of government relations, is a consultant on school law and policy and serves as an adjunct professor of school law at the University of Virginia. Mr. Johnson, Dr. Jones, and Dr. Barrack are authors of *The Legal Handbook for Virginia School Administrators*, 3rd edition, Omni Publishers, Inc. Bulverde, Texas.

Permission to Duplicate Copyrighted Material

Virginia Association of Secondary School Principals, Inc., grants permission to principals and assistant principals employed in the Commonwealth of Virginia to make unlimited copies of its publication, *2016 General Assembly Update: Changes in Virginia School Law*, for distribution to staff and faculty provided the publication is duplicated in its entirety with no alterations. Permission authorized by the VASSP Board of Directors, August, 2016.



2016-2017 Board of Directors

President: **Mr. Michael A. Davidson**, Principal
Marion Senior HS, 848 Stage Street, Marion 24354

Executive Director/CEO: **Dr. Randy D. Barrack**
VASSP, 4909 Cutshaw Avenue, Richmond 23230

President Elect: **Dr. Mark G. Makovec**, Principal
Blair MS, 730 Spotswood Avenue, Norfolk 23503

Immediate Past President: **Mr. Eric V. Brent**, Principal
Gatehouse Admin Center, 8115 Gatehouse Road, Falls Church 22042

State Coordinator: **Mrs. Carole A. Kihm**, Principal
Longfellow MS, 2000 Westmoreland Street, Falls Church 22043

VDOE Representative: **State Superintendent Dr. Steven Staples**,
VA Dept. of Education, P. O. Box 2120, Richmond 23218

Director-At-Large: **Dr. Timothy L. Healey**, Principal
Colgan HS, 13833 Dumfries Road, Manassas 20122

Ms. Jennifer S. Rucker, Principal
Goochland MS, 3250 B River Road, West, Goochland 23063

Mr. Jeffrey S. Johnson, Principal
Great Bridge HS, 301 West Hanbury Road, Chesapeake 23322

Dr. Travis Burns, Principal
Northumberland HS, 201 Academic Lane, Heathsville 22473

Mr. Douglas Fulton, Principal
Freedom HS, 25450 Riding Center Drive, South Riding 20152

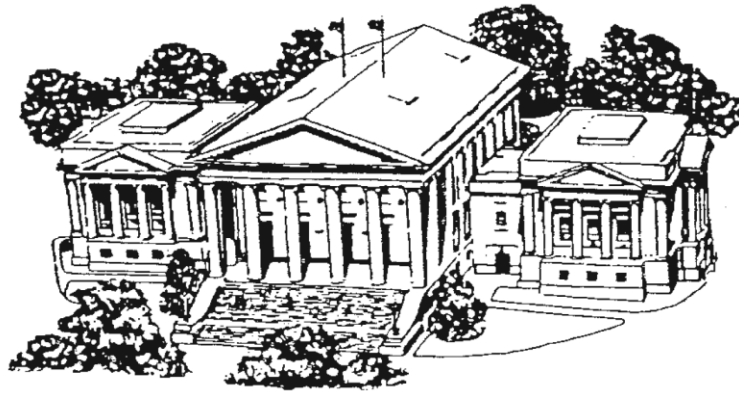
Mr. Donald D. Vale, Principal
Thomas Harrison MS, 1311 West Market Street, Harrisonburg 22801

Dr. Richard A. Turner, Marketing Specialist
Roanoke Co Public Schools, 3624 Morning Dove Road, Roanoke 24018

Mr. Ronnie Collins, Principal
Virginia HS, 1200 Long Crescent Drive, Bristol 24201

Ms. Tammy Houk, Principal
Brook Point HS, 1700 Courthouse Rd, Stafford 22554

Ex Officio: **Dr. Robert A. Bracey, III**, VASSP Senior Associate
VASSP, 4909 Cutshaw Avenue, Richmond 23230



Virginia Association of Secondary School Principals’ Annual Report of 2016 General Assembly Update: Changes in School Law

2015-2016 VASSP Government Relations Council

Eric V. Brent, President
Randy Barrack, Executive Director*
Elizabeth “Bet” Neale, Director of Government Relations*
David S. Ellena, Foundation Advisor
Roger E. Jones, Legal Editor
Carol C. Robinson, Field Consultant

**Registered Lobbyist — General Assembly*

MISSION STATEMENT

The mission of the Virginia Association of Secondary School Principals, Inc. is to support school principals and assistant principals in providing leadership to their schools and communities for the purpose of improving the education of Virginia’s youth.

VISION STATEMENT

The vision of the Virginia Association of Secondary School Principals, Inc. is to be the Commonwealth’s foremost authority on school leadership for Virginia’s youth.