

## **IX.**

# **Proposed Legislative Positions Amendments**



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

- Only changes to existing Legislative Positions (amendments to add or delete language), or new Legislative Positions, are to be considered by the Delegate Assembly.
- When a proposed new Legislative Position, or proposed amendment, is removed from the "block" to be considered separately, **only the proposed changes are open to consideration/discussion**. It takes a 2/3 vote to suspend the rules to consider/discuss any part of a position not new or proposed for amendment.
- The explanation for and history of each position that is included in the official *Legislative Positions of the Virginia School Boards Association* is omitted in this section. They are omitted because they are used for lobbying purposes and are not part of the position statement, or subject to action by the Delegate Assembly. That information is available on the VSBA website, [http://www.vsba.org/advocacy\\_government\\_relations/legislative\\_services/](http://www.vsba.org/advocacy_government_relations/legislative_services/).



## LEGISLATIVE POSITION PROPOSAL NO. 1

### 10.15 Oversight of Afterschool Enrichment Programs (NEW)

Afterschool enrichment programs that are housed in and/or operated by public schools, as well as the facilities that support those programs, should be distinguished from private or in-home daycare facilities. Regulatory oversight of afterschool enrichment programs that are housed in and/or operated by public schools, as well as the facilities that support those programs, should fall under the purview of the Virginia Department of Education.

*(Proposed by Albemarle County)*

RATIONALE: Currently, afterschool programming that is run by public school divisions, is housed at public schools, and is staffed by public school divisions falls under the oversight of the Department of Social Services (DSS). As a result of DSS' stringent regulatory environment, school divisions are faced with numerous unnecessary obstacles—from facility infrastructure to class size and hiring—that hinder a school division's ability to deliver high-quality afterschool enrichment programming.

**Motion to accept as amended:** Derek Polley

**Motion Seconded:** Elizabeth Hutchins

**LPC Committee Vote:** Unanimous--For

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 2

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

The VSBA supports the goals of the federal Elementary and Secondary Education Act of 1965 (ESEA) (most recently re-authorized as the Every Student Succeeds Act (ESSA)) ~~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~~ Alignment 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 federal 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 ~~with—, 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 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.

*(Proposed by Fairfax County)*

RATIONALE: Updates to Position language reflect changes included in federal passage of the most recent reauthorization of the Elementary and Secondary [Education] Act of 1965 (now known as the Every Student Succeeds Act (ESSA) and removes references to issues there were more specific to the previous version of the Act (No Child Left Behind (NCLB)).

**Motion to accept:** Kevin Brooks  
**Motion Seconded:** Anita Parker  
**LPC Committee Vote:** Unanimous-for  
**Motion Carried**

### LEGISLATIVE POSITION PROPOSAL NO. 3

#### 1.2 Fair Assessment of Limited English Proficient Students (AMEND)

Virtually every school division in Virginia educates students with limited English proficiency (LEP). The performance of LEP children on standardized tests required by the federal ~~No Child Left Behind Act of 2001~~ accountability standards has direct consequences for the schools they attend, their school divisions and the commonwealth of Virginia, namely:

- The education of LEP students requires additional classroom space, forcing school divisions to need to build additional classrooms or use portable classrooms;
- It costs an average 25% more to educate students who are English language learners, most of which cost is being provided by local divisions; and
- The Virginia Department of Education is able to provide only limited technical assistance to school divisions with fast growing numbers of LEP students due to the Department's small staff and budget.

The VSBA recommends that the General Assembly provide funding for;

- An improved teacher/pupil ratio for LEP programs and services that is aligned with current local school division best practices, which almost universally exceed the current SOQ standard of 17 teachers per 1,000 LEP students. ~~Funding school divisions on the basis of at least 30 teachers per 1,000 LEP students, which is far closer to current school division best practices;~~ as well as state funding for related two-pupil personnel positions per 1,000 LEP students,
- The implementation of, and adequate state and federal funding for, a valid, reliable and accurate English language proficiency assessment based on Virginia SOL standards to be used statewide. Such assessments are costlier and time consuming to administer than standard SOL tests, and should be funded accordingly,
- State funding for all federally mandated tests for LEP students, including the development and administration of a "plain English" version of every NCLB-mandated test for LEP students,
- Improved statewide data collection to ensure accountability,
- State assistance with facility needs, and enhanced technical support for smaller school divisions including the establishment of a best practices center to collect and disseminate information about the most innovative and successful LEP programs already in place in school divisions throughout the Commonwealth.

The VSBA supports:

- Permitting local school divisions to use the WIDA (world-Class Instructional Design and Assessment) ACCESS (Assessing Comprehension and Communication in English State-to-State for English Language Learners) score of 5.0-6.0 on the Tier C test for English Language Learner (ELL) students as an alternative for fulfilling Virginia's requirement for a verified credit in the English Reading End of Course (EOC) Standards of Learning (SOL) test by substituting the WIDA ACCESS for ELLs assessment.



- Development of a “Total English Learner” accountability subgroup that would include both current English learners and former English learners (level 6 students; and students who had been levels 1-5 at any time in their K-12 schooling) to more accurately measure the overall achievement for students covered by this subgroup and better reflect the successes of achieving language proficiency.

*(Proposed by Fairfax County)*

RATIONALE: Proposed update to LEP staffing funding request more generally supports increases in state resources aligned with local best practices, which may or may not reach the levels envisioned by current language (and which could impose a staffing mandate on some jurisdictions). Update accountability model to better reflect the successes of LEP program by accounting for students who have successfully exited from LEP programs based on their acquired language proficiency.

**Motion to accept:** Gunin Kiran

**Motion Seconded:** Holly Hazard

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 4

### 4.7 Education of Teachers (AMEND)

The need for excellent teachers is prevalent throughout the Commonwealth. Rigorous academic and experience standards are desired for those entering the teaching profession and mentoring and staff development programs are desired for those actively teaching so that all teachers may provide the Commonwealth’s students suitable instruction in both the Standards of Learning and the local curriculum.

The VSBA supports the following:

- Changes in the state teacher licensure requirements that will emphasize greater academic discipline and practical training experience;
- Increased funding for the Virginia Teacher Scholarship Loan Program to encourage individuals to enter the teaching profession in shortage areas and to remain in Virginia;
- State funding to local school divisions for staff development programs so that teachers have the skills to ensure that students are able to meet the new Standards of Learning and Standards of Accreditation;
- The allowance of alternative entry routes into the teaching profession to provide localities flexibility in hiring qualified persons who have not formally prepared for teaching careers;
- Increased state funding for the Beginning Teacher Mentor Program, with a greater stipend for mentors of teachers entering the profession through alternative routes who have not had practical training experiences prior to teaching, comparable to our Virginia college and university programs, and for mentors of teachers with provisional licenses;
- Substantial state awards for public school teachers who have earned certification from the National Board for Professional Teaching Standards as well as meaningful financial assistance from the state for those teachers pursuing such rigorous certification; ~~and~~
- Ongoing studies by the legislature or Board of Education to address the shortage of teachers in the state; and

- A comprehensive evaluation of initial teacher licensure and licensure renewal requirements, particularly in light of the piecemeal accumulation of legislative mandates for new licensure requirements over time.

*(Proposed by the Fairfax County School Board)*

RATIONALE: Recent General Assembly Sessions have seen adopted (as well as many debated but un-adopted) additions to teacher licensure and renewal requirements. Debates over those additions are typically focused on the appropriateness of the specific change, but are not usually conducted in the context of the totality of all requirements imposed on teachers. A comprehensive review is overdue based on the continued accumulation of requirements.

**Motion to accept proposal:** Gunin Kiran

**Motion Seconded:** Elizabeth Hutchins

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## **LEGISLATIVE POSITION PROPOSAL NO. 5**

### **9.10 Standards of Quality and State Education Funding (AMEND)**

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~~ ability to pay 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, including for school nurses, to assist in the delivery of such services to students, according to the model selected by each locality.
- ~~The VSBA supports an adjustment in support staff funding to provide school divisions with one nurse for every 750 students, as prescribed by the National Association of School Nurses.~~
- 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.
- Additional state resources should be targeted to assist school divisions and individual schools with high levels of student poverty. In addition, there should be coordinated local, state and federal policies and resources available to help address the needs of students in poverty within a school’s community.

*(Proposed by Fairfax County)*

RATIONALE: Makes language consistent with that used elsewhere in VSBA positions regarding LCI which reference the formula’s role in measuring “ability to pay”; eliminates outdated language on the triennial census, which is no longer conducted; eliminates position language which directly contradicts language under VSBA’s existing position “10.4 Safe School Environment” which advocates reserving decisions about appropriate health-related services and staffing levels to localities. Adoption of a specific ratio would impose a significant operational/staffing/funding mandate on many school divisions in the Commonwealth. Instead advocates more generally for health-related funding, including for school nurses where appropriate in a particular locality.

**Motion to accept:** Kevin Brooks

**Motion Seconded:** Helen Payne-Jones

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 6

### 9.11 Federal Funding of Education (AMEND)

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 and fully funded 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. Additional Impact Aid funding should be dedicated to support students with disabilities who receive special needs exemptions to attend military-connected schools.
- The Impact Aid eligibility identification process should be revised to automatically “opt in” any student with a military student identifier (newly created under the federal Every Student Succeeds Act, or ESSA):
- Funds for implementing the required programs and services mandated by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, ~~NCLB Act~~ all of the Titles under ESEA, 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. Funding for IDEA in particular should be made mandatory to meet the federal commitment to fund 40 percent of the “excess costs” of special education as promised since the 1975 adoption of

federal special education laws. 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. The VSBA opposes turning Title I or other federal program funding into portable vouchers.
- 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.

*(Proposed by Fairfax County)*

RATIONALE: Clarifies role of Impact Aid funding, emphasizing the impact of military-connected special needs students, and advocates a means for streamlining the Impact Aid eligibility determination process; expands and makes more specific federal IDEA funding advocacy; adds position expressly opposing Title I vouchers, which parallels existing general language under VSBA position “7.1 Support for Private Education, Vouchers, and Tax Credits” opposing the creation of vouchers.

**Motion to accept as amended:** Kevin Brooks

**Motion Seconded:** Holly Hazard

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 7

### 4.8 Teacher Preparation and Licensure (AMEND)

The Board of Education should retain responsibility for establishing and maintaining general criteria for initial licensure and license renewal. The Board should assume all additional administrative procedures and costs for licensure and renewal.

Moreover, the Board should provide for individual waivers from specific licensure requirements that prohibit local school divisions from retaining otherwise qualified personnel who have demonstrated proficiency in the classroom and are teaching in a critical shortage area. Additionally, the Board will allow local school divisions to have the flexibility to establish alternative licensure criteria and metrics that will allow provisionally licensed teachers to receive their full professional license based on these locally designed, performance-based standards. These performance-based measures shall be approved by the Board and may serve as a local alternative to current assessments currently in existence.

The Board of Education should coordinate licensure and accreditation activities to prevent the listing of accreditation deficiencies for personnel whose licensure applications are in the state licensure office to be processed.

The Board of Education should work collaboratively with State Council of Higher Education for Virginia to assure that teacher preparation programs in Commonwealth colleges and universities

are closely aligned with the knowledge and skills that teachers need to educate students. In particular, teacher preparation programs should include instruction and practicums aligned with the subjects and subgroups used to calculate Adequate Yearly Progress under the No Child Left Behind Act. Targeted training should be provided to address the needs of gifted students, students with disabilities, students acquiring English proficiency, students in poverty, and students challenged by cultural, racial, and ethnic differences. The Virginia School Boards Association supports statewide study to determine consistency in public college and university requirements for students seeking to become licensed teachers including current best practices, knowledge, and skills sought by public divisions throughout the Commonwealth.

*(Proposed by Goochland County and Virginia Beach City)*

RATIONALE: (regarding new language in second paragraph) The Commonwealth of Virginia is faced with a significant teacher shortage. Data from the Virginia Department of Education indicates that there has been a sharp decline in the number of students enrolled in teacher preparation programs during a time when student enrollment has increased. The most recent data from 2013-2014 indicate that Virginia colleges and universities produced only 3,924 students who completed a teacher preparation program. There are not enough graduates in Virginia to fill the openings across the Commonwealth.

As a result, 5% of all Virginia teachers are not fully licensed. They are provisionally licensed and must attain passing scores on rigorous assessments (Praxis, Virginia Communication and Literacy Assessment-VCLA). Unfortunately, achievement gaps on these professional licensure exams mirror the achievement gaps between minority and Caucasian students that school divisions see on standardized assessments given in a K-12 setting. In Virginia, 89% of Caucasian candidates pass the VCLA, while only 60% of black students achieve success. For those who do acquire a provisional license, only 75.6% complete their licensure requirements within the three year time frame that is currently permitted. Again, there are racial disparities with this metric as 63.1% of black teachers who are provisionally licensed complete their requirements, while 77.5% of white teachers become fully licensed.

There are multiple factors that impact an individual's ability to perform on a standardized assessment. A person's ability is not always accurately measured by a traditional multiple choice assessment. Students and adults alike should have the option of demonstrating skill mastery using an alternative performance measure. Alternative, performance based assessments are currently available for the SOL. Likewise, alternative should be provided for teachers seeking licensure.

School divisions across the Commonwealth are no longer able to provide every student with a highly skilled, qualified, and talented teacher. The teacher shortage in Virginia has reached a crisis phase. In addition to the shortage, the diversity of the teaching workforce does not come close to mirroring the diversity of our student body. To remedy this significant issue, school divisions need have the flexibility to be creative in establishing alternative performance measures to ensure teacher quality, while at the same time, increasing the number of qualified candidates and increasing the diversity of the teacher workforce. The concept of alternative performance assessments has been applied to the accreditation process for the Standards of Learning. This same concept should be used for teachers as well.

(Regarding new language in final paragraph) Licensed teachers graduating from Virginia's public colleges and universities being employed by public school divisions in Virginia should be prepared with current best practices.

**Motion to accept proposal from Goochland as amended and include in the 2<sup>nd</sup> paragraph of existing LP 4.8:** Kevin Brooks

**Motion Seconded:** Gunin Kiran

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

**Motion to accept proposal from Virginia Beach as amended and include in the 4<sup>th</sup> paragraph of existing LP 4.8:** Anita Parker

**Motion Seconded:** Elizabeth Hutchins

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 8

### 4.25 State Police Requirements for Providing Information on Fingerprint Checks (NEW)

When school divisions conduct required criminal fingerprint checks, that the state require the state police to provide all available information.

*(Proposed by Prince William County)*

RATIONALE: Current Virginia Code requires all school divisions to run fingerprint checks for new hires through the state police. The state police only provide the location, arrest date, and municipality of the offense that “may be a barrier crime to employment.” The state police do have information on the offense and possibly adjudication; however, when asked to provide, the state policy contact has responded that they are not required to provide that information by the Code of Virginia and it would be extra work to do so. But for school divisions, this requires a substantial amount of research for these offenses. Cooperation from law enforcement agencies and the courts is needed to effectively complete the background checks of potential and current employees.

**Motion to accept as amended:** Kevin Brooks

**Motion Seconded:** Elizabeth Hutchins

**LPC Committee Vote:** Unanimous-for

**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 9

### 12.9 Affordability of Dual Enrollment (NEW)

The Virginia School Boards Association supports making dual enrollment affordable for eligible students no matter where instruction takes place, and allowing local school boards and community colleges to collaborate in establishing tuition for these students.

*(Proposed by Virginia Beach City)*

RATIONALE: There are ongoing efforts to improve dual enrollment accessibility and affordability. Affordability needs to be locally or regionally determined according to the needs of the community.

**Motion to accept:** Elizabeth Hutchins  
**Motion Seconded:** Anita Parker  
**LPC Committee Vote:** Unanimous--for  
**Motion Carried**

## LEGISLATIVE POSITION PROPOSAL NO. 10

### 1.12 Virginia Alternative Assessment Program (NEW)

Remove the 1% cap on participation in the Virginia Alternative Assessment Program.

*(Proposed by Westmoreland County)*

RATIONALE: The Virginia Alternate Assessment Program (VAAP) is available to students with significant cognitive disabilities in grades 3 through 8 and high school who are working on academic standards that have been reduced in complexity and depth. In order for a student to qualify for participation in the VAAP, the student's IEP Team must determine that a student is eligible based on answering specific questions for each content area being considered. If the IEP team is able to document that an individual student meets all established participation criteria, then that student qualifies to participate in the VAAP.

Currently, school divisions must adhere to a 1% cap for participation in the VAAP. Specifically, school divisions are limited to VAAP participation for only 1% of all students being tested in the testing grades of 3 through 8 and 11. Divisions may apply for exception to the 1% cap; however, in order to receive approval, small divisions must meet each of the following three criteria: 1) have less than or equal to 1,500 students in the tested grades; 2) have less than or equal to 15 students in the VAAP, and 3) have a division VAAP participation rate that is less than or equal to 2%.

This cap results in small schools and divisions who happen to have a large number of students with significant cognitive disabilities being penalized when accreditation ratings are calculated. If a division has fewer than 1,500 students in the testing grades and has more than 15 students participating in the VAAP, then the passing scores are overturned (failed) for all VAAP students in excess of the cap. When school accreditation ratings are calculated, the school and division receive failing scores for each VAAP in excess of the cap, even though the VAAP actually earned a passing score. In a small school and division, the impact of each individual student's scores on the overall accreditation rating is significant. The overturned VAAP scores could, quite literally, result in a school that has met the pass rate for full accreditation losing full accreditation status simply due to the overturned scores.

While it is understood that the 1% cap exists in order to prevent excessive and inappropriate use of the VAAP, it is our stance that rather than imposing an arbitrary cap, each school and division should be able to present evidence, upon request, that clearly documents that each student participating in the VAAP meets all established criteria. If the school and division can provide documentation to show that each individual student with significant cognitive disabilities participating in the VAAP meets the criteria and is, therefore, an appropriate participant then the passing scores for that VAAP should be upheld in every sense, including when calculating accreditation ratings.



**Motion to accept:** Kevin Brooks  
**Motion Seconded:** Scotty Owens  
**LPC Committee Vote:** Unanimous--for  
**Motion Carried**



**X.**

**Proposed Change to  
VSBA Bylaws**





To: Members of the Delegate Assembly

From: Robert L. Hundley, Jr., VSBA President

Re: Proposed Change to VSBA Bylaws

At its regular business meeting in December 2016, the VSBA Board of Directors considered a proposed revision to the VSBA Bylaws. The Board voted to present the proposed amendment to the Delegate Assembly for its consideration.

The proposed amendment would require candidates for regional officer positions to provide a written nomination, approved by the candidate's school board, and a signed letter from the candidate indicating willingness to serve.

The amendment would conform the Bylaws to the long-standing practice of the Association that candidates for leadership positions within the Association provide documentation that their candidacy is supported by their school board. The documentation to be required of candidates for regional officer positions is consistent with that currently required by the Bylaws for candidates for President-Elect and for the at-large seats on the Board of Directors. The proposed amendment is an addition to Article XII section 3 of the Bylaws.

This proposal is part of a continuing effort to review and improve the governance structure of the VSBA. As part of that process, it was noted that the VSBA Bylaws require documented support of the candidacy from the school board on which the candidate serves for candidates for President-Elect and for the at-large seats on the Board of Directors. However, there is currently no corresponding requirement for the regional officer positions. The proposed amendment establishes consistent requirements for all positions.

There is currently no situation calling for the application of the proposed new section; this is a proactive recommendation.



**BYLAWS  
of  
The Virginia School Boards Association**

**ARTICLE I**

**Name**

The name of the Association will be Virginia School Boards Association.

**ARTICLE II**

**The purposes of the Association will be:**

To assume a leadership role in the promotion of the general advancement of public education;

To study and interpret for school boards and the general public proposed legislation that will have an impact on public education;

To initiate and encourage the adoption of policies by various policy making bodies which will advance the quality of educational programs;

To encourage the establishment of adequate financial support for the public schools;

To foster through local school boards and regional organizations the meaningful exchange of ideas with public school patrons;

To provide a resource center as an aid to local school boards in meeting their needs;

To coordinate the efforts of school boards in the promotion of public education;

To assist school board members in understanding their roles and to help them in formulating plans for the systematic and efficient performance of their duties;

To maintain close liaison with other agencies which are dedicated to the advancement of education;

To enhance the efficient operation of public school divisions;

To provide member school boards with services, training and advocacy so that they may exercise effective leadership in public school governance on behalf of public education for all the children of the Commonwealth; and,

To engage in any lawful activity in furtherance of the above purposes or in any other activity permitted of associations of political subdivisions.

## ARTICLE III

### Membership and Dues

Section 1. Any legally constituted public school board of the Commonwealth of Virginia will be eligible for membership in the Association.

Section 2. Membership dues applicable for each fiscal (membership) year will be determined by the Board of Directors.

Section 3. The Board of Directors shall consider the total amount of funds each school division receives from all sources in calculating membership dues.

Section 4. Applications for new or reinstated Association membership shall be submitted to the Board of Directors in such form and accompanied by such supporting documents as the Board of Directors may determine.

Section 5. Any Association member whose dues are 120 days past due (October 31) shall be suspended and all privileges of membership suspended except as hereinafter provided. Members suspended for non-payment of dues may be reinstated by the Board of Directors at any time upon payment of the current year's dues.

Section 6. An Association membership may be terminated only upon the recommendation adopted by a two-thirds vote of the Board of Directors present at a Directors' meeting at which the reasons for termination are considered and when such recommendation is ratified by a majority of the Delegate Assembly present and voting.

## ARTICLE IV

### Officers and Their Election

Section 1. The officers of the Association will be the President and the President-Elect. These officers will perform the duties prescribed in these Bylaws and by the Board of Directors.

Section 2. A Nominating Committee of five members will annually nominate no more than two candidates for President-Elect and no more than two candidates for each of the two at-large seats on the Board of Directors whose names will be placed in nomination at the Annual Convention. It shall be the duty of candidates for the at-large position to provide a written nomination, approved by a nominee's school board, together with pertinent biographical information and a signed letter from each nominee confirming willingness to serve. Members of the Nominating Committee will not be eligible for nomination to any position on the Board. The Immediate Past President will serve as Chairman of the Nominating Committee and four other committee members will be elected by the Board of Directors.

Section 3. All terms of office will be for one year. Upon completion of a one-year term, the President-Elect will be installed as President; provided, however, that if the office of President-Elect is filled by the Board of Directors, due to a vacancy in that office, the office of President will be filled by election at the succeeding Annual Convention. Persons elected or appointed to serve on the Board of Directors are limited to six years of service, unless he/she is elected President-Elect in which case the maximum number of years one can serve is nine. In



no case shall one serve more than two years each as a member-at-large or a chairman of any one committee.

Section 4. A President-Elect and two At-Large members of the Board of Directors will be elected at each Annual Convention of the Association. Nominations from the floor of the convention must be accompanied by written approval of the nominee's school board, together with pertinent biographical information and a signed letter from each nominee confirming willingness to serve. Such material must be received by the President of the Association and by the delegates prior to the opening of the first session of the Delegate Assembly at the Annual meeting of the Association, and nominations shall be deemed closed at the opening of that session. The elections will be by written ballot, except that, when there is only one nominee for each office, the election may be by voice vote.

Section 5. The Board of Directors shall appoint the Executive Director who shall manage, supervise and direct the operations of the Virginia School Boards Association within the authority given to him or her by the Board of Directors. The Executive Director is authorized to hire, supervise and discharge personnel.

Section 6. All officers will assume their duties upon installation at the Annual Convention and will remain in office until their successors are installed.

Section 7. A vacancy occurring in any office will be filled by the Board of Directors until the next Annual Convention, except that the President-Elect will assume the office of the President if it becomes vacant.

Section 8. Any person holding an elected office of the Association may be removed for good cause by a two-thirds vote of the Board of Directors present and voting, whenever in its judgment the best interests of the Association would be served thereby.

## **ARTICLE V**

### **Duties of Officers**

Section 1. The President will preside at all meetings of the Association, the Board of Directors, and the Executive Committee, will be an ex-officio member of all committees, except the Nominating Committee; will appoint the members of the standing committees and the special committees; will appoint a parliamentarian, and will perform other duties such as the Association or the Board of Directors shall direct.

Section 2. The President-Elect will serve as an aide to the President and shall perform duties such as will be prescribed by the President and by the Board of Directors. In the absence of the President, the President-Elect will perform all the duties of the President.

Section 3. The Executive Director will see that accurate minutes and records are kept with respect to all meetings and will administer the affairs of the Association within the policies established at the Annual Convention and any other meetings of the Association or by the Board of Directors. The Executive Director will perform such other duties included in the job description approved by the Board of Directors.

Section 4. The Executive Director will supervise the keeping of all accounts and funds of the Association, keep its surplus funds prudently and productively invested, submit such reports

to the Board of Directors as it may from time-to-time require, report to the Annual Convention, and arrange for an annual audit of the Association's financial books and records. The Executive Director and all other persons that may be authorized to handle funds of the Association will give fidelity bonds in the amounts determined by the Board of Directors. The costs of these bonds will be paid by the Association.

## **ARTICLE VI**

### **Meetings**

Section 1. The Association Delegate Assembly will meet annually at a time and a place to be determined by the Board of Directors to adopt policies and resolutions expressing the views of the Association in its lobbying efforts, and to hear reports from the VSBA Board of Directors.

Section 2. Special meetings of the Association may be called by the Board of Directors. The President also may call a special meeting of the Association on petition of twenty-five member boards of the Association.

Section 3. Twenty-five voting delegates will constitute a quorum for any meeting of the Association.

Section 4. The Executive Director will notify, in writing, the member school boards thirty days prior to the Annual Convention and ten days prior to a special meeting.

## **ARTICLE VII**

### **Voting Body**

Section 1. A school board in good standing will be entitled to one vote in all meetings of the Association. Voting by proxy will not be permitted.

Section 2. Any member of a school board in good standing who is not a voting delegate may be permitted the privileges of the floor with the exception of making motions and voting.

Section 3. A voting delegate and an alternate will be selected from the membership of each member school board by that board. The name of the delegate and of the alternate selected will be sent to the Executive Director.

## **ARTICLE VIII**

### **Board of Directors**

Section 1. The membership of the Board of Directors will consist of the following: the President, the President-Elect, the Immediate Past President, two members elected at large at the Annual Convention, Chairmen of the Standing Committees, and Regional Chairmen of the Association. All members of the Board of Directors, with the exception of the immediate past-president, will be duly qualified members of local school boards holding membership in the Association at the time of taking office. Any officer or other member of the Board of Directors who ceases to be a member of a local school board will continue in office until the next Annual Convention of the Association.

Section 2. The following will be the duties of the Board of Directors:

- a. Transacting business of the Association;
- b. Performing all duties outlined in these Bylaws;
- c. Filling any vacancy occurring in office;
- d. Establishing policy related to appointing and removing all professional staff members;
- e. Approving the salary range of all staff personnel;
- f. Adopting an annual budget;
- g. Approving all accounts of the Association in accordance with the approved budget;
- h. Adopting a legislative program; and,
- i. Presenting statements on behalf of the Association on matters of concern to public education.

Section 3. The Board of Directors will meet regularly to transact the business of the Association and to promote the work of the Association.

Section 4. Seven members of the Board of Directors will constitute a quorum for the transaction of business.

Section 5. Any member of the Board of Directors may be removed for good cause by a two-thirds vote of the Board of Directors present and voting whenever in its judgment the best interests of the Association would be served thereby. Any vacancy created by removal of a member of the Board of Directors other than a Regional Chair of the Association pursuant to this section may be filled by the Board of Directors for the remainder of the term.

## **ARTICLE IX**

### **Indemnification**

The Association will indemnify its directors, officers and employees against claims asserted or imposed for service as a director, officer or employee except for matters as to which the director, officer or employee has been adjudged liable for gross negligence or willful misconduct in the performance of duties. [This indemnification also will extend to claims made against the director, officer or employee for service as a representative of the Association to other associations or organizations.]

## **ARTICLE X**

### **Executive Committee**

There will be an Executive Committee composed of the President, President-Elect, and three members of the Board of Directors nominated by the President and President-Elect with opportunity for additional nominations from the floor, elected by the Board of Directors. The Executive Committee will perform the duties of the Board of Directors between meetings of the Board of Directors, except such duties as the Board of Directors may reserve for itself; and shall prepare and recommend to the Board of Directors the annual budget and make recommendations to the Board concerning the financial aspects of the Association.

## **ARTICLE XI**

### **Standing and Other Committees**

Section 1. A Legislative Positions Committee consisting of at least one member from each VSBA region will be appointed by the President to solicit and review position proposals from member boards; preview and project future needs for legislation and recommend new or modified positions to the Board of Directors. The Legislative Positions committee shall also review recommendations from VSBA legal counsel for retractions of or amendments to existing positions based on changes in law or regulation, and recommend such retractions or amendments to the Board of Directors. The Chair of the Legislative Positions Committee shall also serve as Chair of the Federal Relations Committee.

Section 2. A Federal Relations Committee consisting of at least one member from each of the Congressional Districts will be appointed by the President to serve as part of the NSBA-Federal Relations Network. The committee will provide a voice on the Board of Directors for those school divisions that have a substantial stake in federal funds/issues. The Chair of the Federal Relations Committee shall also serve as Chair of the Legislative Positions Committee.

Section 3. An Audit Committee consisting of seven board members will be appointed by the President. The committee will oversee the annual financial statement audit.

Section 4. Special committees or task forces may be appointed by the President or by the Board of Directors to address issues of concern to the membership. Such committees/task forces may be established by the Delegate Assembly, the Board of Directors or the President.

## **ARTICLE XII**

### **Regions**

Section 1. Regions are geographic divisions of the Association designated by the Board of Directors for convenience in administering the work of the Association and will be governed by the Bylaws of the Association.

Section 2. Regional officers will be elected by the members in the Regions biennially at the fall regional meetings of the Association. No regional officer shall be elected to serve more than one two-year term in the same office.

Section 3. A Nominating Committee will be appointed by the Chairman of each Region at or prior to its annual spring meeting in any year in which there will be a vacancy in an officer position. It will be the duty of this Committee to select a slate of nominees for the offices of Chairman and Vice-Chairman. Members of the Nominating Committee will not be eligible for nomination to any regional position. The slate shall consist of no more than two candidates for each office and be presented to the membership at the next annual fall meeting of the region. Nominations may be made from the floor. By a majority vote of the member school board it should notify the Chair of the Region and the region member school boards of an intended floor nomination prior to the fall regional meeting. Each region member board shall have one vote, and that vote shall be by the school board chairman or a delegate elected by that school board. The regional chairman and his/her designee shall determine the number and persons approved to vote at the beginning of each meeting of the region. It shall be the duty of every candidate to provide a written nomination, approved by the candidate's school board, and a signed letter from the candidate confirming willingness to serve.

Section 4. A vacancy occurring in any office in a region will be filled by the President of the Association except in the case of the Chairman when the Vice-Chairman automatically will assume the office.

Section 5. Each region will hold annual meetings in the spring and fall. Additional meetings may be held if a Region so desires.

### **ARTICLE XIII**

#### **Compensation**

Elected officers, committee members, and Regional Chairmen will serve without compensation, except that actual expenses incurred in the performance of duties will be paid by the Association.

### **ARTICLE XIV**

#### **Parliamentary Authority**

"Robert's Rules of Order, Revised" shall govern all proceedings of the Association in all cases in which it is not in conflict with these Bylaws.

### **ARTICLE XV**

#### **Amendments**

These Bylaws may be amended at any Annual Convention of the Association by a two-thirds vote of the official delegates present and voting; provided the amendment be presented in writing to the President of the Association and Chairman and to the Clerk of each member school board of the Association at least thirty days prior to the Annual Convention.

## ARTICLE XVI

### Dissolution of the Association Assets

Upon the dissolution or final liquidation of the association, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the Association, dispose of all of the assets of the Association exclusively for the benefit of the public school divisions of the Commonwealth. Any such assets not so disposed of shall be distributed to member school divisions of the Association by the Circuit Court of the county in which the principal office of the Association is then located, exclusively for such purposes, or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

*Revised 10/05/86; 10/02/87; 10/06/89; 12/14/90; 11/14/91; 11/19/92; 11/18/93; 11/18/94;  
11/09/95; 11/18/99; 11/16/00; 11/18/10; 11/17/11; 11/15/12, 06/05/13; 11/20/14; 11/17/16*