



SREB

Legislative Report

Summary

Most SREB states have completed their regular legislative sessions for 2015. Louisiana ended its session shortly before this report was printed, while Delaware is scheduled to conclude its session on June 30. North Carolina will adjourn its session in late June or in July. Summaries of final actions in these states will be included in upcoming *Legislative Report* editions.

Kentucky held its mid-biennium session this year and made minimal changes to the 2014-16 biennial budget. Regular sessions in Alabama (for general funds), Florida and South Carolina ended without approval of budgets for 2015-16. Florida legislators met in a special session in June and finalized their budget work. The South Carolina Legislature reconvened in mid-June to conclude budget deliberations and consider any governor's vetoes. The legislature in Alabama will meet later this year in a special session to approve a general fund budget (which supports noneducation state operations) after the governor vetoed the budget approved during the regular session. Summaries of final budget actions in these states will appear in future editions of *Legislative Report*.

All states that have adopted budgets for 2015-16 show at least modest increases in overall state funding, from 0.2 percent to 5 percent. On the upper end of the range, state funds increase 5 percent in Georgia and 4.5 percent in Tennessee, while the biennial budget in Texas rises 12.5 percent.

Most states also provided increases for K-12 education. Funding is up 5.8 percent in Georgia and 4.7 percent in Mississippi. Other increases in K-12 state funding are between 0.7 percent and 2.9 percent. K-12 funding in Texas rises 9.9 percent for the biennium.

Higher education budgets mostly show increases in state funds for 2015-16, ranging from 1.5 percent for universities in Alabama to 5.1 percent for the University System of Georgia. Higher education funding in Texas is up 10.4 percent for the biennium.

Legislatures in several states addressed **school and district flexibility**. Alabama legislation will allow the establishment of charter schools in the state. A bill in Oklahoma permits charter schools in every district of the state, and allows public colleges and universities to approve charters. The bill also requires additional accountability measures for charter schools. Maryland legislation provides greater flexibility to charter schools with demonstrated fiscal and student performance. South Carolina and Texas further defined the legal rights and responsibilities of charter school employees.

Mississippi and Texas legislators permitted the creation of districts of innovation, which receive certain flexibilities from state education laws. A school district in Arkansas may petition the state Board of Education for any of the waivers from state law provided to charter schools that draw students from that district.

Teacher preparation and evaluation remain important topics for lawmakers. West Virginia made several changes to its alternative teacher certification process, while Oklahoma may now certify teachers who have already obtained an out-of-state certification. Texas modified entry requirements for teacher preparation programs and required the State Board for Educator Certification to establish standards for the approval and renewal of teacher preparation programs.

Florida decreased the portion of a teacher's evaluation based on student testing data. Action in Oklahoma delays the use of quantitative student performance data in the teacher and administrator evaluation system until 2016-17 and requires the commission overseeing the implementation of the system to determine how to evaluate teachers in grades and subjects with no state-mandated tests. A Florida bill requires independent verification of the validity of statewide student assessments before they can be used for teacher evaluations.

Regarding **student assessments**, Florida legislation caps the number of hours that districts may use for the administration of statewide assessments and requires the publication of a uniform calendar of student assessments. Georgia eliminated its high school graduation test and permits students who failed the test to petition their local school board to obtain a high school diploma. Maryland will establish a commission to study improving the administration of student assessments, the best method to balance instructional time and the time needed to administer assessments, and how much time is spent in schools on mandated assessments.

In Texas, the state education agency must determine the validity of any assessments designed to measure essential knowledge and skills, and schools may spend no more than one day administering each assessment. The agency determines the number of required assessments for grades three through eight and how well those assessments measure student achievement. Legislators also established a commission to make recommendations on new assessments and public school accountability systems.

School accountability was also raised during legislative sessions in two SREB states. If voters in Georgia approve a constitutional amendment, the state will create an Opportunity School District to take control of persistently low-performing public schools. Texas legislators in extended the A-F grading system for school districts to individual school campuses and required schools with unacceptable academic performance ratings to establish school turnaround plans. The Florida Department of Education cannot use statewide student assessments to determine school grades until the department obtains independent verification of the validity of the assessments.

Alabama, Kentucky, Maryland, Oklahoma and West Virginia approved **student health and safety** measures. In Oklahoma, local boards of education may designate personnel to carry handguns on school property, and schools there may implement optional abuse prevention training for students. The law requires them to

provide annual training to staff on recognizing and reporting child sexual abuse. Kentucky also requires child abuse recognition training for all school staff. In Alabama, the Governor's Task Force on Prevention of Sexual Abuse of Children will adopt guidelines for sexual abuse prevention instruction for K-12 students.

Higher education institutions in Maryland must adopt policies on sexual assault that prohibit institutional retaliation against victims or witnesses. The Commissioner of Public Health in West Virginia now has the power to grant, renew, condition, deny, suspend or revoke exemptions to the state's school student immunization requirements. Legislators also required requests for exemptions to a compulsory immunization requirement to be certified by a licensed physician.

Relative to **early childhood education**, Kentucky will establish an early-care and education-program rating system. The state Board of Education in Oklahoma must develop its forthcoming early childhood education standards to align with the new subject matter standards the board will adopt by 2016. South Carolina legislators provided the committee reviewing the First Steps early childhood education initiative with extra time to complete its work. Texas established a high-quality prekindergarten grant program to improve prekindergarten education across the state. The state education agency will provide up to \$130 million to school districts in the coming two years if they enact programs that meet certain standards and measure the progress of students in meeting learning outcomes; the agency will measure and report on the effectiveness of the grant program.

Final legislative and budget actions

Alabama (<http://www.legislature.state.al.us/>)

The Education Trust Fund (ETF) budget, which funds all levels of education and education-related expenses, totals \$6 billion in state funds for 2015-16, up 1 percent over 2014-15. The ETF budget devotes \$343.1 million to the two-year college system, a 2.8 percent increase that includes \$10.3 million for dual enrollment in technical programs (up 106 percent). Funding to state universities increases 1.5 percent to \$1.1 billion.

The K-12 Foundation Program receives \$3.8 billion, up 0.7 percent, including \$3.5 billion in formula funding, up 0.3 percent. State funds for the state Department of Education increase 6.3 percent, totaling \$196.6 million. Department funding includes \$12.4 million for statewide student assessment (up 93.8 percent) and nearly \$4 million for career and technical education initiatives (up 21.5 percent). The Alabama Math Science and Technology Initiative is funded at the 2014-15 level with \$29 million, while the budget provides \$3.3 million for Advanced Placement, down 23.4 percent.

At the conclusion of the regular legislative session, the governor vetoed House Bill 135, a 2015-16 general fund budget (which supports all state operations except education) that was, at passage, \$200 million less than the original 2014-15 appropriation. Legislators will return for a special session later in the year to address the budget for the fiscal year that begins in October .

In 2013, the Legislature passed the Alabama Accountability Act that provides tax credits to individuals who donate to organizations granting scholarships for low- and middle-income students to attend private school; students zoned to failing schools are given priority for scholarships. Senate Bill 71 clarifies that the

act's intent is to increase educational choice, and raises the annual cap on state income tax credits under the program from \$25 million to \$30 million. A scholarship recipient's family income cannot exceed 185 percent of the federal poverty limit. Annual scholarship amounts cannot exceed \$6,000 for elementary school, \$8,000 for middle grades and \$10,000 for high school.

The bill redefines a failing school as one listed in the lowest 6 percent of public schools based on state assessment scores, or designated failing by the state superintendent of education. Nonpublic schools serving scholarship recipients must administer the state assessments or nationally recognized norm-referenced tests, and the state Department of Revenue must select an independent research organization to analyze the test results to measure the academic performance of scholarship recipients.

Legislators passed Senate Bill 45, the School Choice and Opportunity Act, allowing for charter schools. Local school boards may authorize conversion public charter schools and start-up public charter schools, while the newly created Alabama Public Charter School Commission can hear appeals from applicants rejected by local boards and may approve start-up charter schools in a school district whose board has chosen not to act as an authorizer. The Act limits the number of start-up charter schools per authorizer to 10 schools per fiscal year for five years. Public charter schools will receive all federal and state per-pupil funding, as well as local funds, but local school system authorizers may charge an administrative fee of up to three percent of a school's annual per student state allocations.

The five-year charter school contract must include performance measures to guide a board or the Commission's evaluation of the school. An authorizer may not renew a charter contract if the school does not meet minimum state standards for public charters. The state Department of Education may revoke a local school board's authorizing capacity if schools authorized by the board show chronic underperformance.

Senate Bill 191 establishes the independent Alabama Community College System governed by a Board of Trustees (board), dedicated solely to the governance of community and technical colleges. Previously, the Department of Postsecondary Education under the state Board of Education governed two-year postsecondary institutions. The board also may operate technical and workforce development programs as needed. The bill establishes the Alabama Aviation College, formerly the Alabama Aviation Center at Enterprise State Community College, as a separate institution within the system.

Senate Bill 72 requires every local board of education to offer virtual school options to high school students by 2016-17. Students enrolled in a virtual program will count as attending their local school for funding and other purposes; local systems also will set student eligibility criteria. A legislative task force will review and make recommendations to realign the state Department of Education's Alabama Connecting Classrooms, Educators, and Students program to aid the implementation of virtual education.

Other legislation

HB 197 creates a 13-member Governor's Task Force on Prevention of Sexual Abuse of Children to adopt guidelines for age-appropriate curriculum to use in classrooms and requires all K-12 public schools to provide sexual abuse prevention instruction to students.

SB 157 creates the Fostering Hope Scholarship program in the Department of Human Resources to pay tuition and mandatory fees for current and former foster children to attend public postsecondary colleges or universities or obtain job training and certifications.

Arkansas (<http://www.arkleg.state.ar.us/>)

The Arkansas State Legislature adjourned its regular session in late April, and then reconvened in late May for a special legislative session to consider items including bond funding, the date of state primary elections, and state government reorganization. During the regular session, legislators approved a \$5.2 billion general fund budget for 2015-16, up 3 percent over the original 2014-15 budget. General funds for public schools increase 1.9 percent to \$2.2 billion. The budget funds higher education at the 2014-15 level of \$733.6 million. Four-year institutions receive \$588.1 million in funds, while two-year institutions receive \$111.9 million. Technical colleges receive \$33.5 million.

House Bill 1241 prohibits the state Board of Education from renewing its participation in the Partnership for Assessment of Readiness for College and Careers consortium or from entering a state testing contract of more than one year in length after 2015-16. The board must also consider any recommendations made by the Governor's Council on Common Core Review before entering into a contract for the 2016-17 school year. In addition, the legislation prohibits either the board or the state Department of Education from providing a student's individually identifiable data to the federal Department of Education or any of its partners without express written consent from the student's parent or guardian.

House Bill 1377 allows a school district to petition the state Board of Education for any or all of the waivers granted an open-enrollment charter school that draws students from the district. The board may grant some or all of the requested waivers, and each will be valid for the same length of time as the charter school waiver.

Senate Bill 366 allows a teacher in grades seven through 12 to voluntarily give up their planning period to teach another class and receive additional compensation. If, in taking on another class, a teacher exceeds the maximum number of students allowed per day, further additional compensation is provided for doing so. The bill specifies that neither the school district nor the teacher will be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts if the teacher exceeds the maximum allowed students per day. However, the bill does not permit class sizes to exceed the maximum allowed by law.

House Bill 1183 requires each public high school and public charter high school in the state to offer a computer science course beginning with the 2015-16 school year, and creates the Computer Science and Technology in Public School Task Force to recommend strategies to meet workforce needs in the state. The budget allocates \$5 million in general funds for the initiative.

Other legislation

HB 1581 creates the Legislative Task Force on the Realignment of Higher Education to study redundancies in the system, determine mechanisms available to increase financial efficiency, and increase postsecondary institutional accountability to and communication with the General Assembly.

SB 681 waives the qualifications to serve as Commissioner of Education as long as a deputy commissioner meets the requirements (exception: the commissioner must be a person of good moral character, a recognized leader in education, and qualified technically and by experience to head the department).

Florida (<http://leg.state.fl.us/>)

The House of Representatives adjourned Sine Die three days ahead of the expected conclusion of the 2015 regular session and without approving a budget for 2015-16. As a result, the Legislature reconvened in early June to complete work on the budget and consider other noneducation matters. A summary of final budget actions will appear in a future edition of *Legislative Report*.

Legislators approved House Bill 7069, making multiple changes to K-12 student testing. Among its many provisions, the bill reduces to 33 percent (from 50 percent) the minimum amount of teacher evaluations that must be based on student testing data. It caps the number of school hours that districts may schedule for administering state- and district-required student assessments. It also requires independent verification of the validity of statewide student assessments before they may be used for school grades or teacher and administrator evaluations. The state Department of Education, school districts and local schools will have to publish a uniform calendar of student assessments, and districts must provide assessment scores and results within 30 days of a test's administration.

Senate Bill 954 requires all public schools to immediately notify a student's parent, guardian or caregiver if the student is removed from school, school transportation or a school-sponsored activity for an involuntary mental health examination. A facility that is involuntarily holding a student for purposes of administering the examination also must immediately give notice of the student's whereabouts to that student's parent, guardian or caregiver.

Other legislation

HB 153 establishes the five-year Literacy Jump Start Pilot Project to provide speech- and language-development instruction to low-income, at-risk children in St. Lucie County who are two or three years of age.

SB 642 establishes Florida ABLE, Inc. as a direct-support nonprofit organization under contract with the Florida Prepaid College Board that will assist individuals and families with saving private funds in tax-exempt accounts for the purpose of paying qualified disability expenses, such as education, housing, transportation or employment training.

Georgia (<http://www.legis.ga.gov/>)

The General Assembly adjourned its legislative session with the passage of a \$19.3 billion general fund budget for 2015-16, a 5 percent increase over the originally approved 2014-15 budget. General funding for the Quality Basic Education formula increases 5.8 percent to \$9.4 billion. General funds for the Accel dual enrollment program almost triple to \$28.9 million.

The University System of Georgia receives a 5.1 percent increase in general funds to just over \$2 billion. The budget appropriates \$339.9 million to the Technical College System of Georgia, up 2.4 percent. The Board of Regents approved tuition increases of 2.5 percent to 9 percent for 2015-16 for in-state undergraduates. The Technical College System will not increase tuition.

The state's prekindergarten program operates with \$321.3 million in lottery funds, up 2.9 percent. Lottery funding for HOPE Scholarships to public colleges and universities totals \$463.4 million, up 3.8 percent. The HOPE Grant program for students at technical colleges remains funded at the 2014-15 level, with \$109.1 million. Award amounts for both programs rise 3 percent.

The Legislature passed Senate Resolution 287, which would amend the constitution to allow the Legislature to create an Opportunity School District (OSD) — a statewide school district through which the state would take control of persistently low-performing public schools. The amendment will go on the ballot for voter approval in the 2016 general election.

If voters approve the amendment, Senate Bill 133 creates the OSD under the Governor's Office of Student Achievement. The governor will appoint a superintendent, subject to confirmation by the Senate, who will run the OSD and annually report to the General Assembly. The district may select up to 20 schools for entry per year, with no more than 100 schools in the OSD at any time. The OSD superintendent will have the final authority to select the schools and the intervention model used at each school, though the selection process must include a public hearing for community input. The superintendent may waive Board of Education rules, regulations, and other requirements for OSD schools, with the goal of improving student performance.

Senate Bill 2 creates an opportunity for high school students who have completed their core requirements for grades nine and 10 and have been accepted to a nonprofit postsecondary institution to receive dual credit. The State Board of the Technical College System of Georgia will annually identify eligible fields of study, limited to areas of critical need. Previously, postsecondary courses had to match a high school requirement to count toward a high school diploma. Senate Bill 2 allows courses to count toward a high school diploma without a corresponding class, if the student completes a program in an eligible field.

Other legislation

HB 91 eliminates the Georgia High School Graduation Test and permits former students who did not pass the test to petition their local board of education for a high school diploma based on the other graduation requirements in effect when they entered ninth grade.

SB 156 authorizes the State Charter Schools Commission to establish a State Charter Schools Foundation to actively search for supplemental revenue, property and services to support the Commission and state charter schools.

Kentucky (<http://www.lrc.ky.gov/>)

The General Assembly concluded its legislative session after approving legislation to combat heroin abuse, prevent dating violence, and to maintain revenues for road construction and maintenance by establishing a minimum per-gallon state fuel tax rate. Legislators approved House Bill 510 to amend the 2014-16 biennial budget, primarily to distribute tobacco settlement funds — including \$8.7 million in each year of the biennium for the Early Childhood Development Program and \$1.1 million in each year for Early Childhood Development Scholarships. The budget amendments also permit the state Department of Education to request up to \$10 million in additional Support Educational Excellence in Kentucky (SEEK) school finance formula funding for 2014-15 if the original appropriation is not enough to fully fund the formula.

Legislators approved House Bill 298 to provide \$132.5 million in bond funding for a medical research center at the University of Kentucky. The legislation also provides \$5.5 million in general funds for debt service to support the bonds.

Senate Bill 119 requires the state Department of Education to develop and maintain a list of approved child abuse recognition training programs; all administrative staff and instructional personnel employed by school districts are required to complete one of the training programs by January 31, 2017. In addition, the bill

allows the state commissioner of education to waive the requirement that a school district provide, in a school year, 1,062 instructional hours by June 5 if the commissioner determines the district is not able to do so as a result of instructional days missed due to an emergency.

Other legislation

HB 234 establishes a statewide early care and education program rating system; the bill prohibits the rating system from being used for compliance or in a punitive manner.

HB 260 modifies provisions governing the endowment trust fund for student financial assistance to remove references to the Kentucky Educational Savings Plan Trust.

SB 39 requires each local board of education to identify the best available severe weather safe zones in each school, in consultation with local and state safety officials.

SB 201 clarifies that a public school may not charge tuition to a student who is permitted to enroll in school prior to meeting the minimum age requirement for enrollment.

Maryland (<http://mgaleg.maryland.gov/>)

The General Assembly concluded its regular session with the passage of a \$16.4 billion general fund budget for 2015-16, up 2.1 percent from the originally approved 2014-15 budget. General fund state aid to K-12 education is up 0.6 percent to \$5.9 billion, including \$2.7 billion in basic formula funding through the foundation program (up 1.2 percent) and \$1.3 billion (up 4.3 percent) in aid to school districts with larger numbers of economically-disadvantaged students. State support for school district employee benefits declines 11 percent to \$787.2 million; the decline is due to 2012 legislation that gradually transfers responsibility for school system employee retirement costs from the state to school systems.

The budget allocates \$136.2 million to fully fund the Geographic Cost of Education Index (GCEI), which provides additional funding to school systems whose educational costs are above the state average. However, half of that amount is provided at the discretion of the Governor, who subsequently chose to direct the discretionary \$68.1 million toward state pension liabilities. Senate Bill 183 stipulates that if GCEI is not fully funded in 2015-16, its funding becomes mandatory beginning with the 2016-17 budget. In addition, contingency language in the budget redirects an additional \$4 million in Cigarette Restitution Funds to GCEI from the Aid to Nonpublic Schools Textbook and Technology Program.

State funding for the Maryland Higher Education Commission (MHEC) is down 1.2 percent to \$457.7 million; this includes \$239.4 million in state aid to community colleges (down 1.4 percent), \$58.9 million for community college employee benefits (down 1.6 percent), and \$42.8 million in state aid to nonpublic colleges (down 3.6 percent).

Funding to state colleges and universities is up 4.6 percent to \$1.4 billion. Tuition for full-time, in-state undergraduate students at most state universities will increase 5 percent in 2015-16; undergraduate students at the University of Maryland, Baltimore County, will see a 7 percent increase.

Senate Bill 595, the Public Charter School Improvement Act of 2015, allows greater operating flexibility for a charter school that has been in existence for five or more years with a demonstrated history of sound fiscal management and above-average student achievement. The school and local school district may come to an agreement that provides the school with exemptions from requirements related to textbooks, instruc-

tional programs, curriculum, professional development, scheduling, the establishment of school community councils or school improvement plans, class sizes, or staffing ratios. Under the Act, an application to establish a charter school must include a plan for a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the applicant intends to seek a waiver.

The Public Charter School Improvement Act also prohibits a school district from granting a charter to a fully online school; allows for the weighting of charter school admission lotteries to favor students eligible for free and reduced price meals, students with disabilities, LEP students, homeless students and siblings of students already enrolled at that charter school; allows a certain number of student spaces in a charter school to be set aside for students in a specific geographic area; and allows for contingent approval of charters by school districts.

As a means to eliminate possible duplication between local, state and federally mandated student assessments, the General Assembly approved House Bill 452, establishing the Commission to Review Maryland's Use of Assessments and Testing in Public Schools. The Commission's report, due by July 1, 2016, will include recommendations for improving the administration of mandatory assessments and the best methods for providing adequate time both for administering assessments and for instruction. In addition, the bill requires the state Department of Education to assess how much time is spent in each grade statewide, and in each school system, on administering local, state and federally mandated student assessments.

To help with the facilities needs of school districts experiencing rapid growth or student overcrowding, the Legislature approved Senate Bill 490, establishing the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms. The bill requires the governor to provide \$20 million in the state's capital budget annually, beginning in 2015-16, to fund program grants.

Following the lead of several other states that have focused on protecting student data, legislators approved House Bill 298, the Student Data Privacy Act of 2015. The legislation prohibits providers of educational digital applications and services from using the student data they gather to engage in targeted advertising, create profiles of students for non-educational purposes, or sell or otherwise disclose student information for non-educational purposes.

To encourage more high school graduates from low-income families to attend and complete college, the General Assembly passed House Bill 779 and Senate Bill 816, establishing the Maryland Higher Education Outreach and College Access Pilot Program. Under the program, MHEC will provide grants to nonprofit organizations that provide college outreach services to students from low-income families and will subsequently determine whether the program can increase the rates at which these students attend and succeed in college.

In response to nationwide concerns over sexual assaults on college campuses, the General Assembly approved House Bill 571. The governing body of each institution of higher education within the state must adopt written policies on sexual assault that prohibit an institution from retaliating against a student who files a sexual assault complaint or serves as a witness in a sexual assault investigation, and that pursue formalized agreements with local law enforcement agencies and with organizations that provide services to victims of sexual assault. The bill also requires each institution to administer a sexual assault campus climate survey every two years, beginning in 2016, and to report the survey results to MHEC.

Other legislation

HB 278 establishes the Task Force to Study the Implementation of a Dyslexia Education Program.

HB 375 replaces, within the state Department of Education, the Maryland School-Based Health Center Policy Advisory Council with the Maryland Council on Advancement of School-Based Health Centers, and requires the council to make recommendation for improving the health and education outcomes of students served by the centers.

HB 672 and SB 496, the Maryland Education Export Act of 2015, authorize Maryland's participation in the State Authorization Reciprocity Agreement (SARA), which establishes national standards for interstate online education course and program offerings.

HB 941 establishes the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

HB 947, Lauryn's Law, mandates that the Professional Standards and Teacher Education Board require, by July 2016, a school counselor seeking renewal of his or her certificate to obtain the knowledge and skills necessary to respond to the social, emotional and personal development of students, to recognize the indicators of mental illness and behavioral distress in students, and to identify professional resources to help students in crisis.

SB 635 requires the state Board of Education, the Professional Standards and Teacher Education Board and at least two local school districts to develop an alternative teacher certification program for areas experiencing critical teacher shortages if those organizations determine such a program is appropriate.

Mississippi (<http://www.legislature.ms.gov/>)

The Legislature adjourned after passing a \$6.2 billion state budget for 2015-16, a 3.1 percent increase over the original 2014-15 budget. General funds increase 4 percent to \$5.7 billion. Elementary and secondary education receives \$2.5 billion in state funds, a 4.7 percent increase, most of which provides Mississippi Adequate Education Program (MAEP) formula funding to schools (\$2.2 billion, up 5 percent). MAEP funding includes \$40.1 million for the second year of a teacher pay raise the governor signed into law in 2014.

State funding for higher education increases 3.4 percent to \$951.3 million. The budget devotes \$682 million to the university system (up 3 percent), including \$418.1 million in general support to universities (up 2.3 percent). Jackson State University receives \$2 million to establish a school of public health. The budget funds university student financial aid at 2014-15 levels, with \$37.9 million. Community and junior colleges receive \$269.3 million, a 4.3 percent increase.

In the governor's state of the state address, he called on the Legislature to pass the Equal Opportunity for Students with Special Needs Act. The Legislature passed Senate Bill 2695, establishing a five-year pilot program that furnishes education savings accounts to eligible students with special needs. Each account will receive \$6,500 in 2015-16 to pay for educational expenses; funding for the program may not be taken from MAEP. Each subsequent year, the amount awarded will increase or decrease proportionate to the base cost of educating a student under MAEP, as determined by the state Board of Education (BOE). The program is open to 500 students for 2015-16 — for the first 250, on a first-come, first-served basis, and for the remaining 250, on a lottery selection basis. New enrollment each subsequent year will be limited to 500 additional students.

Current law allows the BOE to request that the governor declare a state of emergency in a school district if the district fails to meet certain standards or the BOE and the Commission on School Accreditation determine that an emergency situation exists. The BOE may then abolish the school district and assume control. Senate Bill 2558 allows the BOE, when it determines that a district is within one year of returning to local control, to appoint a five-member board that will serve in an advisory capacity to the conservator in its first year of service. Thirty days before the end of the advisory period, members will draw lots to determine when their terms of office end, with one member departing each year. The appropriate authority will provide for elections to replace members at the end of their terms.

Senate Bill 2191 authorizes the BOE to approve districts of innovation, providing flexibility from select regulations and policies, for five-year periods of time. In the applications, districts may include only schools that choose to be designated a school of innovation.

Other legislation

HB 646 creates the Task Force on the Future of Gifted Education in Mississippi to study the state's gifted education infrastructure and recommend ways to improve access, diversify educational opportunities, and determine and implement best practices.

HB 859 requires school districts to provide locally raised ad valorem tax funds payable to charter schools by January 16 of each fiscal year; if a district fails to do so, the state will redirect MAEP funding in the same amount from the district to the charter school.

HB 951 authorizes the Mississippi Commission on College Accreditation to participate in and administer interstate reciprocity agreements for online higher education, such as SARA.

SB 2127 waives out-of-state tuition for United States armed forces veterans and their eligible dependents.

Oklahoma (<http://oklegislature.gov>)

After working through a projected \$611 million 2015-16 budget shortfall, the Oklahoma Legislature adjourned its 2015 session early with a \$7.1 billion general fund budget, up 0.2 percent over the initial 2014-15 budget. Legislators closed the gap with one-time funds from the state's "rainy day" and agency savings accounts. The budget reduces funding for most agencies between 1 percent and 7.25 percent.

Common education funding is at 2014-15 levels, with general funds totaling \$2.5 billion. General funds for the Office of Educational Quality and Accountability decrease 5.1 percent, down to \$1.8 million.

Support to the Oklahoma State Regents for Higher Education declines 2.5 percent, to \$963.4 million. The budget reduces funding to the State Board of Career and Technology Education, which also supports state adult education programs, by 3.6 percent to \$133.9 million.

Senate Bill 782 removes the previous population threshold that limited which school districts could authorize charter schools and allows districts to convert traditional public schools to charter schools (previous law only permitted startup charter schools). State colleges, universities and community colleges may now authorize charter schools, and the state Board of Education (BOE) may approve a charter school whose application was denied by a local board.

Other changes in the bill include requiring applicants to provide more information in both their application and the charter contract; adding accountability measures for schools, including requiring their contracts to include a clear framework of academic and operational performance to guide evaluation; providing processes for the revocation and renewal of charters; and prohibiting the renewal of charters for schools whose student academic performance is in the bottom 5 percent of public schools.

To boost student safety in public schools, the Legislature enacted House Bill 2014, the Special Reserve School Resource Officer Act. Under the bill, local boards of education may designate certain personnel as authorized to carry a handgun on school property. Designees must be either licensed armed security guards or certified reserve peace officers.

Senate Bill 711 requires a district superintendent to forward to the state Board of Education (BOE) any recommendations to dismiss or not re-employ a teacher that include grounds that could lead to charges of a sexual nature. The BOE must keep such recommendations confidential, except from school districts considering the employment of a teacher, and must notify the teacher of any such requests.

Under House Bill 1684, school districts must offer an annual professional development program that includes training on child sexual abuse recognition, reporting and available resources. Public schools may implement an annual age-appropriate abuse prevention program for students, but students may not be required to participate in the program.

Senate Bill 706 delays the full implementation of the Teacher and Leader Effectiveness Evaluation System (TLE) until 2016-17. The state will not use the TLE for employment decisions until 2017-18. School districts will evaluate teachers and administrators in 2014-15 and 2015-16 using the quantitative component of the TLE to establish baseline data, but will base their evaluation rating on the qualitative component. The TLE Commission must recommend various methods for quantitatively evaluating teachers in grades and subjects with no state-mandated test; the BOE must approve a list of measures by February 2016.

Other legislation

HB 1034 allows federally recognized Native American tribes to sponsor charter schools located on the former reservation or treaty area of the tribe. Prior statute only allowed such tribes to sponsor a charter school if the school primarily conducted instruction in the tribe's native language.

HB 1685 enacts the 24/7 Tobacco-free Schools Act, prohibiting the use of tobacco products in or on prekindergarten or K-12 school property or facility, at a school-sanctioned event, or in a school vehicle.

HB 1691 permits the boards of the school districts in Oklahoma City and Tulsa to contract with non-sectarian entities to provide educational or administrative services for the district; a service provider will have the same flexibility from state statutes and rules as charter schools.

SB 20 allows the BOE to certify a teacher who has obtained out-of-state certification.

SB 136 requires the Statewide Virtual Charter School Board to provide a list of high-quality and standards-aligned supplemental online courses, with emphasis on STEM (science, technology, engineering and math), foreign language, and Advanced Placement classes, and to negotiate contracts with supplemental course providers.

SB 285 requires the BOE to align its forthcoming standards for early childhood education with the subject-matter standards that will be adopted by 2016.

South Carolina (<http://www.scstatehouse.gov>)

Legislators adjourned the main portion of their regular legislative session in early June without approving a budget for 2015-16, but met in the reconvened session in mid-June to complete the work on the budget as well as to consider any governor's vetoes. A summary of final budget actions will appear in an upcoming edition of *Legislative Report*.

To allow the First Steps Study Committee (established in 2014 to perform a review of the state's First Steps early childhood education initiative) to complete its work, the Legislature approved House Joint Resolution 3843, which extends the deadline for the committee to complete and present its review from March 15, 2015 to January 1, 2016.

House Bill 3890 addresses school days missed due to weather-related and other disruptions that require school closings. The bill permits a local school district to waive up to three missed days of instruction from the requirement that all missed days be made up within the same school year. In addition, at the request of a local board of education, the state Board of Education may waive an additional three days.

Other legislation

HB 3882 requires that the physical examinations administered to public school bus drivers at the time of their hiring and every two years afterward meet Federal Motor Carrier Safety Regulations requirements.

HB 4084 specifies that charter school board members and employees are subject to ethics and government accountability requirements under state law, and that charter school employees are considered public employees.

SJR 364 delayed, from February 1, 2015 to June 15, 2015, the deadline for the state Board of Education to approve the state reading proficiency plan required under the South Carolina Read to Succeed Act, which was approved in 2014.

Tennessee (<http://www.capitol.tn.gov/>)

Before adjourning its session in late April, the Tennessee Legislature considered a range of issues, including banning traffic cameras, designating an official state book, potential Medicaid expansion, expanding scholarship eligibility, and prohibiting racial profiling. The Legislature approved a \$33.8 billion total budget for 2015-16, up 4.2 percent over the original 2014-15 budget, including \$15.5 billion in state funds (up 4.5 percent). The budget adds \$76.5 million to the rainy day fund and provides \$97.6 million to fund a salary pool increase equal to a 4 percent raise for K-12 teachers (actual salary increase amounts will be determined at the school district level). Higher education employees see a 1.5 percent raise in pay.

K-12 education receives \$4.5 billion in state funds, a 1.5 percent increase. Funding to the Basic Education Program formula increases 1.6 percent to \$4.2 billion, including \$30 million to increase the state's share of teachers' health insurance costs.

Funding for higher education increases 2.5 percent to \$1.6 billion, and includes an increase of over \$8 million for programs that are a part of the state's Drive to 55 initiative, which supports the goal of 55 percent of the adult population earning a postsecondary certificate or degree by 2025. The University System of Tennessee receives \$507.6 million, a 3.5 percent increase, and the Tennessee Board of Regents system receives \$675.5 million, up 2.7 percent.

Senate Bill 30, the Individualized Education Act, creates individualized education accounts for students with eligible disabilities to use per-pupil state and local funds to obtain nonpublic school educational services. The first accounts will be awarded for the 2016-17 school year.

The current process for reviewing Common Core State Standards in Tennessee consists of two committees, the English and mathematics standards review committees, which must provide recommendations to the state Board of Education (BOE). House Bill 1035 adds an additional layer to the review, a standards review committee to which the English and mathematics committees will report. The BOE will then adopt standards that fit the needs of Tennessee students.

Senate Bill 453 requires the Tennessee STEM Innovation Network (TSIN), established in 2010 to promote and expand the teaching of Science, Technology, Engineering and Mathematics (STEM) education in K-12 public schools, to establish STEM innovation hubs in rural areas of the state and one specifically in Northwest Tennessee. All hubs must implement STEM leadership training. TSIN must provide a middle grades curriculum, available on the Internet, to educate students on the benefits of a STEM career. The bill requires TSIN to seek STEM organizations to collaborate with on educational programs and opportunities.

Other legislation

SB 87 changes the name of the Board of Vocational Education to the Board of Career and Technical Education.

SB 299 authorizes Tennessee's participation in SARA, which establishes interstate standards for online higher education offerings.

SB 624 allows recipients of the HiSET high school equivalency credential to receive a Tennessee HOPE Scholarship, and revises the General Educational Development (GED) test score requirements for HOPE Scholarship eligibility to include the scale for the new test.

SB 878 creates a higher education foundation investment pool. Any foundation established for a Tennessee nonprofit postsecondary institution may request to have some or all of its money invested in the pool by the state treasurer, who will be responsible for day-to-day administration and for establishing policies and procedures for the management of the pool.

Texas (<http://www.capitol.state.tx.us>)

Meeting in their biennial session, legislators approved a \$114.1 billion statewide general fund budget for the 2016-17 biennium, up 12.5 percent from the original 2014-15 biennial budget. General funds for K-12 education are up 9.9 percent to \$41.2 billion, and for higher education are up 10.4 percent to \$17.4 billion. The budget provides \$35.5 billion for Foundation School Program formula funding, up 12.3 percent; the increase offsets \$3.8 billion in local tax relief, including a \$1.2 billion reduction in school district property taxes and \$2.6 billion in franchise tax reductions.

The governor identified prekindergarten education as a priority for the legislative session. Legislators responded by passing House Bill 4, establishing the high-quality prekindergarten grant program. The Texas Education Agency (TEA) will provide up to \$130 million in grants over the 2016-17 biennium to school districts enacting a prekindergarten curriculum that meets TEA guidelines, measures the progress of students in meeting recommended learning outcomes and does not use Common Core State Standards curriculum standards. A school district receiving a grant must employ certified prekindergarten teachers, implement a

family-engagement plan and evaluate the district's prekindergarten program by measuring student progress. The agency may provide up to \$1,500 in grant funding per eligible student, must establish a prekindergarten teacher training course and must report, beginning in 2018, on the effectiveness of grant funding under the program.

Legislators approved House Bill 2804 to require the commissioner of education to adopt performance indicators for the quality of student learning and achievement and extends, beginning with the 2015-16 school year, the A-F rating system to individual school campuses (previously, only school districts received such ratings). The bill also establishes the Texas Commission on Next Generation Assessments and Accountability to make recommendations on new student assessment and public school accountability systems.

Senate Bill 313 requires the State Board of Education to review the Texas Essential Knowledge and Skills curriculum and to narrow its content and scope in each subject and grade level. The state Board must complete a review and revision of the curriculum by September 2018 that may not result in the required adoption of new instructional materials in subjects other than English language arts.

House Bill 743 requires TEA to determine the validity and reliability of any assessments that they adopt which are designed to measure essential knowledge and skills of students in reading, writing, mathematics, social studies, and science. The administration of such an assessment may take no longer than eight hours and must occur on a single day. The bill requires the state Board to determine the number of required assessments administered in grades three through eight, and to evaluate how well assessments measure student achievement relative to the standards.

House Bill 1842 allows a local school board to adopt the district of innovation designation for its district in order to enact a local innovation plan. The plan must include a comprehensive educational program that may include alternative approaches to curriculum, scheduling, campus governance, parental involvement, budgetary matters and program funding, or may establish assessment measures that exceed current state and federal requirements. Under the bill, a school that obtains an unacceptable academic performance rating for two consecutive years must submit, to the commissioner of education, a campus turnaround plan for restructuring, reforming or reconstituting the school. If the commissioner determines that the turnaround plan will not result in satisfactory student performance within two years, he or she must appoint a board of managers to govern the school district, order alternative management of the campus by an outside entity, or close the school.

House Bill 2205 makes multiple changes related to teacher preparation programs. The bill lowers, from 2.75 to 2.5, the required undergraduate grade point average for an individual entering a teacher preparation program, but also requires an overall grade point average of at least 3.0 for each incoming teacher preparation program class. The State Board for Educator Certification must develop rules that establish standards for the approval and renewal of educator preparation programs and that establish risk factors for assessing the risk level of each educator preparation program in the state.

Other legislation

HB 505 prohibits TEA from adopting rules that place any limits on the number of dual credit courses or hours for which a high school student may enroll, or any limits on the grade levels in which a high school student is eligible for dual enrollment.

HB 1170 specifies that an open-enrollment charter school is considered a local government entity for purposes of entering into interlocal cooperation contracts, establishing a self-insurance fund, or providing group benefits, and that it may extend workers' compensation benefits to its employees in the same manner as other political subdivisions of the state.

HB 1171 specifies that an open-enrollment charter school and its charter holder, employees, volunteers and board members are immune from liability and lawsuits in the same manner as a school district and its employees, volunteers and board members.

HB 2610 requires each school district to provide 75,600 minutes of instruction per school year.

SB 149 requires a high school to establish an individual high school graduation committee for any student who fails one or two end-of-course assessments; the committee will conduct a review and determine if the student should be awarded a high school diploma.

SB 925 establishes teacher literacy achievement academies to provide training for teachers who provide reading instruction to students in kindergarten through grade three.

SB 934 establishes teacher mathematics achievement academies for teachers who provide mathematics instruction to students in kindergarten through grade three.

SB 972 establishes reading-to-learn academies for teachers who provide reading comprehension instruction to students in grades four or five.

Virginia (<http://viriniageneralassembly.gov/>)

The General Assembly finished the legislative session after approving amendments to the biennial budget. The Legislature authorized an \$18.2 billion general fund budget for 2014-15, down 0.1 percent from the 2014 special session budget. Total direct aid to public education decreases 0.1 percent to \$7 billion, including \$5.4 billion in general funds (down 1.7 percent).

In 2015-16, the general fund operating budget increases 2.1 percent over 2014-15 to \$18.6 billion. Funding from all sources for direct aid to public education totals \$7.3 billion, up 4.5 percent, and includes \$5.6 billion in general funds, up 2.9 percent. The budget supports higher education with \$1.4 billion in general funds, up 2.5 percent. Four-year institutions operate with \$992.2 million (a 2.8 percent increase). Two-year institutions receive \$362.1 million (a 1.9 percent increase).

Previous statute prohibited the state Board of Education from approving an alternative school schedule plan that reduces instructional time in core academic areas. With the passage of House Bill 1675 and Senate Bill 982, a local school district may waive the requirement that students receive 140 hours of instruction to earn a standard unit of credit if it provides the state Board with sufficient proof that students have learned the content in the applicable Standards of Learning.

The 2013 Legislature established the Opportunity Educational Institution, a statewide school division to take over unaccredited or low-performing schools. A 2014 court decision ruled the division and its governing board unconstitutional. Senate Bill 821 abolishes the Opportunity Educational Institution and its board.

House Bill 2320 requires the Secretary of Education and the Director of the State Council of Higher Education for Virginia (SCHEV) to consult with each two- or four-year nonprofit institution of higher education and develop a plan to establish a cooperative online degree program. Under the plan, any undergraduate

student enrolled at any two- or four-year nonprofit postsecondary institution (public or private) will be able to complete, through online courses at any institution, a degree with tuition costing no more than \$4,000 (or the lowest price possible) per year.

Other legislation

HB 1336 requires SCHEV to set a uniform policy on granting undergraduate credit to entering freshman students who have taken Advanced Placement, Cambridge Advanced, College-Level Examination Program, or International Baccalaureate examinations.

HB 1443 and SB 842 require the state Board of Education to adopt policies on elementary and secondary schools' use of restraint and seclusion. The regulations must follow federal Department of Education guidelines and address distinctions between general and special education students, and elementary and secondary school students.

HB 1676 permits local school boards to enter into agreements with postsecondary institutions to provide career and technical dual enrollment options for high school students.

West Virginia (<http://www.legis.state.wv.us/>)

In mid-March, the Legislature concluded its extended session with the approval of the 2015-16 budget. After the governor's vetoes, statewide general funds total nearly \$4.3 billion, up 1.3 percent from the statewide total (including vetoes) for 2014-15. General funds for higher education decline 2.1 percent to \$405.9 million, including \$271.9 million for the college and university system (down 2.9 percent) and \$65.5 million for community and technical colleges (down 0.8 percent).

Overall general funding for K-12 education totals slightly less than \$2 billion, down 3.4 percent. State aid to schools will total over \$1.7 billion, a 5.3 percent decrease. Funding for the state Department of Education for programs other than state aid to schools increases 9.5 percent to \$159.5 million; much of the increase is attributable to new funding for the early literacy program established in 2014 (\$5.7 million) and school based truancy prevention (\$2 million). Funding for the department's performance audits division is up 7.2 percent to \$1.8 million.

The Legislature approved House Bill 2005 to modify several aspects of the state's alternative teacher certification process. Under the legislation, a school district, a school or a group of schools may, with state Board of Education approval, form a partnership with an accredited college or university, the state Department of Education or a regional education service agency (RESA) to offer an alternative teacher certification program. The bill eliminates the eligibility of a RESA to establish an alternative teacher certification program on its own. A teacher who obtains alternative certification must serve in a teaching position of critical need and shortage.

Addressing the issue of compulsory child immunizations, the Legislature passed Senate Bill 286, which updates the list of immunizations required for students to enroll in public schools. The state Commissioner of Public Health may grant, renew, condition, deny, suspend or revoke exemptions to the immunization requirements on a statewide basis when there is sufficient medical evidence to do so. A request for an exemption to a compulsory immunization requirement must be certified by a licensed physician, indicating that the student may be adversely affected by the immunization.

Senate Bill 447 permits the administrator of a public, private or home school secondary education program to issue a diploma or credential to an individual who completes that program of education, and prohibits state agencies or institutions of higher education from rejecting that diploma or credential, or otherwise treating a person differently due to the source of that diploma or credential.

Other legislation

HB 2140 requires a county board of education that is subject to state intervention to establish a plan to improve student performance by an amount sufficient to end state intervention within five years.

HB 2377 allows a county board of education to propose, and the state Board of Education to approve, an alternative to the statutory instructional time requirements as a means to optimize student learning, if the proposal meets the spirit and intent of the time requirements.

HB 2381 provides an additional \$2,000 per year beyond the \$3,500 paid annually to a teacher who obtains National Board Certification, if he or she teaches in a persistently low-performing school and mentors other teachers at the school.

HB 2535, Jamie's Law, requires middle grades and high schools to disseminate suicide prevention awareness information to students annually, and requires institutions of higher education to advise students and staff on available suicide prevention resources and provide incoming freshmen with depression and suicide prevention awareness information.

HB 2645 increases the annual amount of assistance under the Underwood-Smith Teacher Loan Assistance Program from \$2,000 to \$3,000, and expands eligibility for the program to teachers serving in schools and geographic areas of critical need.

SB 529 raises, for teachers hired on or after July 1, 2015, the retirement age from 60 to 62, and specifies that for those teachers, accrued sick and annual leave time do not count toward retirement service credit.

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