



**SCHOOL BOARD OF THE CITY OF RICHMOND**  
SCHOOL BOARD ROOM - 17TH FLOOR, CITY HALL  
301 NORTH NINTH STREET RICHMOND, VA 23219-1927 - (804) 780-7716

**MEMBERS**

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DISTRICT 8  
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DEPUTY AGENT

**SCHOOL BOARD MEETING  
AGENDA**

**Monday, October 17, 2011**

**7:00 p.m. – 9:00 p.m.**

**City Council Chambers, 2<sup>nd</sup> floor City Hall**

- 1. Reconvene.**
- 2. Pledge of Allegiance.**
- 3. Invocation/Moment of silence.**
- 4. Adoption of the agenda.**
- 5. Recognitions.**
  - Thelma Tunstall
- 6. Public Information.**
- 7. Minutes/Presentation of official business.**
  - a. Approve the minutes of the, 7:00 p.m. September 6, 2011 meeting. (BSC #3)
  - b. Receive the School Board 2012 Legislative Package. (BSC #3)
  - c. Receive School Board travel requests. (BSC #3)
  - d. Receive updates from School Board representatives on the: (BSC #3)
    - Appomattox Governor's School Regional Board
    - Career and Technical Education Advisory Commission
    - Richmond Council of PTAs
    - Richmond Campaign to Prevent Teen Pregnancy – Community of Caring
    - CUBE Conference
- 8. Superintendent's report.**
  - SR11-12-24:** Receive an update on Building a Better Richmond. (BSC #3)
  - SR11-12-25:** Receive a report on operations. (BSC #3)
  - SR11-12-26:** Receive an update on the Charter School Task Force. (BSC #3)
  - SR11-12-27:** Receive a report on the cohort graduation rate. (BSC #s 1 & 3)
  - SR11-12-28:** Receive a report on the Violence Free Zone at Armstrong High School. (BSC #s 2 & 3)
- 9. Other informational items.**
  - Receive an update on RPS contracts. (BSC #3)

**10. Consent agenda.**

- Consider approval of the Human Resources Actions.
- Receive and approve the Employee Disability Awareness Presidential Proclamation. (BSC #3)

**11. Items for action.**

**IA11-12-06:** Consider approval of the School Board 2012 Legislative Package.

**IA11-12-07:** Consider approval of the City audit protocol.

**IA11-12-08:** Consider approval of the amended FY 2012 Capital Improvement Plan.

**IA11-12-09:** Consider approval of the FY2013 – 2016 Capital Improvement Plan.

**12. Adjournment.**

*Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding should contact the Clerk of the School Board no later than three (3) business days prior to the meeting at (804) 780-7716. If you are hearing or speech impaired, please contact the agency by calling the Americans with Disability Act Office TTY line at 711 the Relay Center.*

**Angela C. Lewis  
Clerk**

**To view available School Board supporting agenda documents, please visit the School Board Office calendar. Select the date and time of the meeting that you wish to view.**

**Minutes of the Regular Meeting of the School Board of the City of Richmond  
September 6, 2011**

**Reconvene**

The Chair reconvened the Tuesday, September 6, 2011, meeting at 7:00 p.m. in the School Board Room, on the 17<sup>th</sup> floor of City Hall.

**Members:** Mrs. Kimberly Bridges, *Chair*  
Mrs. Dawn Page, *Vice Chair*  
Ms. Kimberly Gray  
Dr. Norma Murdoch-Kitt  
Ms. Adria Graham Scott  
Maurice Henderson  
Mrs. Chandra Smith  
Donald Coleman  
Mrs. Evette Wilson

**Officers:** Dr. Yvonne Brandon, Superintendent  
Ms. Angela Lewis, Clerk  
Ms. Angela Anderson, Chief of Financial Reporting/Deputy Clerk  
Paul Hawkins, Chief Operating Officer/Agent  
Dr. Donald Carey, Chief of Staff/Deputy Agent

**Others Present:** Mrs. Victor Jenkins, Chief Academic Officer  
Dr. Irene Williams, Executive Director, Elementary Education  
Dr. Thomas Beatty, Executive Director, Secondary Education  
Mrs. Deborah Johns, Chief Internal Auditor  
Ms. Lynn Bragga, Director, Budget & Financial Planning  
Kavansa Gardner, Director, Information Communications & Technology Services  
Ms. Cozette McIntyre, Grants Manager  
Mrs. Maria Crenshaw, Director, Instruction  
Dr. Darlene Currie, Director, Professional Development  
Dr. Ernestine Scott, Director, Federal Programs

**Attorney:** Mrs. Nicole Thompson-Stock

**Pledge of Allegiance**

The Pledge of Allegiance was led by Mr. Henderson; it was followed by a moment of silence.

**Adoption of the Agenda**

The agenda was amended to remove Item 7c a Report on Appomattox Governor's School Regional Board and added items:

- IA1112-01 Consider approval of student matter #1112-01
- IA1112-02 Consider approval of contracts #6344 and #6335
- IA1112-03 Consider approval of a resignation with prejudice in Employee Matter #1112-01
- SR11-12-13 a report on school opening and
- SR11-12-17 a report on concussion proposal.

On a motion by Mrs. Smith, seconded by Mrs. Page, the Board voted to approve

the agenda as amended.

**Recognitions**

There were no recognitions.

**Public Information**

There were no speakers.

**Approve the Minutes  
of the August 1, 2011  
4:00 p.m. Meeting**

The minutes of the August 1, 2011, 4:00 p.m. meeting were approved.

**Receive School  
Board Travel  
Request**

Travel requests were presented for Board members Wilson, Graham Scott and Murdoch-Kitt to attend the Council of the Great City Schools 2011 Annual Conference, October 26-30, 2011, in Boston, MA. On a motion by Mrs. Smith, seconded by Mrs. Page, the Board approved the travel requests for the Chair's signature.

**Receive Updates  
from School Board  
Representatives on  
the: Appomattox  
Governor's School  
Regional Board,  
Career and  
Technical Education  
Advisory  
Commission, Maggie  
L. Walker's  
Governor's School  
Regional Board,  
Richmond Public  
Schools Education  
Foundation, Head  
Start Policy Council,  
MathScience  
Innovation Center,  
Richmond Council of  
PTAs, Richmond  
Chamber of  
Commerce  
Education  
Committee**

There was no report at this time on the Career and Technical Education Advisory Commission. The next scheduled meeting was September 7, 2011, 12:00 p.m. to 2:30 p.m.

Dr. Brandon reported that the Maggie L. Walker's Governor's School Regional Board met on August 18, 2011. Mr. Skeen was introduced as the interim director of the MLWG Regional Board. Three graduates of the 2002 Class were employed as teachers at the MLWG School. Orientation for freshman was held on August 30-31, 2011. The Board was considering two international trips. The building construction was delayed due to a plumbing issue, which was scheduled for completion in early November 2011. The director's search was scheduled to be completed by January 2012.

There was no report at this time on the Richmond Public Schools Education Foundation. The next scheduled meeting was September 27, 2011.

Mr. Henderson reported that the Head Start Policy Council met on September 1, 2011. RPS would vote on Human Resources actions that were approved by the Council. The financial reports were reviewed by the Council.

There was no report at this time on the MathScience Innovation Center.

There was no report at this time on the Richmond Council of PTAs.

There was no report at this time on the Richmond Chamber of Commerce Education Committee. Mr. Coleman shared that the Richmond Chamber of Commerce supported Richmond Campaign to Prevent Teen Pregnancy. He would bring forth a report on the community of caring initiative at Martin Luther King Middle School.

**Receive a Report on  
School Opening**

A PowerPoint presentation on school opening for the 2011-2012 school year was presented by the Public Information Office. The presentation featured highlights of the departments within the district.

***Receive the Rezoning Process***

Mr. Hawkins introduced the Cropper GIS Consulting LLC as the firm to facilitate and manage the first comprehensive rezoning for the district. Cropper GIS Consulting would study the school capacities and enrollment. The school district was seeking 30-35 individuals who were interest in serving on a committee regarding the rezoning process. Applications would be available on the school division's website. Community meetings would be held to receive community input on the district's school rezoning process. The meetings schedule were:

- September 22, 2011 - Linwood Holton Elementary, 6:30 to 7:30 p.m.
- September 23, 2011 - Thompson Middle School, 8:00 to 9:00 a.m.
- October 4, 2011 - Chimborazo Elementary School, 6:30 to 7:30 p.m.
- October 5, 2011 - Thomas Jefferson High School, 6:30 to 7:30 p.m.

Board members expressed that additional meetings should be added to the scheduled that would include each district. Mrs. Oakley addressed the process of how the information on the district's school rezoning would be communicated with parents and the community.

***Receive an Update on Building a Better Richmond***

Mr. Hawkins provided an update on the progress of school projects. He reported that bids had been received and reviewed for the elementary school projects. The notice of intent would be issued by September 19, 2011. At the middle school level requests for qualifications had been received and were being reviewed. All qualified vendors would receive an RFP within one week. The qualification packets for the high school level would be due on September 15, 2011. The Build a Better Richmond Team would attend Back to School Night and faculty meetings to provide an update on the progress of school projects. The following meetings were scheduled:

**Back to School Night:**

- September 14, 2011  
Martin Luther King Jr., 5:00 p.m. and Huguenot High, 6:00 p.m.
- September 15, 2011  
Oak Grove Elementary, 5:00 p.m. and Broad Rock Elementary, 5:30 p.m.

**Faculty Meetings:**

- September 8, 2011, Oak Grove Elementary, 4:00 p.m.
- September 22, 2011, Huguenot High, 2:00 p.m.

***Receive a Report on Operations***

Ms. Bragga presented and discussed the budget development calendar for FY2012-2013. Ms. Bragga noted that the FY2013-2017 Capital Improvement Budget (CIP) would be presented to the Board at its meeting on October 3, 2011. The Board would vote on the CIP budget at its meeting on October 17, 2011. The Legislative Breakfast or Dinner was scheduled to be held on November 15, 2011. The General Assembly would convene its 2012 Legislative session on January 11, 2012 and adjourned on March 10, 2012. The Mayor's Legislative Reception was scheduled for January 24, 2012, from 5:30 p.m. to 7:00 p.m.

***Assessment***

Dr. Carey reported that Richmond Public Schools had partnered with the

Children's Hospital to pilot a program to provide a Baseline Immediate Post-Concussion Assessment and Cognitive Testing (ImPact) for all athletes participating in contact sports. The collected data would be used to measure many aspects of athletic attention span action time. The pilot program was not mandatory and would require parental permission. The program would be no cost to the district.

**Other Information  
Items**

The following information was in the Board packages for review:

- An update on RPS Contracts.
- Receive an update on Freedom of Information Act Requests.

**Consent Agenda**

On a motion by Ms. Graham Scott, seconded by Mrs. Page, the School Board voted unanimously to approve the following items under the Consent Agenda:  
Human Resources Actions:

- The resignation of fifteen employees.
- The retirement of two employees.
- The termination of one employee.
- The nomination of forty-five employees.
- The rescission of employment of three employees.
- The returning from leave of eight employees.
- The change of contract of twenty-six employees.
- The transfer of eight employees.
- The re-assignment of eighteen employees.
- The change of name of five employees.
- The furlough of six employees.
- Approve the draft financial statement for the month ending July 31, 2011.

**Consider Approval of  
Student Matter  
#1112-01**

On a motion by Ms. Gray, seconded by Mr. Coleman, the Board voted to approve student matter #1112-01.  
(Mesdames Bridges, Gray, Murdoch-Kitt, Graham Scott, Page, Wilson and Messrs Coleman and Henderson voted "aye" Mrs. Smith voted "nay")

**Consider Approval of  
contracts #6344 and  
#6335**

On a motion by Mr. Henderson, seconded by Mrs. Page, the Board voted unanimously to approve contracts #6344 and #6335.

**Consider approval of  
a Resignation with  
Prejudice in  
Employee Matter  
#1112-01**

On a motion by Mrs. Smith, second by Mrs. Page, the Board voted to approve a resignation with prejudice in employee matter #1112-01.  
(Mesdames Bridges, Murdoch-Kitt, Graham Scott, Page, Smith, Wilson and Messrs Coleman and Henderson voted "aye" Ms. Gray "abstain")

There being no further business, the meeting adjourned at 8:41 p.m.

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Clerk

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Chair

# **Richmond City School Board Legislative Proposal Discussion Draft**

## **Position Statement**

### *Support:*

Full funding for the Standards of Quality funding re-benchmarking recently adopted by the State Board of Education:

Relief for divisions from the financial impact of major (greater than 3%) year-over-year changes in the composite index: *(Need to find a way to describe impact of a 3% swing to show it is substantial)*

Full funding of actual support costs and an expanded definition of support staff to include vital school-based positions: *(We need some specific examples here.)*

Increased local discretion and flexibility with implementing existing unfunded curriculum mandates: *(Can we identify specific examples other than the financial literacy program?)*

Mandatory comprehensive wellness/ physical education program **provided** it is funded, implemented in phases, and that elementary school recess time can be included in the curriculum time requirement:

Efforts to make opening date of school a local decision.

### *Oppose:*

Funding reductions in programs targeting at-risk children, including early childhood education funds;

Funding reductions for career and technical education programs;

Additional unfunded curriculum mandates;

Transfer of funding for career and technical education programs to other agencies of State government.

## **Requests for Legislation**

Establishing an appeal process for the school age population estimates (prepared by the Weldon Cooper Center at the University of Virginia) used in distributing sales tax revenue;

Codifying the allocation of percentages for per pupil charter school spending and clarifying that charter school funding follows the student;

Removing the requirement that for charter school employees to be school division employees;

Streamlining the parental permission process for the sharing student information between local school, health and social services agencies;

Directing the Joint Legislative Audit and Review Commission to study the composite index and other factors used in the direct school aid funding formula.

**Suggested Additional Item**

Support legislation and appropriations to implement the recommendations of the JLARC 3<sup>rd</sup> Grade Reading Report.



## **JLARC Recommendations:**

### **Strategies to Promote Third Grade Reading Performance in Virginia**

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1. The Department of Education should revise its web site document explaining SOL cut scores to indicate in broad concept how Item Response Theory is utilized in combination with the results from subsets of new test takers to estimate the “ability” level of new test takers, and in turn determine the difficulty level of SOL test versions and the number of correct responses required to achieve a passing or advanced score on the different test versions. The department should make the availability of the revised document known to the divisions through a Superintendent’s Memo.
2. To help schools bring greater focus to reading skill development in third grade, the Board of Education should limit the Standards of Learning tests taken by third grade students to reading and math.
3. The Department of Education should collect information from lower performing divisions that have recently made changes such as enhanced teacher training in an effort to improve student reading performance in the early grades. The department should then assess whether these actions have had a positive effect on student reading performance in these divisions and, if so, whether these actions could be adopted by other school divisions to improve reading instruction.
4. The General Assembly may wish to direct the Department of Education to establish a definition for literacy coaches, including guidelines on how their time should be allocated for various coaching activities. The General Assembly may also wish to direct the Department of Education to establish a credential or endorsement for literacy coaches, or consider amending the higher education regulations leading to a reading specialist endorsement, to ensure that literacy coaches have adequate training and skills to maximize their effectiveness.
5. Due to the critical importance of having teachers well trained in how to teach reading, school divisions should maintain and, when possible, increase access to quality training opportunities for early elementary teachers related to reading instruction.

6. The General Assembly may wish to consider providing additional resources to the PALS office at the University of Virginia to develop additional professional development and mentoring capabilities to assist Virginia school divisions in improving their early reading programs.
7. The General Assembly may wish to consider providing funding for literacy coaches to improve reading instruction in the early grades. If the General Assembly provides funding for such an initiative, strong consideration should be given to directing DOE to establish a definition and guidelines for literacy coaches, and to ensure that adequate credentialing requirements are in place for these positions.
8. Because of the importance of laying a foundation in early literacy, particularly for at-risk children, the General Assembly should, at a minimum, continue to provide current funding levels for the Virginia Preschool Initiative (VPI). Localities should continue their participation in VPI. Eligible localities not currently participating should consider starting to participate in the program. Localities should also expand preschool availability to at-risk children.

# **Richmond City School Board Legislative Proposal Discussion Draft**



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### ***Oppose:***

Funding reductions in programs targeting at-risk children, including early childhood education funds;

Funding reductions for career and technical education programs;

Additional unfunded curriculum mandates;

Transfer of funding for career and technical education programs to other agencies of State government.

## **Requests for Legislation**

Establishing an appeal process for the school age population estimates (prepared by the Weldon Copper Center at the University of Virginia) used in distributing sales tax revenue;

Codifying the allocation of percentages for per pupil charter school spending and clarifying that charter school funding follows the student;

**Removing the requirement that for charter school employees to be school division employees;**

**Giving school Superintendent's the blanket ability to share student information with local Boards of Health and Social Services;**

**Directing the Joint Legislative Audit and Review Commission to study the composite index and other factors used in the direct school aid funding formula.**

## **Tab VIII**

### **Report of the Legislative Positions Committee Chair**

- **Legislative Positions Committee Report**
- **Procedures to Adopt or Amend**
- **Form to Submit Motions**
- **VSBA Lobbying Process: Parts I, II, III**
- **State Advocacy Agenda**
- **Proposed Legislative Positions and Amendments (Tab IX)**



September 27, 2011

To: Members of the Delegate Assembly

From: Kerri M. Wilson, Harrisonburg City, Chair  
VSBA Legislative Positions Committee

Re: **VSBA Legislative Positions Committee Report/Proposed Positions and Amendments**

The Legislative Positions Committee presents to the Delegate Assembly its report of proposed positions, recommendations, and amendments to the VSBA standing positions. The Committee recommends that the proposed new positions and amendments be adopted as put forth in this report.

In June of this year, the Legislative Positions Committee reviewed proposals for new legislative positions and changes in existing VSBA Legislative Positions that were submitted by member boards in accordance with Article VIII, Section 2 of the VSBA Bylaws. The committee's recommendations then were forwarded to the VSBA Board of Directors for review and submission to the 2011 VSBA Delegate Assembly for action. **(Page 119)**

Prior to discussing the Proposed Amendments to the VSBA Legislative Positions, the Committee voted unanimously to change the notation at the end of each legislative position that describes in what year the position would undergo a review once in a six-year cycle from **Time Limited (20XX)** to **Review Date (20XX)**. The Board of Directors approved the notation change.

In the attached copy of proposals recommended by the Legislative Positions Committee and approved by the Board of Directors, underlined language is proposed to be added; ~~stricken language~~ is proposed to be deleted. Please review the deleted, added, and new positions language carefully. Amendments to VSBA Legislative Positions must receive a majority vote by the Delegate Assembly to be adopted.

Additional proposed legislative positions and amendments may be submitted from the floor of the Delegate Assembly by a two-thirds vote to suspend the rules. Please refer to the following pages for the procedure and form to use in submitting and adopting positions.

## **PROCEDURES RELATING TO THE ADOPTION AND AMENDMENT OF LEGISLATIVE POSITIONS**

All Legislative Positions of the Virginia School Boards Association are adopted by a majority vote of the membership represented at the Delegate Assembly during the Annual Convention. Following are guidelines for the submission and adoption of new or changes to VSBA legislative positions:

### ***Who may submit legislative positions and amendments?***

Proposed legislative positions and amendments may be submitted by the school divisions, the Board of Directors of the VSBA, or the delegates to the Delegate Assembly.

### ***How are legislative positions adopted? Amended?***

Legislative Positions and Amendments must receive a majority vote by the Delegate Assembly to be adopted.

### ***How long do legislative positions stay in effect?***

Legislative Positions are permanent and remain in effect until their intent is accomplished or until revised or deleted by official action.

### ***How does the Legislative Positions Committee operate?***

Legislative Positions are considered first by the Legislative Positions Committee at its summer meeting in June or July. The Legislative Positions Committee is composed of school board members appointed by the President. Recommendations of the Legislative Positions Committee are forwarded to the Board of Directors for review and approval for submission to the Delegate Assembly.

### ***How may proposed legislative positions be submitted to the Delegate Assembly?***

1. Each spring the Legislative Positions Committee contacts each school board and asks for recommendations on new and/or revised legislative positions that should be considered by the Delegate Assembly. The Legislative Positions Committee reviews all suggestions and recommends proposed changes to the Board of Directors, which reviews, approves and distributes the proposals to members of the Delegate Assembly.
2. During the Delegate Assembly, proposed new positions and amendments may be submitted from the floor without prior approval of the Board of Directors, upon two-thirds vote by the Delegate Assembly to suspend the rules. Proposed new legislative positions from the floor must be submitted in writing by an official delegate and in the form of a motion according to the most recent edition of the Robert's Rules of Order, Newly Revised.



## The Development of VSBA Lobbying Positions, Testimony and Strategy

### VSBA Lobbying Process: Part I

Each year new board members ask how positions, testimony, and lobbying strategy are developed by the VSBA.

The VSBA Board of Directors has reaffirmed every four or five years since 1976, the policy and practice that is followed by the VSBA staff and leadership in their lobbying efforts on behalf of the membership. Based upon a process recommended in 1976 by Betty Blystone, a past VSBA President from Falls Church City, the following agenda item has been reaffirmed by the VSBA Board of Directors every 4-5 years:

*SUBJECT:* VSBA Lobbying Authority and Strategy

*RECOMMENDATION:* It is recommended by the President that the President, Legislative Positions or Federal Relations Committee Chairmen, and staff be authorized to develop lobbying strategies, to express the views of the Association, and to take appropriate action or make decisions related to legislative or state or federal policy issues based on explicit or implied VSBA positions or past practice.

*RATIONALE:* This reaffirmation is sought every 4-5 years since 1976 as the membership of the Board of Directors changes. The key members of the Board and staff need the ability to interpret and make "on the spot" decisions during the hectic deliberations of the General Assembly/Congress or in between meetings of the Board of Directors. Without this authority, the VSBA would be rendered ineffective and reduced to a "monitoring" versus "lobbying" entity which was the case prior to 1976.

**It has been past practice for the staff (Executive Director) to inform and seek permission from the President to commit the VSBA to issues or to make decisions recommended by staff lobbyists and/or legislative/federal relations committee chairmen in all cases of an unusual nature, or if the issue is not clearly and specifically covered by existing positions. There never has been any unilateral decision made by staff.**

*ESTIMATED COSTS:* None

LEGAL REFERENCE: VSBA By-laws: Article II (purpose 1,2,3)  
Article V, Section 1,3  
Article VIII, Sections 2-4  
Article X, and Article XI, Section 3  
Reaffirmed June, 2003



The reasons for this policy and practice are twofold. One, there are more than 1000 bills introduced annually related to education. Education bills usually comprise a large percentage of all bills annually introduced. Most bills (topics) are not known or printed until close to the day of "cross-over" (the House & Senate exchange of bills). Legislative Positions committees and subcommittees meet at odd times (6:00 a.m., 10:00 p.m., on a minute's notice, or without notice) and in odd places (conference rooms, offices, stairwells, restaurants, etc.). **It is impossible to consult the VSBA Board or the membership on hundreds of bills.** So, over the years the VSBA has followed the practice originally presented by and adopted at the recommendation of former president Blystone.

Second, the Executive Director and staff always have believed that they should not substitute their judgments for the elected leaders (VSBA Presidents, Legislative Positions or Federal Relations Committee Chairmen and the members of the VSBA Board). **If a bill is not clearly covered by one of the positions adopted by the VSBA Delegate Assembly or by a position statement adopted by the VSBA Board of Directors, it is the practice of the Executive Director to consult the VSBA President as to what should be both the position and testimony of the staff.** The VSBA staff makes no independent decisions or judgments about any legislative issues. Perhaps that has been a major reason for the success of the VSBA, on behalf of local school boards, throughout the years.



## **The Development of VSBA Lobbying Positions, Testimony and Strategy**

### **VSBA Lobbying Process: Part II**

The VSBA Lobbying Process: Part I provides an explanation of staff lobbying, operational policy and process. That, however, is only half of the VSBA lobbying process story. Herein is a description of the "rest-of-the-story," - the most important part of the lobbying story.

During the General Assembly session, VSBA Lobbyists and the Executive Director are in daily contact discussing the issues, the bills introduced and the VSBA positions that drive our testimony and lobbying efforts. They identify which lawmakers need to be contacted personally, which lawmakers' legislative aides need to be contacted, and which lawmakers' offices they need only to leave statements, position papers, etc. They then decide which of the VSBA staff will make contacts with appropriate lawmakers - the Executive Director usually via telephone, the Lobbyists personally - or **which lawmaker needs to be visited, written to or telephoned by local school board members**. In the latter case, board members from the hometowns/districts contact the lawmakers who author important bills or serve on the committee that will approve, kill or amend the bill are identified. The Executive Director and Lobbyists will call those board members and/or board chairmen from the school divisions represented by each lawmaker on the committee who are crucial votes for our position. They will explain to those board members the issue, the VSBA policy under which they operate, and the VSBA position as called for by that policy or as agreed upon by the VSBA President after consultation with VSBA staff as described in "VSBA Lobbying Process: Part I." On some occasions the VSBA officers will have to be connected via telephone conference call to ascertain a VSBA position when policy does not clearly indicate a position.

Local board members are contacted by this process as a first means of direct contact. Indirectly, the VSBA Legislative Alert is e-mailed as needed during the session, briefly describing the issues and requesting local board members to call, write or visit personally their area lawmakers.

Finally, special requests are made of local board members concerning crucial issues. They are encouraged to call their lawmakers to make their positions known. Callers may leave messages for a VSBA staff member to call them for further information/explanations. VSBA officers and members of the VSBA Board of Directors also are called upon to make statements to legislative positions committees. Local board members from the hometowns/school divisions of the lawmakers hearing certain bills may also be called upon to give testimony.

**The most effective lobbying is done by board members from the home districts of the lawmakers.** Experience has shown this to be the most effective lobbying process. **Lawmakers have little interest hearing from people who do not vote for them.** Board

members are encouraged to meet with legislators at home prior to the General Assembly to discuss generic issues. **The "VSBA Take Your Legislator to School Month (VSBA TYLTSM)", initiated in 2002 is always the month of November. Please reserve time during November to invite your state legislators to visit your schools to see your "needs" as well as your successes.**

Board members also are encouraged to contact and meet with their legislators during the first half of each session. **But the fact is, only after "cross-over day" (a) are all bills in final form known and (2) lawmakers can be pinned down to support or oppose bills.** Even then, it is not a precise act. Politics - the art of compromise - really begins to operate after "cross-over day." The VSBA "Day-at-the-Capitol" is scheduled to coincide with the "cross-over day" so that school board members can have more interaction and influence during visits with their legislators in Richmond. **No matter what a legislator in November or January told you, February and March are the times they need to be lobbied strenuously.**

We hope that this overview sufficiently explains the work of the VSBA officers and staff in their efforts to involve local board members in the VSBA lobbying process.



## **Individual Member vs. School Board vs. VSBA Positions**

### **VSBA Lobbying Process: Part III**

The VSBA Delegate Assembly Handbook contains detailed explanations about the VSBA Delegate Assembly (VSBA's "legislative body" composed of representatives of the 134 member boards) and the VSBA lobbying process, as to how the Association determines its legislative positions. (See also the March and April 1996 VSBA Newsletters.) These documents responded to questions about the VSBA governance structure and how VSBA legislative positions are determined. Following is a further explanation of how VSBA positions relate to differing legislative positions that local school boards and individual school board members may have.

In the spring of each year, the VSBA begins a nine-month process to determine statewide legislative positions for the next year. This process has numerous steps: (1) positions proposals from member boards are solicited (usually in March or April); (2) the VSBA Legislative Positions Committee reviews them (July) and forwards the proposed new or modified positions to the VSBA Board of Directors, which (3) considers them (August) and recommends changes to the VSBA Delegate Assembly (November), which, in turn, (4) approves, deletes, revises and proposes changes to old and new legislative positions.

This process ensures two things: First, that each member school board has an opportunity to propose additions, deletions or changes to the VSBA Legislative Positions and secondly, that each member school board, through its discussion of VSBA legislative positions proposals prior to, and through its elected representative at the Delegate Assembly, has the opportunity to debate, agree, disagree and vote to support or oppose a particular legislative position statement.

**Just as actions taken by your local board, regardless of the vote tally, become official actions/positions of the board, actions taken by the VSBA Delegate Assembly become official actions/positions of the VSBA and its member boards.** This point is emphasized on p. 23 of the manual, Virginia School Boards (which originally was developed by a local school board member), that each new member receives when she/he comes on the local school board:

"Only the actions of the board determined and taken in legally held meetings have any validity or authority. The opinions and convictions of the individual members have weight only as they contribute to the discussions and considerations shaping the decisions of the board. Naturally, the several members will not think alike on all the subjects which will come before the board and it is not desirable that they should do so. The principle of majority rule must apply and does apply, but this should not result in the division of the board into majority and minority factions."

**No school board in Virginia is bound by any positions of the Association. Any board that wishes to adopt a legislative position differing from the actions taken by the VSBA**

**Delegate Assembly needs only to meet after the VSBA Delegate Assembly meeting and adopt a local position. Absent that action, and notification to VSBA, school boards that participate in the VSBA Delegate Assembly - even if they were on the losing side of a particular vote—will be represented as supporting the VSBA position.**

If the Virginia General Assembly or the U.S. Congress enacts a law that is voted against by a state or federal lawmaker, it is still the law of the land, even in that lawmaker's jurisdiction, and every citizen must abide by the decision.

Similarly, VSBA positions duly adopted by the VSBA Delegate Assembly are the positions of all local school boards unless (here is where the VSBA differs in process from state and federal legislatures) a local board officially votes at a public meeting to adopt a different position. A local school board, then, can help strengthen the VSBA position by adopting the same or a similar policy statement in its own legislative packet, or it can demonstrate its differences by adopting an opposing position.

**Expressions of support or opposition to issues by individual local school board members do not ever represent the positions of their own local school board or the VSBA. Virginia School Boards goes on to address the occasions where individual members of the local board disagree with the majority and take it upon themselves to state their (minority) position. Virginia School Boards goes on to say, "The broad powers and authority rest in the school board as a unit and no part of them rests in any member as an individual. The school board member as an individual has no official power. The only instance in which an individual member can exercise official authority is when the board, by official action, delegates one of its members to execute a specific action. In such a case, the authority is the board's, delegated to the individual and applying to the specific action only." And, "It must be repeated that these duties are those of the school board acting as a unit and not of the several members individually. On the other hand, individual members have the duty of giving proper thought and attention to all matters for which the board is responsible and of contributing properly to the consideration and discussions by which the board arrives at conclusions and takes appropriate actions." (See also *Code of Virginia*, § 22.1-71.) It is expected that individual school board members, though they may be in disagreement with the majority opinion of their local school board or the VSBA, would support the local board's and VSBA's positions and represent them accordingly in public and in private.**

Approved by VSBA Board of Directors  
3/21/97

## Tab 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 two-thirds 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 with explanations and history of each position are included in the Appendix.

## Proposed New Legislative Positions

### 4.23 Expansion of the Virginia Human Rights Act

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The VSBA requests the expansion of classifications contained in the *Virginia Human Rights Act*, *Code of Virginia* §§2.2-3900 and 2.2-3901, to include gender orientation and gender identity and to further amend the *Code of Virginia*, §22.1-78, to allow local schools boards to similarly expand the protected classifications contained in local school board policies and regulations.

**Rationale:** Several local school boards are considering expansion of the protected classifications contained in local school board policies. It is uncertain whether or not these actions are permitted within the *Virginia Human Rights Act*. Clarifying legislation will ensure that all persons have equal protection in all categories.

### 5.13 Scheduling of School Opening

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The VSBA requests that the Virginia General Assembly rescind the restrictions upon the opening of school before Labor Day.

A pre-Labor Day opening would allow local school systems to effectively schedule all mandatory instructional, professional development, and teacher work days, and allow for the scheduling of additional instructional days in advance of mandatory assessment windows.

Furthermore, a pre-Labor Day opening would provide greater flexibility in calendar creation, and accommodate unique local conditions, regional programs, and state and federal holidays.

**Rationale:** The new proposed legislative position removes language from the existing Legislation Position 5.11 (currently entitled, **Scheduling of Elections and School Opening**) and focuses entirely on the existing restrictions placed on school systems on the opening of school before Labor Day. The new legislative position notes the numerous benefits for all school systems that would be associated with eliminating the restrictions.

## **5.14 Changing Board Procedures in the Event of a Tie Vote**

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**The VSBA requests changes in the *Code of Virginia, § 22.1-75 -Procedure in case of tie vote*, that will provide for the following of Robert's Rules of Order Newly Revised in addressing such situations.**

**Rationale:** Currently the Code of Virginia can cause local School Boards to delay decisions when a tie vote occurs. The use of Robert's Rules of Order Newly Revised will allow local School Boards to operate in a smooth and efficient manner without delaying actions.



## Proposed Amendments to Existing Legislative Positions

### 1.1 Elementary and Secondary Education Act of 1965 and Limited English Proficiency Programs

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The VSBA supports the goals of the federal Elementary and Secondary Education Act of 1965 (ESEA) (also known as the No Child Left Behind Act of 2001 [NCLB]) to ensure that every student receives a high-quality education. The VSBA also supports the following specific revisions of law and regulation so that the Act may be appropriately implemented at all levels of accountability.

- Flexible programs which encourage and enhance successful local practices and which emphasize the achievement of particular goals rather than rigid and inflexible “top down” or “one size fits all” reform models.
- Reconciliation of ESEA provisions with those found in other major federal education laws, such as the Individuals with Disabilities Education Act (IDEA).
- Accountability measured by student subgroup is a cornerstone of the federal ESEA. Therefore, when Adequate Yearly Progress (AYP) is calculated, a school, division or state should be counted as not making AYP and subject to sanction only if the same student subgroup misses achievement benchmarks in the same subject for two or more consecutive years. Currently, missing achievement benchmarks in the same subject by any subgroup is sufficient to cause a school to be counted as having not met AYP, even if the specific subgroup missing the benchmark changes from year to year;
- Public school choice and the provision of supplemental services to students in schools that have missed AYP benchmarks for two or more consecutive years should be made available only to the subgroup(s) and individual students failing to meet benchmark standards. Scarce Title I resources should be focused only on students with demonstrated needs, not on students already meeting AYP benchmarks;
- Reversing the order in which sanctions for failing to meet AYP benchmarks are applied, with supplemental service provision preceding public school choice;
- States and school divisions should be given greater flexibility over how to assess and measure achievement for all students with particular emphasis on students with disabilities and students with limited English proficiency to ensure that assessments fairly, accurately, and meaningfully measure student achievement. This would include the use of growth models that measure individual student progress rather than the proportion of students meeting a single standard. The use of a single, uniform standard

to measure every child's progress results in counting students who make significant progress within a school year as missing AYP benchmarks and potentially subjects their schools to sanction despite their successful progress. A uniform standard also does not take into consideration differences in how long it might take different students to learn the same body of information;

- The United States Congress should encourage the United States Department of Education to work cooperatively with states that have a demonstrated record in the use of student accountability systems in improving student achievement and grant such states flexibility in aligning existing and proven state accountability systems with provisions under the ESEA. In order to achieve this alignment, USED should consider allowing such states to keep components of their existing state accountability plans intact. While states need to make every effort to align state plans to match ESEA provisions, USED needs to show similar flexibility in their consideration and approval of state plans submitted to implement the law; The United States Department of Education should publicly and transparently disclose every ruling made on state ESEA implementation plans and state requests for plan changes and waivers. Waiver requests granted to individual states should automatically be extended to all states;
- The United States Department of Education and, if necessary, the United States Congress, should address and adjust the policy of counting the test scores of a single student who qualifies in multiple subgroups as a member of each of those subgroups, in order to address the disproportionate impact these students may have on AYP results;
- The VSBA strongly supports actions taken by the Board of Education and General Assembly asking for changes in particular components of the law, for an analysis of the state and local costs associated with the implementation of this federal mandate, and for efforts to identify initiatives and conditions within ESEA that are not integral or necessary components of the Commonwealth's own accountability programs;
- All states should establish a common definition and calculation of graduation rates to be based on the recommendation of the National Governor's Association; and
- The VSBA opposes expanding the scope of ESEA (e.g. incorporating additional subjects in AYP, expanding sanctions beyond title I schools, extending to additional grade levels, etc.) before addressing substantive changes in the underlying structure and implementation of the law itself.
- Focusing interventions on positive supports to improve student achievement rather than on sanctions to punish underperforming schools.
- Tailoring interventions to better fit the circumstances under which schools fail to meet accountability benchmarks. States and local school systems decide among a continuum of interventions based on best practices and local experience.
- Recognition of exemplary school performance as well as the availability of resources to share proven best practices.

- **VSBA opposes school reform models that rely on the removal of a principal as a requirement to turn around an underperforming school. In addition, VSBA opposes teacher and principal evaluation systems that solely link student scores on standardized tests to their performance.**

The VSBA also supports expanding the exemption for limited English proficient (LEP) students in their first three (3) years of enrollment in the United States under the ESEA. Currently, USED requires all enrolled students to be included in state assessments and to include their scores in ESEA computations. The only exception is for LEP students in their first year of enrollment in a U.S. school, regardless of when they entered the country and their initial language proficiency. These students still must be assessed but their results are excluded from ESEA computations. Because students arrive in the U.S. at varying levels of English proficiency, and because LEP students learn English at different rates, it may not be educationally appropriate, nor a valid indicator of educational achievement, for LEP students with limited or no English proficiency to participate in regular English or mathematics state assessments within the first three years of their arrival in the US.

Specifically, the VSBA supports the following for LEP programs:

- The educational program for LEP students should develop all students' English language proficiency so that all students may participate in the regular classroom program.
- The VSBA opposes state mandates in areas of instructional choice that are properly made at the local school board level. For example, local school boards should not be prohibited from providing any specific programs of instruction, including foreign language immersion, which are designed to improve student language proficiency and academic achievement.
- The VSBA supports state provision of alternate assessments for LEP students that are linguistically appropriate and in the form most likely to yield accurate and reliable information on these students' mastery of subjects other than English, as authorized by the ESEA. ~~Virginia has already implemented a "plain English" mathematics assessment for LEP students, and should develop similar versions for every Standards of Learning examination.~~ **Virginia has developed alternate mathematics and language arts tests and should develop alternate tests for the remaining subject areas and grade levels that are components of the state and federal accountability programs.** These alternative forms of the content examinations are particularly critical in states for which native language assessment is impractical.
- More generally, the VSBA supports greater flexibility over how to assess limited English proficiency students to ensure that such assessment fairly, accurately, and meaningfully measures student achievement; particularly given scientifically-based research regarding the length of time it takes limited English proficiency students to attain language fluency.

- **The VSBA opposes shifting the cost of these mandated assessments to school divisions – the state should fund all LEP-related assessments in the same manner as the state funds other tests required for mandated accountability plans. Local school divisions should not have to incur the costs of assessments that fulfill state and federal mandates, particularly since the state has adopted a single, uniform language proficiency assessment for use in all school divisions.**

**Rationale:** The language contained in the proposal refocuses the existing VSBA position away from the existing ESEA/NCLB structure, to what school boards might want a future reauthorization of the ESEA to focus on.

### **1.3 State Testing and Coordination Support**

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**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, 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 past 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 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.**

**Rationale:** This position supports continued use of paper-based alternative assessments, for students with disabilities, including portfolio assessments, where deemed appropriate. This position recommended in reaction to proposed state shift to online testing at all grade levels.

## **1.5 Aligning State and Federal Accountability Programs**

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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.

**Rationale:** Forty-two states have adopted the Common Core standards. With such a large number of states having adopted the Common Core, textbooks, other instructional materials, and assessments will be written consistent with those standards, potentially putting Virginia school boards and their students at a disadvantage. The United States Department of Education has encouraged states to adopt the Common Core by, among other things, using such adoption as one of the criteria in awarding grants. Already, Virginia school boards have been denied grants because, in part, the Commonwealth has not adopted the Common Core. In addition, the Board of Education has adopted an evaluation instrument that places an emphasis on student growth. It is appropriate, therefore, for the Board of Education to revisit the decision not to adopt the Common Core. It is also appropriate for the Board of Education to share information regarding the Common Core with local school boards and to seek and consider the opinions of local school boards on the adoption of the Common Core.

## **5.11 Scheduling of Elections and School Opening**

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The primary location of polling places in the Commonwealth of Virginia is the public schools. Because of the General Assembly action, public schools are not permitted to open prior to Labor Day of any given year as the opening days of any school year may create unforeseen problems and adjustments.

The VSBA requests that the Virginia General Assembly ~~repeal the restrictions upon the opening of school before Labor Day and~~ refrain from scheduling any elections on dates which coincide with the opening or first day of any school year.

**Rationale:** The amendment removes legislative position language that specifically addresses the restrictions on school systems for opening school before Labor Day. The removed language is the basis for the proposed new **Legislative Position 5.13** that specifically addresses the pre-Labor Day opening restrictions.

## **8.2 Lottery Funds for Construction**

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Virginia School Boards are mandated with the education of their students and their funding is dependent on other bodies' appropriations. Numerous court cases have upheld school boards' authority to spend appropriated money.

Virginia Code § 22.1-100.1 allows for the local appropriating body to create an escrow account for the lottery proceeds that requires their approval for expenditure. Virginia Code § 22.1-175.5 allows for the local appropriating body to create an escrow account for grants for school capital projects that requires their approval for expenditure.

The VSBA opposes the shifting of Standards of Quality and other recurring cost programs into the state's lottery funded accounts which reduce general fund support for education. Lottery funds were intended to be discretionary, unencumbered funds to be used by localities for construction and other undesignated operating costs. The VSBA urges the General Assembly to restore total control of lottery monies and capital funds to school boards.

**Rationale:** This position opposes shifts of recurring program costs to lottery funded accounts. This position is recommended in reaction to ongoing state budget actions.



## **9.10 Standards of Quality and State Education Funding**

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

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

- It is the responsibility of the state to fund, on a statewide basis, at least fifty-five percent of the actual cost for providing a quality educational program to all students in the Commonwealth, and to provide cost-for-competing add-on funding to all Virginia school divisions.**
- Supplemental state funds should be directed to legitimate areas of state concern including, but not limited to, educational technology, alternative education, remedial programs, the gifted and talented, special education, vocational education, English-as-a-second-language programs, textbooks, summer school, staff development, management skills, regional cooperative programs and facilities, and transportation. Maximum caps related to percentages or number of students for which funding is available should be eliminated. Present categorical incentive and grant funds should not be folded into basic SOQ aid.**
- All full-time school employees should be included in the Virginia Retirement System (VRS), and the entire employer's share of VRS costs (retirement and life insurance) and federal Social Security should be budgeted by and paid directly by the state, and should not be subject to the equalization formula.**
- State funds should be made available to local school divisions for school construction, renovations, additions and debt service, including those related to state mandates and federal requirements which result in facilities impact, including the requirements of the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.**
- Waiver requests seeking relief from certain mandated requirements when reductions in state aid occur during the school years should be approved. Waiver requests should also be approved if the General Assembly fails to fully fund the biennial "rebenchmarking" of Standards of Quality accounts.**
- Unallocated state revenue streams should continue to be provided to the localities to be used at the discretion of the school board and not to fund new mandates.**

- State funds should continue to be made available to local school divisions for a lunch program based on the number of children served regardless of the amount of federal funding for this program.
- The state should fully fund its share of all currently mandated programs. All new mandated programs, including those implemented by the Virginia State Board of Education through the rulemaking process, and should be fully funded.
- The Local Composite Index should be provided annually to localities no later than August 15 of the specified official base year for the biennium.
- Periodic adjustments to the equalization formula should be made when such changes improve the accuracy of the formula in estimating the true wealth of a locality.
- A floor should be established in the computation of the Local Composite Index, whereby a city or county with less than 8,000 population and whose school division has less than 1,000 Average Daily Membership (ADM) may use 8,000 population and 1,000 ADM for purposes of determining the composite index of ability-to-pay.
- The cost of the required triennial school census should be reimbursed in full by the state to each school division.
- The state should adjust basic aid payments when actual sales tax receipts are less than the state fiscal year estimate used in the basic aid formula.
- Categorical funding should be provided for required elementary guidance counselors and reading specialists.
- The state should provide adequate and realistic funding for the provision of school health services to assist in the delivery of such services to students, according to the model selected by each locality.
- The state should expand funding for the Virginia Teaching Scholarship Loan Program to no less than \$1 million so that the Commonwealth of Virginia will have a sufficient quantity of qualified teachers eligible for employment.
- The state should reinstitute the policy of forgiving student loans on a one-for-one year basis for those who teach in a Virginia public school.
- The statewide salary figures used in calculating basic aid payments should be determined by applying an unweighted measure of the arithmetic mean to the actual salaries paid instructional personnel in Virginia, using the employee rather than the school division as the basic unit of measurement.
- The VSBA is encouraged to provide information to and support for statewide and regional coalitions that promote this policy.

- **Program and service requirements enacted by the state that exceed the minimum regularly funded programs and services mandated by Congress should be implemented only if 100% of the cost difference is funded by the state.**
- **It is the state's responsibility to fund 100% of the costs of all testing required by state and federal accountability programs, including mandated tests of English language proficiency and the development and administration of "plain English" versions of every NCLB-mandated test for LEP students.**
- **The state should use the actual costs of educational and support services as faced by local school divisions in its biennial "re-benchmark" of state education funding formulas. Statistical methodologies that purposely disassociate local costs from the costs included in state reimbursement formulas or that place artificial caps on state reimbursements including, for example, the use of general measures of inflation (e.g. the Consumer Price Index) instead of actual cost increases in school divisions, only serve to reduce required and appropriate state contributions to education.**

**Rationale:** The proposed amendment opposes the dedication of previously undedicated funds and then claiming it pays for new unfunded mandates. The amendment is in reaction to ongoing state budget actions.

## 9.11 Federal Funding of Education

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Federal financial aid to education should cover the cost of programs and services mandated at the federal level. The VSBA believes that:

- Financial aid to localities should be general rather than categorical;
- Impact and forest reserve aid should be continued or other financial arrangements should be made between localities and the federal government to relieve localities of the financial burden of educating all school age children;
- Funds for implementing the required programs and services mandated by the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, NCLB Act, and the Americans with Disabilities Act should be provided or applicable portions of the legislation cited should be amended to permit the states to determine requirements and to establish funding levels of these programs. In the event these and similar programs cease to be funded categorically by the federal government, and federal block grants to the states are substituted for categorical funds, the state should consult with the localities in setting priorities for funding educational programs from block grant aids; and
- Forward funding in the earliest possible fiscal year should be expanded to include all educational programs.
- There should be a continued reliance on federal formula grants (e.g., Title I programs) to provide critical and consistent funding to all eligible school divisions.
- Competitive grants have value added benefits and should not supplant federal formula grants. Where competitive grants are used, all states and localities should be eligible to participate equally.

**Rationale:** This proposal supports continued reliance on federal formula grants while recognizing that competitive grants are beneficial. This position recommended in reaction to, for example, the competitive allocation of federal "Race-to-the-Top" funding.

# VEA 2012 Legislative Agenda

## LEGISLATION TO INITIATE OR SUPPORT

### ✓ Preparing today's students for tomorrow's jobs

There are concrete steps the Commonwealth should take right now to improve the future employment prospects of today's students.

#### We support:

- Targeted class size reduction
- State support for essential school functions – facilities, support professionals, transportation, and text and e-books
- Dropout prevention
- Fully qualified teachers
- Flexible school calendar

### ✓ State share of a 4% salary increase for school employees

The Commonwealth must take appropriate steps to attract and retain high-quality school personnel and to reward school employees for exceptional performance and dedication. Virginia public school students achieved at higher levels

than public school students nationwide on all three SAT subsections. NAEP scores show that Virginia elementary and middle school students continue to outperform their peers nationwide and are among the nation's strongest readers. Our schools have achieved the nation's largest five-year increase in student achievement on Advanced Placement (AP) examinations. Yet, Virginia's teachers make a salary \$4,510 below the national average.

### ✓ Full funding of the Virginia Retirement System (VRS) Board of Trustees certified contribution rate

In only three of the last 21 years has the state paid the VRS Board Certified rate into the VRS fund for teachers and other covered school employees. The state's failure to fund the recommended rate has weakened the VRS funding status. The VRS Board of Trustees will certify the contribution rate for the next biennium in October 2011. The best course of action to improve the funding status of VRS is to pay the certified rate from now on.

### ✓ Analysis of statewide health insurance options

The VEA has advocated consideration of a statewide health insurance plan for years, and JLARC recommended in January 2011 that an analysis be conducted. Moving to a statewide insurance option for local school divisions could save millions of dollars in the years ahead. These savings could be used to provide needed school funding. The Commonwealth would have much greater leverage in rate negotiations with insurance providers than any one of the 132 individual school divisions.

### ✓ Appropriate funding for virtual schools

If a Fairfax County student enrolls in a virtual school in Carroll County, Carroll County receives more (\$5,697) for that student than Fairfax would (\$2,228) if the student went to a bricks-and-mortar school. In addition, traditional schools offer services that virtual schools do not, such as clinics, libraries and

athletics. The true costs associated with virtual schools should determine the level of funding – not the traditional ADM amount.

### ✓ Support funding for teachers who receive national board certification

When teachers earn their certification from the National Board for Professional Teaching Standards (NBPTS), the benefits extend to their students and the local school system. Recognizing this, the Commonwealth has historically provided stipends to help defray the cost of application fees plus bonuses to teachers who successfully earn their NBPTS credential.

### ✓ Close corporate tax loopholes

By reforming existing tax breaks and eliminating old and ineffective tax breaks, Virginia can avoid needlessly giving away millions of dollars a year to large corporations while the state has to compensate by placing children in more crowded classrooms, underpaying teachers and failing to fund VRS.

## LEGISLATION TO OPPOSE

### ✗ Oppose the use of vouchers or tuition tax credits

Vouchers and tuition tax credits remove much-needed dollars from the public schools, and studies of their use in other states found that the primary beneficiaries were students from wealthier families. At a time when Virginia's state school funding ranks so poorly on the national level, and resource inequities abound, it makes no sense to siphon more money from public schools.

### ✗ Oppose efforts to undermine security of VRS

The VRS is a traditional pension plan, which means that the eventual benefits are predictable and designed to afford an income stream commensurate with a participant's years of service. Advantages of these traditional "defined-benefit" pensions include the fact that they are guaranteed, professionally managed, and include cost-of-living adjustments.

Some legislators and administrative officials support a so-called "defined-contribution" alternative for VRS.

Such accounts subject individual investors to market risks, and under such plans participants' retirement income would depend heavily on how astutely they invested their money. Under certain scenarios, participants could outlive their retirement savings. PricewaterhouseCoopers estimates that the shift would lead to a 18% reduction in retirement benefits.

SAVE  
THE DATE!  
VEA Lobby Day  
January 23, 2012

Stay Informed Become a VEA cyberlobbyist and we'll keep you informed of the latest developments in the General Assembly. Go to [www.veanaa.org/cyberlobbyist](http://www.veanaa.org/cyberlobbyist) and sign up now!

## **2012 VEA Legislative Agenda**

### **LEGISLATION TO INITIATE OR SUPPORT**

#### **Preparing today's students for tomorrow's jobs**

There are concrete steps the Commonwealth should take right now to improve the future employment prospects of today's students. We support:

- Targeted class size reduction
- State support for essential school functions – facilities, support personnel, transportation, and text and e-books
- Dropout prevention
- Fully qualified teachers
- Flexible school calendar

#### **State share of a 4% salary increase for school employees**

The Commonwealth must take appropriate steps to attract and retain high-quality school personnel and to reward school employees for exceptional performance and dedication. Virginia public school students achieved at higher levels than public school students nationwide on all three SAT subsections. NAEP scores show that Virginia elementary and middle school students continue to outperform their peers nationwide and are among the nation's strongest readers. Our schools have achieved the nation's largest five-year increase in student achievement on Advanced Placement (AP) examinations. Yet, Virginia's teachers make a salary \$4,510 below the national average.

#### **Full funding of the Virginia Retirement System (VRS) Board of Trustees certified contribution rate**

In only three of the last 21 years has the state paid the VRS Board Certified rate into the VRS fund for teachers and other covered school employees. The state's failure to fund the recommended rate has weakened the VRS' funding status. The VRS Board of Trustees will certify the contribution rate for the next biennium in October 2011. The best course of action to improve the funding status of VRS is to pay the certified rate from now on.

#### **Analysis of statewide health insurance options**

The VEA has advocated consideration of a statewide health insurance plan for years, and the JLARC recommended in January 2011 that an analysis be conducted. Moving to a statewide insurance option for local school divisions could save millions of dollars in the years ahead. These savings could be used to provide needed school funding. The Commonwealth would have much greater leverage in rate negotiations with insurance providers than any one of the 132 individual school divisions.

### **Appropriate funding for virtual schools**

If a Fairfax County student enrolls in a virtual school in Carroll County, Carroll County receives more (\$5,697) for that student than Fairfax would (\$2,228) if the student went to a "bricks-and-mortar" school. In addition, traditional schools offer services that virtual schools do not, such as clinics, libraries and athletics. The true costs associated with virtual schools should determine the level of funding – not the traditional ADM amount.

### **Support funding for teachers who receive national board certification**

When teachers earn their certification from the National Board for Professional Teaching Standards (NBPTS), the benefits extend to their students and the local school system. Recognizing this, the Commonwealth has historically provided stipends to help defray the cost of application fees plus bonuses to teachers who successfully earn their NBPTS credential.

### **Close corporate tax loopholes**

By reforming existing tax breaks and eliminating old and ineffective tax breaks, Virginia can avoid needlessly giving away millions of dollars a year to large corporations while the state has to compensate by placing children in more crowded classrooms, underpaying teachers and failing to fund VRS.

## **LEGISLATION TO OPPOSE**

### **Oppose the use of vouchers or tuition tax credits**

Vouchers and tuition tax credits remove much-needed dollars from the public schools, and studies of their use in other states found that the primary beneficiaries were students from wealthier families. At a time when Virginia's state school funding ranks so poorly on the national level, and resource inequities abound, it makes no sense to siphon more money from public schools.

### **Oppose efforts to undermine security of VRS**

The VRS is a traditional pension plan, which means that the eventual benefits are predictable and designed to afford an income stream commensurate with a participant's years of service. Advantages of these traditional "defined-benefit" pensions include the fact that they are guaranteed, professionally managed, and include cost-of-living adjustments.

Some legislators and administrative officials support a so-called "defined-contribution" alternative for VRS. Such accounts are more accurately described as "personal risk" accounts. They subject individual investors to market risks, and under such plans participants' retirement income would depend heavily on how astutely they invested their money. Under certain scenarios, participants could outlive their retirement savings. PricewaterhouseCoopers estimates that this shift would lead to a 48% reduction in retirement benefits.

## 2011-2012 VASS Legislative Issues

### DRAFT

#### State Issues:

##### Rebenchmarking and the State Budget –

- VASS opposes any changes in the Standards of Quality Funding Formula which would reduce any funds to local school divisions.
- ***VASS opposes the inclusion of AARA funds in the federal deduct calculations.***
- VASS supports restoring state money for BASIC Aid and Categorical funding
- VASS supports the Virginia Attorney General's opinion that rebenchmarking should reflect the actual cost of providing K12 public education.

##### Unfunded Mandates –

- VASS supports full funding for revisions to SOQ which have additional cost implications for local school divisions.

##### Carry-over Funds –

- Advocate for mandatory re-appropriation of carry-over funds by the governing body

##### VRS Funding –

- VASS supports restoring funds to VRS.

##### Teacher Continuing Contract –

- VASS supports the idea of term contracts for teachers and administrators
- VASS supports lengthening the probationary period for teachers from three to five years for new teachers and from one to two years for teachers who have earned continuing contract in one school division and are switching to a new school division.

##### Flexibility –

- VASS supports giving local school boards the greatest flexibility possible in establishing their school calendar and meeting requirements under the Standards of Quality and Standards of Accreditation.

##### 65% Solution –

- ***VASS supports giving local school divisions the maximum flexibility in the use of funding for education. Thus, VASS opposes use of the federal census definition, USDOE definition of instructional spending or any other limitation under the auspices of the 65% solution.***



**Federal Issues: To be reassessed at the conference**

**Reauthorization of ESEA –**

- VASS supports the reauthorization of ESEA to include the changes recommended by AASA.

**IDEA –**

- VASS supports full funding of IDEA
- VASS supports allowing school divisions to seek a direct waiver from the VDOE to reduce their maintenance of effort for special education and related services due to “exceptional or uncontrollable circumstances.”

**Projected Budget - Conferences July 1, 2011 - June 30, 2012**

Date	Conference	Location	Attendee	#Attendee(s)	Lodging	Meals	Airfare/Train/Mileage	Shuttle/Taxi	Registration	Total	Projected Total		
July 26, 2011	Governor's Conference on Education	Richmond	Dr. M-Kitt	1					\$ 170.00	\$ 170.00	\$ 170.00		
October 6-8, 2011	CUBE Annual Conference	New Orleans, LA	Mrs. Page	2	\$ 498.94	\$ 266.30	\$ 30.00	\$ 425.00	\$ 1,220.24	\$ 2,363.18			
			Mrs. Smith		\$ 427.14	\$ 260.80	\$ 30.00	\$ 425.00	\$ 1,142.94				
October 26-30, 2011	Council of the Great City Schools Annual Conference	Boston, MA	Mrs. Wilson	3	\$1,213.17	\$ 162.00	\$ 34.00	\$ -	\$ 1,409.17	\$ 3,945.31			
			Ms. G-Scott		\$ 909.87	\$ 134.40	\$ 34.00	\$ 175.00	\$ 1,253.27				
			Dr. M-Kitt		\$ 909.87	\$ 164.00	\$ 34.00	\$ 175.00	\$ 1,282.87				
November 16-18, 2011	VSBA Annual Conference	Williamsburg	Mrs. Page	5		\$ 63.27		\$ 220.00	\$ 283.27	\$ 1,223.65			
			Mrs. Smith			\$ 56.61		\$ 175.00	\$ 231.61				
			Dr. M-Kitt			\$ 59.94		\$ 100.00	\$ 159.94				
			Mr. Henderson			\$ 58.83		\$ 270.00	\$ 328.83				
			Vacant					\$ 220.00	\$ 220.00				
January 30, 2012	New Chair/Board/Supt. Orientation	Richmond	Vacant	2				\$ 130.00	\$ 130.00	\$ 260.00			
			Vacant					\$ 130.00	\$ 130.00				
January 31, 2012	Legislative Conference	Richmond	Vacant	1				\$ 160.00	\$ 160.00	\$ 160.00			
February 5-7, 2012	FRN Network Conference	Washington, DC	Mrs. Smith	1	\$ 453.30	\$ 75.00	\$ 50.00	\$ 655.00	\$ 1,233.30	\$ 1,233.30			
	Southside Regional Forum		Vacant	2				\$ 25.00	\$ 25.00	\$ 50.00			
			Vacant					\$ 25.00	\$ 25.00				
	Council of the Great City Schools Legislative/Policy Conference	Washington, DC	Vacant	1	\$ 496.93	\$ 106.17			\$ 603.10	\$ 603.10			
April 30, 2012	Hot Topic Conference	Charlottesville	Vacant	1				\$ 130.00	\$ 130.00	\$ 130.00			
June 1, 2012	School Law Conference	Charlottesville	Vacant	1				\$ 165.00	\$ 165.00	\$ 165.00			
<b>2011-2012 Funds Used to date in black/bold</b>										\$ 10,303.54	Projected expenses		
<b>2011-2012 Estimated amounts in red</b>										\$ 11,307.94	Budget total		
										\$ 1,004.40	Projected funds remaining		
2010-2011 Budgeted	\$11,105.00												
2010-2011 Amt. Spent	(\$9,039.06)												
2010-2011 Funds unexp	\$2,065.94												
2011-2012 Budgeted	\$11,105.00												
2011-2012 Balance	\$11,307.94												
										10/3/2011			