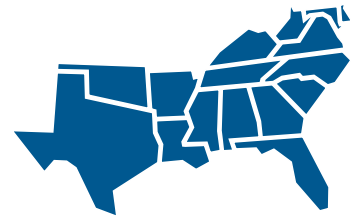


Legislative Report | April 2020

Governors' legislative and budget proposals in Alabama, Louisiana and Oklahoma

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Notes from other SREB states



SREB

Legislative Report

The COVID-19 outbreak has disrupted many facets of daily life throughout the southern region and the entire nation — including, rather prominently, education and the functions of government. Schools, colleges and universities have been ordered closed or have otherwise largely closed on their own. In many places, distance learning is taking the place of normal face-to-face instruction, and many states have closed schools for the remainder of the academic year (including Alabama, Arkansas, Georgia, Oklahoma and Virginia). Businesses and governmental organizations (including SREB) are utilizing teleworking wherever possible, but millions of individuals across the nation have found themselves suddenly unemployed — and states are now having to reckon not only with major declines in state revenues, but a severe and long-term economic downturn.

While the legislatures in Virginia and West Virginia completed their regular 2020 legislative sessions prior to the onset of emergency measures, other SREB state legislatures have suspended their sessions or indefinitely postponed proceedings in response, including Alabama, Delaware, Georgia, Louisiana and Mississippi. Although Texas does not hold regular legislative sessions in even-numbered years and the North Carolina General Assembly's regular session has not yet begun (legislators are scheduled to convene in late April), both chambers canceled meetings and in the latter case instructed staffers to work from home.

The Kentucky Legislature first limited access to the capitol complex to legislators and essential staff, and then permitted remote voting while most staff worked from home; they completed the main part of the regular session (aside from reconvening to consider vetoes) at the beginning of April. This included passage of a budget for the 2020-21 fiscal year only; normally legislators approve a biennial budget in even-numbered years.

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The Maryland General Assembly ended its session in mid-March, nearly three weeks ahead of schedule, in response to the crisis, with plans to reconvene in a special session in late May. Legislators in Tennessee, in coordination with the governor, moved to complete a budget for the forthcoming fiscal year before adjourning indefinitely. Florida legislators concluded their regular session as scheduled but under extraordinary health precautions to prevent the spread of coronavirus in the final days of the session.

Leadership in the Georgia General Assembly indefinitely halted the regular 2020 session in mid-March, though legislators did reconvene for a one-day special session shortly thereafter to help the state address the COVID-19 pandemic. Legislation approved during that one-day session permits the governor to unilaterally enact and extend emergency orders related to the pandemic, and as of this writing shelter-in-place orders have been extended into May.

In Arkansas, a three-day special session in late March resulted in legislators approving the creation of a COVID-19 Rainy Day Fund to offset revenue reductions and meet unanticipated needs as a result of the current crisis. Legislators reconvened, under extraordinary circumstances, in April for a 10-day fiscal legislative session.

Most governors' budget proposals that were not covered in the first Legislative Report of this year are summarized below. However, the unknown economic impact from the halting of most commercial activity in the nation and the corresponding decline in state revenues means that revenue projections and budgets for both the current and forthcoming fiscal years will likely have to be adjusted, and by significant amounts. Any such actions will be summarized in forthcoming editions.

Governors' legislative and budget proposals

Alabama (<https://budget.alabama.gov/>)

In early February, the governor proposed a 2020-21 state budget to promote her goals of reforming the criminal justice system, building a world-class public education system and improving mental and rural health initiatives. In her State of the State address, the governor spelled out her legislative priorities, which include raising the salaries of teachers from the pre-K to community college level by 3%; expanding the First Class Pre-K program by nearly 200 classrooms; and increasing the availability of high-speed internet throughout the state, especially in rural areas. She also proposed issuing a \$1 billion bond for public school capital projects, including new construction, safety improvements and technology upgrades — it would be the state's largest public school capital investment in 14 years.

The governor's recommended 2020-21 Education Trust Fund budget, which provides state funds to all levels of education and other programs, would total \$7.5 billion, up 5.3%. Her recommendation for the 2020-21 general fund budget, which supports non-education government function, totals nearly \$2.5 billion, a 9.9% increase.

State funding to K-12 education would total nearly \$5.2 billion, a 5.4% increase. Foundation Program formula funding would increase 3.6% to nearly \$4.1 billion, and public school transportation funding would increase by 7.3% to \$403.2 million.

The Alabama State Department of Education would receive \$346 million, up 25%. This includes \$80.7 million (up 11.6%) for the Alabama Reading Initiative, \$14.2 million (up 93.2%) for English language learners, and \$4.6 million (up 193.5%) for the Jobs for Alabama's Graduates program. The governor also proposed \$25 million for the department to create a new grant program for high-needs special education students with exceptional medical challenges that require special care at school, and \$17.6 million (up 213.4%) for preschool special education services.

Funding for the Department of Early Childhood Education would increase 21.6% to \$154.8 million, allowing expansion of the First Class Pre-K program. This includes \$147.8 million (up 20.4%) for the Office of School Readiness, and \$1.4 million (up 47.3%) for the Strong Start, Strong Finish initiative, which integrates early childhood, K-12 education, and workforce development efforts.

Postsecondary education funding would increase 6% to \$1.9 billion. Community colleges would receive \$448.8 million, up 7.5% — including \$18.7 million for dual enrollment, up 36.6%, and \$5.2 million for workforce development initiatives, up 37.3%. State colleges and universities would receive \$1.3 billion, up 6.7%. Funding for the Alabama Higher Education Commission would decline 8.1% to \$37.3 million; the decline is largely due to proposed defunding of the deferred maintenance grant program.

Louisiana (<https://www.doa.la.gov/Pages/opb/Index.aspx>)

In his state of the state address in early March, the governor presented his 2020-21 budget, which he termed fiscally responsible and stable. In addition, the governor provided an update on Louisiana's response to COVID-19 at that time and urged citizens of the state to be vigilant and help prevent its spread.

The governor's priorities include strategic funding at every level of public education, increasing the minimum wage, and continuing funding for workforce development and Medicaid. He also set goals of raising teachers' pay to at least the southern regional average, making dual enrollment accessible to all students by 2024 and ensuring that 60% of working-age adults earn industry-based credentials or degrees by 2030.

Overall general funds would increase 3.4% over the 2019-20 existing operating budget to \$10.1 billion in 2020-21. The Louisiana State Department of Education would receive \$3.8 billion in state funds, a 3.1% increase, including \$3.6 billion in Minimum Foundation Program formula funding, up 2.6%. The proposal would continue funding, at \$42 million, the Student Scholarships for Educational Excellence Program, which provides scholarships for eligible students from low-income families to attend approved private schools. The \$33.6 million in general funds for the LA-4 prekindergarten program for at-risk four-year-old children would be a 15.9% increase, while the \$36.3 million for the Child Care Assistance program for children from birth to age three would more than triple the state's investment and clear the program's waitlist.

State funding for special schools and commissions overall would decline 0.6% to \$47.2 million, though this includes \$1.1 million for the Board of Elementary and Secondary Education, up 9.6%.

State funds for higher education would increase 3.8% to \$1.1 billion. Under the proposal, all general funds for state colleges and universities would go to the Louisiana Board of Regents, who would then distribute funding to individual institutions by a formula adopted by the board. The higher education funding includes \$257.4 million for merit-based TOPS scholarships (up 2.2%) and \$29.4 million for need-based GO Grants (no change).

Oklahoma (<https://omes.ok.gov/services/budget>)

The governor's original budget proposal, released in early February, would have provided \$8 billion in state funds for 2020-21. While this would have been a 1% decline from the total prior-year statewide appropriation, when removing one-time expenditures from the prior year it would have represented a modest 0.9% increase. Total education funding would be up 0.4% to under \$4.2 billion, including \$3.1 billion for K-12 education (also up 0.4%), \$795.1 million for state colleges and universities (down 0.9%), and level funding of \$143 million for career and technology education.

With the onset of the COVID crisis and expectations of major revenue shortfalls, the governor more recently has made statements that current-year budgets will likely need to be cut. Legislators have simultaneously been working to pass legislation that will allow the state to access reserve funds to address revenue shortfalls and potentially prevent current-year reductions. Full access to reserve funds will require the State Board of Equalization — a constitutional body that consists of the governor, lieutenant governor, state auditor, state treasurer, attorney general, state superintendent of public instruction and president of the board of agriculture — to officially declare a revenue shortfall. As of this writing, that shortfall had not yet been officially declared, but the governor signed legislation that fully funds the statewide budget for the month of April.

Final legislative and budget actions

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

The Florida Legislature completed its regular session in March, meeting the last few days under health safeguards as a result of the coronavirus pandemic, with the passage of a \$34.5 billion general fund budget for 2020-21, up 1.5% from the original prior-year budget. Appropriations for state universities are \$2.8 billion, up 2.5%, and for state colleges are \$1.1 billion, a 1.5% increase. General funds for early learning total \$569.1 million, a 1.8% increase, which includes \$412.2 million for the statewide voluntary prekindergarten program, up 2.5%.

General funds to Florida Education Finance Program formula funding to schools rise 4.4% to \$9.1 billion. This includes a \$500 million teacher salary increase allocation to enact a minimum statewide teacher salary — a priority of the governor — enacted with the passage of House Bill 641 (see below). FEFP funds also include \$100 million for the mental health assistance allocation to school districts, a 33.3% increase. Class size reduction general funding rises 1.2% to nearly \$3 billion. The Gardiner Scholarship Program — for students with disabilities to purchase products or services, including private school tuition, to create an individualized education program — will operate with \$189.9 million, a 28.4% increase.

General funds for the Benacquisto Scholarship Program for National Merit Scholars rise 24.4% to \$26.6 million. While general funding for merit-based Florida Student Assistance Grant awards to students at public institutions is down 3.3% (to \$163 million), lottery funding rises 12% to \$72.3 million. Lottery funding for merit-based Bright Futures scholarships is up 9.5% to \$651.8 million.

Other lottery funding allocations include: \$387.8 million for FEFP (up 9.8%), \$168.2 million to state colleges (up 12%) and \$391.2 million directed to state universities (up 14.2%).

With the passage of House Bill 641, legislators repealed the Best and Brightest bonus programs for teachers and principals. The bill enacts a teacher increase salary allocation within FEFP to assist

school districts and charter schools in recruiting and retaining teachers and other instructional personnel, and it requires all districts and charter schools to use the funding to increase the base salary for full-time teachers to at least \$47,500 annually. The bill also removes the limitation of 30 credit hours that may be awarded to a student through the International Baccalaureate, Advanced International Certificate of Education or International General Certificate of Secondary Education programs, and provides increased state funding to school districts for each student who receives a College Board Advanced Placement Capstone Diploma.

The Family Empowerment Scholarship program was established to provide the children of low- and middle-income families with scholarships to attend participating private schools. House Bill 7067 establishes that in awarding scholarships, the priority order is: renewal scholarships for prior-year recipients; students whose family income is no greater than 300% of the federal poverty level and were not able to renew a tax credit scholarship because of the scholarship-funding organization's lack of funds; new applicant students whose family income does not exceed 185% of the federal poverty level, who qualify for certain public assistance programs, or who are or were recently in foster home or out-of-home care; other low-income students who are eligible to enroll in kindergarten; and finally students whose family income does not exceed 300% of the federal poverty level. The legislation specifies that priority for awards under the Tax Credit Scholarship program must be given to students whose family income does not exceed 185% of the federal poverty level or who are in foster care or out-of-home care. The bill additionally provides extra funding allocations to school districts under FEFP for each dual enrollment student who completes a general education core course with a grade of A or better.

Similar to actions in several other states, legislators approved House Bill 115 — the Keep our Graduates Working Act — to prohibit any state authority from suspending or revoking a professional license, certificate, registration or permit solely due to an individual's delinquency or default on a student loan.

Senate Bill 72 makes several changes to postsecondary education. It makes a Florida Medallion Scholar enrolled in an associate degree program at a Florida College System institution eligible for an award to cover 100% of tuition and fees. It renames the State University System Programs of Excellence as State Universities of Distinction, and for the university system performance-based incentive program it adds two new metrics beginning in 2021-22: two-year graduation rate for transfer students with associate degrees, and the six-year graduation rate for students awarded a Pell Grant in their first year. The legislation also establishes the Florida Institute of Politics at Florida State University and the Adam Smith Center for the Study of Economic Freedom at Florida International University.

Other legislation

HB 171 requires the Board of Governors of the State University System of Florida and the state board of education to create a process for military service members and veterans to earn uniform postsecondary credit at all Florida public colleges and universities for college-level training and education acquired during their military service.

HB 901 requires the state Division of Vocational Rehabilitation to provide preemployment transition services to individuals with disabilities between the ages of 14 and 21 who are eligible for vocational rehabilitation services in a secondary or postsecondary education program and who either have an Individualized Education Plan or meet the federal definition of an individual with a disability.

SB 70, Alyssa's Law, requires each public school starting in 2021-22 to implement a mobile panic alert system capable of connecting and ensuring coordination between multiple first responder agencies.

SB 646 permits an intercollegiate athlete at any public or private college or university in the state to earn compensation for the use of their name, image or likeness and prohibits institutions from unduly restricting an athlete from earning such compensation.

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

The governor delivered his original budget recommendation for the 2020-21 fiscal year to the Legislature in early February. At the time, he pointed to a continued strong economy and expected revenue growth to support his recommendations. However, with the onset of the coronavirus outbreak in March, the governor and legislators worked to quickly produce and approve a budget and other legislation, then recessed until June.

Termed a "zero-growth" budget as proposed by the governor, legislators approved House Bill 2821 to provide \$18.7 billion in state funds for 2020-21, an 8.7% increase over the originally approved 2019-20 budget. However, legislators also approved House Bill 2819, which authorized an increase of \$629 million in appropriations from state tax revenues for the 2019-20 fiscal year; this reduces the increase in the statewide state funded budget to 4.9%.

State funds appropriated for K-12 education in 2020-21 total \$5.6 billion, up 6.4% over the original prior-year amount. Basic Education Program formula funding to schools rises 3.9% to \$5.1 billion. However, funding declines for early childhood education (down 0.5% to \$91 million), administrative services at the state department of education (down 24.8% million to \$32.8 million), and career and technical education (down 44.3% to \$9.8 million).

Higher education funding rises 5.5% to \$2.3 billion. The University of Tennessee System receives \$673.2 million, up 4.6%, and the Tennessee Board of Regents System receives \$970.9 million, up 8.7%. The latter total includes \$312.4 million for community colleges, a 7.5% increase, and \$85.3 million for colleges of applied technology, a 13% increase. Merit-based Tennessee Student Assistance Awards are funded at \$122.9 million, up 8.5%, and Lottery for Education funds are projected to rise 3.9% to \$389.5 million. Funding for Tennessee Higher Education Commission grant programs declines 62.6% to \$14.7 million.

House Bill 2818, which originally was concerned with the continued use of schools in the case of natural disasters or other incidents that render school facilities unusable, was amended and approved as an emergency measure to assist K-12 schools as they respond to the COVID-19 outbreak and damage caused by storms and tornadoes this year. It suspends required assessments under the statewide Tennessee Comprehensive Assessment Program for the 2019-20 school year (though districts may choose to administer the tests), and excludes the assessment program measures from being used for teacher evaluations, student final grades, school grades, or identification of priority schools — or assignment of schools to the Achievement School District — under the state's school evaluation and improvement system. The legislation requires the state commissioner of education to waive, for the 2019-20 school year, the requirement that school districts provide 180 days of classroom instruction and specifies that every district will still receive its full share of state funding regardless of whether school operations resume this school year. The state department of education is required to either seek a waiver from the federal department of education or amend the state's ESSA plan to implement the legislation. The state board of education is required to revise high school graduation requirements for the 2019-20 year so that students are not prevented from earning their

diplomas due to school shutdowns in response to the COVID-19 outbreak, and the state board along with the Tennessee Student Assistance Corporation and state colleges and universities are directed to issue emergency rules to protect students from adverse effects due to school closures in the current crisis.

House Bill 2472 was similarly amended to assist in response to the COVID-19 crisis. The legislation permits the Tennessee Student Assistance Corporation to, for a temporary and specified period of time, suspend, modify or waive any deadlines or nonacademic requirements in law for the financial aid programs that the corporation administers.

To aid in the development of new teachers at the local level, legislators approved Senate Bill 1790. The bill allows the state commissioner of education to waive maximum average class size requirements for a school district to assist that district in funding a grow-your-own program, in which the school district (or several districts working together) may partner with an educator preparation program to coordinate the preparation and licensure of teachers, including classroom internships and mentoring within that district for teacher candidates.

State law requires the state board of education to automatically revoke the license of a teacher who is convicted of certain felony crimes, including murder, rape, kidnapping and manufacture or delivery of a controlled substance with the intent to distribute. House Bill 1975 adds to the crimes that require automatic license revocation, including communicating threats regarding school employees, arson, burglary, child abuse, neglect or endangerment, providing handguns to minors, felony offenses against individuals, felony weapons offenses, or placement of the license holder onto the state's sex offender registry.

Previously, the determination of whether a student who has been suspended or expelled from school should be assigned to an alternative school or program was left to the discretion of local boards of education. With the passage of Senate Bill 1755, attendance at an alternative school or program is mandatory for a student in grades seven through 12 who is expelled from school or suspended for more than 10 days. (It is not mandatory for a student who is expelled for committing a zero-tolerance offense; this is subject to the discretion of the local director of schools.) For students in grades one through six, assignment to an alternative school or program is still subject to local discretion or policy. For a student in grades seven through 12 assigned to an alternative school or program, Senate Bill 1755 permits the director to remove the student from the alternative school or program if they determine that the student is not benefitting from it and all interventions have been exhausted unsuccessfully.

Other legislation

HB 736 permits a school district or charter school to provide career-based experiences to high school students, and to establish partnerships with local business and industry to provide those experiences.

HB 2062 allows the governing boards of individual colleges and universities to employ police officers in the same manner that the institutions themselves or system governing boards may.

SB 823 specifies that for purposes of a student receiving the Tennessee HOPE Scholarship, pregnancy is an approved medical or personal leave of absence.

SB 1637 permits a student with an Individualized Education Plan that includes a testing accommodation to use that accommodation for any end-of-course assessments or assessments under the state-wide student assessment program so long as the accommodation does not invalidate the assessment.

SB 1641 prohibits public colleges or universities in the state from requiring a student who has earned an associate degree from a regionally accredited institution to submit a high school transcript or GED certificate.

SB 1962 requires county governments to determine the amount of revenue required to meet the minimum local budget matching requirements of the Basic Education Program formula funding mechanism.

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

While legislators approved and sent to the governor a biennial budget for 2020-22 prior to adjourning sine die in early March, he has since indicated an intention to freeze new expenditures as well as some discretionary spending.

The biennial general fund budget approved by legislators appropriates \$23.6 billion statewide in 2020-21, up 3.5% from the amended prior-year amount, and \$24.6 billion in 2021-22, a 4.2% increase. General funds for education at all levels total \$9.6 billion in the first year, up 8.4%, and \$9.9 billion in the second, up 2.6%.

General funding for statewide programs and operations at the state department of education rises 15.1% to \$74.2 million in 2020-21 and 6.3% to \$78.9 million in 2021-22. Direct aid to public education totals nearly \$7.1 billion, up 7.9%, and \$7.3 billion, up 3.8%, in the first and second years of the biennium, respectively. These amounts include \$95.1 million in the first year and \$193.5 million in the second year, equivalent to the amount required for a 2% salary increase in each year for teachers and other school personnel. The governor has since indicated that the salary increases will be suspended, at least temporarily.

The State Council of Higher Education for Virginia receives general funds totaling \$115.5 million in the first year and \$120.3 million in the second, increases of 5.7% and 4.1% respectively. State colleges and universities receive \$1.6 billion in the first year, up 11.7%, with almost level funding (up 0.1%) in the second; the Virginia Community College System receives \$516.3 million in the first year, up 14.5%, with a slight decline (down 0.2%) in the second, to \$515 million. Legislators allocated \$109.5 million in 2020-21 and \$50 million in 2021-22 as incentive funding for colleges and universities to hold tuition level; however, the governor suspended this funding as well.

House Bill 1012 and Senate Bill 578 require the state board of education to establish a unified state-wide public-private system for early childhood care and education, administered by the board, state superintendent and state department of education, to ensure that children enter kindergarten ready to learn. The system, which will provide coordinated access to families for referral to early childhood education programs, will consist of programs offered through the Virginia Preschool Initiative (a grant program for schools and community-based organizations to provide preschool programs for at-risk children three or four years old), other school-based early childhood education programs, and private providers. The board also is required to establish a uniform quality rating and improvement system for publicly funded early childhood education providers.

Legislators approved several bills relating to student mental health. House Bill 74 and Senate Bill 619 require each local school board to adopt policies requiring all teachers and other relevant school personnel to complete mental health awareness training at least once. House Bill 308 requires the state department of education to distribute to school districts guidelines on providing students with excused absences for mental or behavioral health reasons, while House Bill 753 requires the state

board of education to define, and provide to districts guidance standards for, social and emotional learning and development. House Bill 1722 requires the state department of education to publish guidance and resources for the provision of applied behavior analysis to students. House Bill 894 requires educator preparation programs to require that program participants receive instruction on positive behavior intervention and supports, crisis intervention and de-escalation, and the use of and alternatives to restraint and seclusion.

Several school safety and student discipline measures were approved by legislators, including House Bill 271 and Senate Bill 170, which require the state Department of Criminal Justice Services to annually collect and report data on incidents involving K-12 students and school resource or security officers. House Bill 1419 and Senate Bill 171 require training for school security officers to include de-escalation techniques, awareness of biases, and how to work with students with disabilities, mental or substance abuse issues, or past trauma. House Bill 1080 prohibits a school board from authorizing any individuals not otherwise expressly authorized in state statute to carry firearms on school property.

Previously approved law required schools to enact certain student-to-counselor ratios, based on school level (one full-time per 375 students in elementary grades, per 325 students in middle grades, and per 300 students in high schools), beginning with the 2019-20 school year. House Bill 1508 and Senate Bill 880 move the effective date of that requirement to the 2020-21 school year, but also specify that the required student-to-counselor ratio is one full-time counselor per 325 students in all grades effective with the 2021-22 school year.

Other approved legislation regarding teachers and school staff includes: House Bill 365 and Senate Bill 98, which remove the ability of a school board to extend a teacher's probationary term of service to a fourth or fifth year and also remove the prohibition against a school board from continuing the probationary employment of a teacher who receives a non-satisfactory performance rating; House Bill 376, which requires each school district to report annually on all instructional and support staff vacancies, and requires each education preparation program to report annually on the number of individuals who have completed that program; House Bill 1653, which requires the state department of education to collect data on local districts' ability to fill school counselor positions; and House Bill 836, which requires the state department of education to implement standards for public school teachers to earn micro-credentials.

For any student in prekindergarten through grade 12 who receives literacy or Response to Intervention screening or services, or who is assessed as an at-risk learner, House Bill 410 requires the district to notify that student's parents. Senate Bill 904 requires SCHEV to establish a statewide coalition of public colleges and universities to share evidence-based teacher preparation methods for effectively educating K-12 students in reading, with an emphasis on using multisensory structured language education to improve reading instruction for students with dyslexia.

Other legislation

HB 104 requires each public institution of higher education to adopt a nonacademic student code of conduct.

HB 145 and SB 161 require the state department of education to provide school districts with model policies for the treatment of transgender students in public schools.

HB 270 requires a school to provide parents with at least 24 hours' notice prior to conducting a lockdown drill.

HB 415 requires school boards to ensure that students serving out-of-school suspensions are able to access and complete graded work during and after any suspension.

HB 457 requires a distance learning provider located outside of Virginia providing instruction to students within the state to either be certified by the state or be a participant in a reciprocity agreement to which the state belongs.

HB 516 and SB 112 allow a student, for purposes of high school graduation requirements, to complete a dual enrollment course or a high-quality work-based learning experience in lieu of the requirement that they complete an AP or IB course or obtain a career-tech credential.

HB 817 requires the state department of education to develop peer-review-based safety and best practice guidelines for the use of digital devices by students in public schools.

HB 837 requires any dress or grooming code adopted by a school board to permit the wearing of ethnically specific or significant head coverings or hairstyles and to prohibit enforcement of the code by an employee either by direct contact with a student or requiring the student to undress in front of anyone else.

HB 975 and SB 910 increase the amount of state funding provided to school districts for staff who provide instruction to students with limited English proficiency.

HB 1275 requires SCHEV to establish the Veteran Student Transition Grant Fund to support new programs or research to improve veteran students' transitions from the military to higher education and the civilian workforce.

HB 1355 establishes an interagency task force to develop a program of community schools in which public elementary and secondary schools serve as centers to provide community services to students and their families based on the needs of the local population.

HB 1613 allows an embedded three-year professional development program to substitute for the nine hours of professional studies required to obtain a technical professional teaching license.

SB 238 requires school districts to enact full-day kindergarten beginning with the 2022-23 school year, requiring at least 990 instructional hours delivered in each academic year.

SB 888 establishes the Commission on School Construction and Modernization to provide school construction and modernization guidance to school districts and funding recommendations to the General Assembly and governor.

West Virginia (<http://www.wvlegislature.gov/>)

Legislators completed the regular session in early March with the completion of a \$4.6 billion statewide general fund budget for 2020-21, a 1.2% decrease from the original prior-year budget. While state aid to schools declines slightly (0.2%) to \$1.8 billion, funding for the state department of education is up 8.4% to \$95.2 million. This includes \$5.1 million (up 66.3%) for supplemental funding to districts with enrollment increases; \$4.9 million (up from \$400,000) for the Communities in Schools wrap-around services program; and nearly \$2.1 million for \$500 bonuses to teachers who use less than four sick days during the school year.

General funding to public postsecondary institutions remains level from the prior year — \$64.1 million to community and technical colleges and \$282.2 million to state universities.

While funding to the Council for Community and Technical Education is down 16% to \$15.8 million, this is due to a 29.9% decline (to \$7 million) for the last-dollar West Virginia Invents Grant Program.

House Bill 4804 directs the state department of education, utilizing \$100,000 per year from funds allocated to the statewide professional development support system for beginning teachers, to assist local boards of education in implementing teacher leader frameworks to accomplish the teacher induction and professional growth aspects of the development support system. Under the bill, each teacher leader framework will provide additional compensation to teachers who also perform duties under the teacher leader framework including induction of, and improving professional practice and furthering professional growth among, new teachers.

To permit school systems to recruit and employ prospective teachers and school professional personnel in critical needs areas, legislators approved House Bill 4691. The legislation permits a local school system to hire prospective teachers and personnel in critical needs positions in advance, during the prime recruiting season for prospective graduates, and to provide one-time financial incentives to them. Senate Bill 623 allows the state superintendent of schools to grant a teaching certificate to noncitizens who are permanent residents or who hold an Employment Authorization Document or work permit issued by the federal Citizenship and Immigration Services agency.

House Bill 4378 permits the state superintendent to limit teaching certificates, issue letters of admonishment to certified teachers, and require specific training for a teacher to retain their certificate. It also permits the state superintendent to issue subpoenas to obtain testimony and documents while investigating anyone licensed by the superintendent. Further, the bill requires a teacher to maintain a professional relationship with students at all times, both in and out of the classroom, and requires the revocation of a teacher's license for at least five years if the teacher has committed any act of sexual abuse of, or engaged in inappropriate sexual conduct with, a student or minor.

The legislature passed House Bill 4790 to help better prepare students to enter the workforce by providing them with training related to workplace skills and competencies. The legislation requires the state board of education to enact an instructional program in workforce and career preparedness for all students and requires local boards of education to provide, beginning in 2022-23, elective career technical education courses for students in middle grades. Relative to teacher preparation programs, Senate Bill 691 specifies that an alternative teacher preparation program adopted or administered solely by the state board of education is separate from and only subject to the training, licensing and certification requirements for alternative teacher preparation programs in state law if specified in the board's rules for that program.

Two bills relate to student behavior and discipline. Senate Bill 723 requires the state department of education to analyze data on school disciplinary actions against students and to use that data to develop a statewide program that addresses the number of actions taken by school boards against students in grades K-12. Senate Bill 842 requires the state Superintendent to establish a Behavior Interventionist Pilot Program in at least two and up to 10 school districts for three years; behavior interventionists are trained to address student behavior to free classroom teachers from having to address such issues in lieu of providing classroom instruction.

To safeguard students' freedom of expression, legislators approved House Bill 4069, which establishes the West Virginia Student Religious Liberties Act. It prohibits public schools from discriminating against parents or students based on their religious viewpoint or expression, and provides that students may express their beliefs about religion in their schoolwork without being either penalized

or rewarded for it. The legislation specifies that students are permitted to pray or engage in religious activities before, during and after the school day, and may organize religious groups and activities. It also specifies that the Act may not be used by the state or any political subdivision thereof to require anyone to participate in religious activities or to violate anyone's constitutional rights, and does not limit the authority of public schools to maintain order and discipline or to protect the safety of students, employees or visitors.

Other legislation

HB 3127 permits home school students to participate in secondary school extra-curricular activities and interscholastic athletics.

HB 4022 permits the Chancellor of the Higher Education Policy Commission to simultaneously serve as the Chancellor of the Council for Community and Technical College Education and abolishes the WVHEPC position of Vice Chancellor for State Colleges.

HB 4365 permits state colleges and universities to offer course credit for English as a second language courses and count those credits toward student foreign language credit requirements.

HB 4519 establishes a summer youth intern pilot program within the state department of commerce to provide high school students with opportunities to explore and prepare for high-demand careers and gain work experience.

HB 4729 requires the governing board of each state college and university to establish an educational materials affordability committee to encourage actions that make materials less costly to students; the committees are required to prohibit institution employees from profiteering on educational materials required for their classes.

SB 230 requires the state board of education to provide for routine education in suicide prevention for all teachers, school administrators and service personnel who have contact with students, and requires school administrators to disseminate suicide prevention awareness information to middle grades and high school students.

SB 241 requires the state board of education to propose an alternative method for determining student transportation costs to meet the needs of lower-density districts that cover large geographic areas.

SB 303, the Students' Right-To-Know Act, requires the state superintendent to annually distribute to high schools information on the costs and benefits of postsecondary education programs in the state.

SB 614 requires school districts to prioritize the expenditure of Safe School Fund allocations on the required placement of video cameras in self-contained special education classrooms.

SB 750 requires school districts to develop alternative learning opportunities outside of the classroom setting for elective course credit.

SB 760 allows any state college or university to apply to WVHEPC for exemptions from certain administrative or financial regulations.

SB 839 creates the State Advisory Council on Postsecondary Attainment Goals.

Notes from other SREB states

Legislators in South Carolina have continued their regular session in hopes of concluding a budget agreement quickly before adjourning indefinitely. Legislators in Virginia are still, as of this writing, scheduled to hold the one-day reconvened session in late April.

Final actions summaries from Kentucky and Maryland will be included in the next edition of *Legislative Report*, as will final actions in other states that complete sessions, plus additional information on legislative and executive actions as states cope with the COVID-19 pandemic.

This report was prepared by Jeffrey Grove, SREB program specialist (Jeffrey.Grove@SREB.org), Kimiya Munni, SREB research associate (Kimiya.Munni@SREB.org), and Lee Posey, vice president of state strategies (Lee.Posey@SREB.org). All can be reached at (404) 875-9211.

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