



SREB

# Legislative Report

## Summary

All SREB states except for Delaware and North Carolina have, as of this writing, adjourned their regular sessions for 2017, but special sessions have occupied legislators in several states. West Virginia's Legislature returned to Charleston following the governor's veto of the budget. The Mississippi Legislature returned to Jackson to finalize budget legislation that they did not complete in the regular session, including funding for transportation and the attorney general's office, work they completed in one day. South Carolina legislators reconvened in a brief special session to finalize their budget for 2017-18.

Louisiana completed a special budget session in February to address a \$308 million budget gap. Immediately after the conclusion of the regular session, legislators reconvened in a special session called by the governor to complete a budget and confront a projected deficit at the end of the 2017-18 fiscal year, when certain temporary tax increases expire. In Florida, the governor and legislative leaders convened a three-day special session on June 9 to rework Florida Education Finance Program funding and other budget items following the governor's budget vetoes. Legislators in Texas will reconvene in a special session in July; topics in the call by the governor include providing a teacher pay increase, establishing a school finance reform commission and providing choice options for special needs students.

Several SREB states are dealing with budget issues. In addition to shortfalls in Louisiana, West Virginia started its regular legislative session facing a 2016-17 shortfall of \$123 million despite mid-year budget reductions and adjustments, and an estimated shortfall of nearly \$500 million for 2017-18. A budget "reset" in Delaware by the new governor is designed to close a projected \$385 million shortfall. In Oklahoma, legislators closed an \$868 million deficit by raising fees on cigarettes and establishing a sales tax on vehicles.

Many states took budgetary and legislative actions to increase the number of residents with a **postsecondary education**. In Arkansas, the Legislature established the Arkansas Future Grant Program to cover the full cost of tuition for students at two-year and technical colleges pursuing degrees in high needs

areas. In Tennessee, legislators expanded the last-dollar Tennessee Reconnect grant program for adults returning to higher education — currently only available at applied technology colleges — to community colleges. Georgia focused on funding Move On When Ready dual enrollment, REACH scholarships and Tuition Equalization Grants (for students at Georgia private institutions). Kentucky funded dual credit programs and the Kentucky Work Ready Skills grants.

Kentucky passed legislation to allow the creation and funding of **charter schools** while South Carolina expanded funding for its statewide Public Charter School District. Tennessee modified provisions governing charter school authorization and oversight. Virtual charter schools in Oklahoma must keep full attendance records and adopt attendance policies. School districts in West Virginia may create **virtual education** programs individually or in consortia with other districts.

Relative to **school accountability**, Georgia legislation establishes a Chief Turnaround Officer who is responsible for managing and overseeing a system of supports and assistance for the state's lowest-performing schools, which could include state-directed interventions. Maryland revised its statewide educational accountability system and established procedures for, and limits on, state-directed support and improvement of low-performing schools. Oklahoma and Texas revised their statewide A-F grading systems for schools, while Tennessee revised its school accountability requirements, specifying low performance levels that make schools subject to school turnaround interventions.

## Final legislative and budget actions

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

Before adjourning, legislators adopted a 2017-18 state-funded budget that will provide a maximum of \$5.5 billion, an increase of just over 3 percent compared to 2016-17 allocations. Funding to support the operation of elementary and secondary schools rises slightly to nearly \$2.2 billion. The General Education portion of the budget that supports the state Department of Education, the schools for the deaf and the blind, the Department of Career Education, rehabilitative services and other areas declines by 0.3 percent to \$104.1 million. The largest portion of this funding (\$41.8 million, no change) provides the state share of school construction projects. Arkansas's three technical institutes, which work to increase the employability of students, will operate with \$8 million, a slight decrease.

Funding for postsecondary institutions remains at the current funding level of nearly \$733.6 million. This includes \$588.1 million for four-year colleges and universities, \$111.9 million for two-year colleges and \$33.5 million for two-year technical colleges.

Legislators passed Act 1063 (Senate Bill 502), the Right to Read Act, which requires that, no later than 2023, persons completing a state-approved educator preparation program and those seeking a teacher license have proficient knowledge and skills to teach reading using the best practices of scientific reading instruction. Also, beginning in 2018-19, school districts and charter schools will provide professional development in scientific reading instruction, leading to a proficiency credential for elementary teachers and an awareness credential for teachers licensed at other levels.

Also relative to reading, Act 940 (Senate Bill 494) requires public school districts to report to the parents or legal guardians of each student in kindergarten through eighth grade the reading level of the student at least two times per year.

Act 744 (House Bill 1608) specifies the measures the state will use to rate schools as required by the federal Every Student Succeeds Act. These measures include academic achievement and student growth, the graduation rate, the progress of English language learners, improvements in closing of achievement gaps and the academic growth of student subgroups, ninth grade credit completion, equity in resource allocation, the percentage of students completing advanced credits and industry-recognized certification, access to preschool, the proportion of teachers holding National Board for Professional Teaching Standards certification or an advanced degree, and public school district and community partnerships.

Act 930 (Senate Bill 647) repeals the Arkansas Comprehensive Testing, Assessment and Accountability Program Act and creates the Arkansas Educational Support and Accountability Act. The bill sets out the responsibility of the state Board of Education to approve academic standards and appropriate assessments, and for the Department of Education to develop a comprehensive system of accountability for schools and districts, establish academic standards and provide their periodic review, implement the state assessment system, and analyze the data produced by the assessments.

The act requires the state Department of Education to begin working with districts in 2017-18 to transition to a student-focused learning system to promote success for all students. The state Board of Education may promote the system's goal to support effectiveness, report on educator effectiveness, and report rates at which low-income and minority students are disproportionately taught by educators who are ineffective, inexperienced or teaching out of their fields. The act requires schools to develop improvement plans for district approval and districts to develop support plans for schools in need of targeted or comprehensive support.

Act 316 (House Bill 1426) and Act 613 (Senate Bill 528) each create student financial assistance programs aimed at high-needs occupations or fields. Act 316 creates the Arkansas Future Grant Program to provide financial assistance to eligible students seeking a two-year degree or certification in science, technology, engineering, mathematics or in another high-demand field. The last-dollar grant will cover the cost of tuition, fees and other required charges, less the amount the student receives in other sources of financial assistance. Act 613 creates the Arkansas Workforce Challenge Scholarship to provide awards of up to \$800 per year to eligible students seeking an associate degree or certification in certain high-demand fields identified by the Department of Workforce Services, including industry, health care and information technology. In addition, students may apply for a summer term scholarship if funds are available.

Act 148 (House Bill 1209) calls for the Arkansas Department of Higher Education to develop, and the Higher Education Coordinating Board to adopt, policies to implement a productivity-based funding model for public higher education institutions that focuses on institutional missions; student progression and completion; affordability; the ability of students to successfully transfer from one institution to another; success in serving underrepresented students; and the production of degrees and credentials in science, technology, engineering, mathematics and high-demand fields.

## **Other legislation**

Act 173 (HB 1208) permits a school district or charter school to allow a student who resides in the district and attends a private school or home school to enroll in an academic course.

Act 478 (HB 1539) requires each student to pass the civics portion of the U.S. Citizen and Immigration Services naturalization test as a requirement to receive a high school diploma or equivalency diploma.

Act 561 (SB 519) requires the commissioner of education to update materials and resources relating to the teaching of historical contributions made by African-Americans, and creates a separate holiday for Dr. Martin Luther King Jr.

Act 562 (HB 1249) permits properly licensed persons with additional training to carry a concealed handgun on college and university campuses, except in limited circumstances.

Act 563 (HB 1518) requires the Arkansas Higher Education Coordinating Board to develop a plan to address the prevention of sexual assault.

Act 742 (HB 1902) permits a public charter authorizer to designate a charter school as a school for agricultural studies and repeals the Agriculture School Pilot Program.

Act 862 (HB 1457) permits public school districts and charter schools to develop a plan for alternative instruction methods for use on days when school is cancelled.

Act 872 (HB 1459) permits a school district to submit a plan to the State Department of Education to award high school course credit based on demonstrated subject matter competence instead of, or combined with, actual hours of classroom instruction.

Act 1105 (HB 1575) limits the amount of fund balances school districts may maintain.

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

The Georgia General Assembly ended its 2017 legislative session late in March. The Legislature adjourned having passed an amended 2016-17 state-funded budget of \$24.3 billion, up 2.5 percent from the original budget, and a \$24.9 billion 2017-18 budget, up 2.6 percent from the amended 2016-17 budget.

Amendments to the 2016-17 budget provide \$606.2 million in additional state funds, including \$108.9 million for a midterm adjustment for a K-12 enrollment growth of 11,855 additional students. The supplemental budget also raised the appropriation for the Move On When Ready dual enrollment program by 28.8 percent to \$75.1 million, sufficient funding for 68,000 awards.

For 2017-18, state funds for K-12 education total \$9.4 billion, a 4.4 percent increase over the amended 2016-17 budget. That amount includes \$162 million for a 2 percent adjustment to the state teacher salary schedule and a 2 percent salary increase for bus drivers and school nutrition personnel. It also includes \$133 million for additional enrollment growth of 10,796 students and for a training and experience increase for teachers. The 2017-18 budget includes \$4 million to support additional school counselors, pursuant to House Bill 283 from the 2013 session, and \$1 million to implement House Bill 338, passed this year to improve the academic achievement of the lowest performing schools. Career and technical education programs receive \$17.9 million in funding, a 2 percent increase over the original 2016-17 budget. The amended 2016-17 budget for career and technical education included an appropriation of \$5 million for equipment grants for local districts.

Funding for the Department of Early Care and Learning (DECAL) in 2017-18 includes state funds of \$426.3 million, up 3 percent, including \$364.8 million in lottery funds, up 2 percent. The DECAL budget maintains funding for 84,000 slots in the Georgia Pre-K program. The budget also includes \$357,718 for its new foundation, pursuant to House Bill 463 described below.

In higher education, the 2017-18 budget includes \$71.2 million in increased formula funds for both the University System of Georgia and the Technical College System of Georgia to respond to enrollment growth and associated facilities requirements, as well as \$49.2 million for merit-based pay adjustments and employee recruitment and retention initiatives. Overall, general funds for the University System increase 7 percent to \$2.3 billion. General funds for the Technical College System are effectively level at \$350 million.

The Georgia Student Finance Commission will operate in 2017-18 with \$879.7 million in state funds, a 6.5 percent increase over the amended 2016-17 budget. The budget provides a 9.4 percent increase in lottery funds, to \$571.8 million, to increase the award amount for merit-based HOPE Scholarships at public colleges and universities by 3 percent and meet the projected demand for scholarships — including for the Zell Miller Scholarship program, which provides a higher level of assistance than HOPE Scholarships. Tuition Equalization Grants that support students attending independent postsecondary institutions are provided \$22.8 million in general funds, a 7.6 percent increase sufficient to raise the grant amount from \$900 to \$950 a year. Move On When Ready receives \$78.8 million in general funds, up 5 percent.

House Bill 338, the First Priority Act — Helping Turnaround Schools Put Students First, specifies interventions for chronically low-performing schools. Unlike the proposed Opportunity School District for struggling schools that did not receive voter approval, the state Board of Education will appoint a Chief Turnaround Officer after consultation with the state school superintendent and the Education Turnaround Advisory Council established in the bill, as well as a national search. The Chief Turnaround Officer, who reports to the state Board of Education, is responsible for managing and overseeing a system of supports and assistance for the state's lowest-performing schools, and for identifying the schools based on the state accountability system. If after three years under an intensive school improvement plan a school does not improve as determined by the Chief Turnaround Officer, the school is subject to state intervention. Possible interventions include removal of school personnel, conversion to a charter or special school, and operation of the school by a private nonprofit operator. House Bill 338 also creates a joint study committee to determine the need for a state accreditation process for public schools and school systems, and a joint study committee on the establishment of a leadership academy.

House Bill 237 creates the Public Education Innovation Fund Foundation to promote public-private partnerships between businesses, nonprofit organizations, institutions of higher education, school systems and public schools to improve student achievement. The foundation will award funds through a competitive grant process, giving priority to schools that have performed in the lowest 5 percent of schools under the state accountability system. Donors will receive income tax credits. The amount of all tax credits is capped at \$5 million per tax year.

House Bill 463 authorizes DECAL to establish the Georgia Foundation for Early Care and Learning, to promote public-private partnerships between businesses, nonprofit organizations, institutions of higher education, school systems and public schools with early care and education programs to support educational excellence. DECAL will award foundation funds through a competitive grant process.

Senate Bill 211 establishes a statewide summative assessment program for grades three through 12. In addition to the required summative assessments, each school system will administer a research-based formative assessment with a summative component tied to performance indicators in reading and math for grades one and two. The bill directs the state Department of Education to pursue the maximum flexibility in federal law for state assessment systems, including applying for an innovative assessment demonstration authority and utilizing a nationally recognized college- and career-ready high school assessment, provided comparability to Georgia academic standards can be established. It also directs the state Board of Education to conduct a comparability study of nationally recognized assessments such as the ACT, SAT and ACCUPLACER to determine their alignment with Georgia academic standards.

House Bill 37 prohibits private postsecondary institutions from adopting sanctuary policies, including private independent nonprofit postsecondary and proprietary postsecondary institutions eligible to receive tuition equalization grants. Sanctuary policies are any regulation, rule, policy or practice adopted or administered by these institutions that prohibits or restricts officials or employees from communicating

or cooperating with federal officials regarding status information relevant to the identity of an individual believed to be violating state or federal laws, illegally residing within the U.S. or reasonably believed to be involved in domestic terrorism. Violations would result in withholding of state funds or state-administered federal funds, both funds provided to the institution directly and funds going to students in the form of scholarships, loans and grants for students.

House Bill 280 allows an individual with a weapons carry license to have a concealed handgun in any building or on property owned by or leased to any public technical school, vocational school, college, university or other institution of postsecondary education. However, weapons are not permitted in: sporting venues or student housing (including fraternity or sorority houses); space used for college or career academies; space where classes are held in which high school students are enrolled; or faculty, staff or administrative offices or rooms where disciplinary proceedings are conducted.

### **Other legislation**

HB 139 requires the state Department of Education to make available on its website specified school system information and individual school budget and expenditure information. School districts, schools, and charter schools with websites must post a link to this information in a prominent location.

HB 224 allows a student from a military family living in base housing to attend any school in a local system determined to have capacity.

HB 245 directs the Professional Standards Commission to establish a process, no later than July 1, 2018, by which military spouses may qualify for temporary teaching certificates.

SB 186 gives a student who earned a high school diploma through dual coursework eligibility to receive a HOPE Grant toward an associate degree.

### ***Kentucky*** (<http://www.lrc.state.ky.us/>)

Kentucky's 2017 legislative session ended on March 30. During the session, the Legislature passed House Bill 471, which amends the 2016-18 biennial budget. Support Education Excellence in Kentucky (SEEK) provisions in the budget amendment bill allow a public charter school to receive (with some restrictions) its portion of the local school district's student funding.

House Bill 520 allows school boards to authorize charter schools in their school districts beginning with the 2017-18 school year. The mayors of Louisville and Lexington also may authorize charter schools. Under the legislation, each charter school will be governed by an independent board and will provide a nonsectarian educational program that meets or exceeds student performance standards adopted by the Kentucky Board of Education. The state Board of Education may override a local school board's decision to deny, refuse to renew, or revoke a school's charter, and the state board's decision is subject to judicial review. Only certified teachers and administrators approved by the Kentucky Educational Professional Standards Board can teach at the schools.

Senate Bill 1 changes the way Kentucky public schools are held accountable for student progress and changes how teachers are evaluated. It requires regular reviews of the state's academic standards, establishes school success indicators, provides state funding for school districts to use college admissions tests to assess students' academic success, and gives local school boards control over teacher evaluation. The state Department of Education will review the state's academic content standards and the alignment of

corresponding assessments beginning in 2017-18 and every six years after that. The legislation establishes new benchmarks for college and career readiness, including college and admissions exam scores, college credits earned, and apprenticeship hours. High schools are required to increase their percentage of graduates who meet at least one of the benchmarks.

Senate Bill 153 changes the state's postsecondary education funding mechanism by allocating 35 percent of funds based on student success measures and 35 percent of funds based on course completion rates. It provides the remaining 30 percent of funds to vital campus operations and student support. Initially, this performance funding allocation method will be applied to the \$42.9 million appropriated for 2017-18 for the postsecondary education performance fund established during the 2016 session. In subsequent years, all state funding — with exceptions for some mandated programs — for state universities and the community and technical college system will be allocated under the framework of Senate Bill 153. The legislation does not reduce funding to any institution in 2018-19, and it limits reductions in fiscal years 2019-20 and 2020-21.

Senate Bill 50 gives Kentucky school districts more leeway in setting school calendars. It allows districts, beginning in 2017-18, to use a "variable student instructional year" and offer the required 1,062 hours of instructional time in less than the 170 days required for the school year.

Senate Bill 17 makes explicit in state law that Kentucky public school students and public college or university students may express their religious and political views in their school work, artwork, and speeches, and in other ways. The legislation specifies that students may display religious messages on their clothes while at school, use school newspapers and public address systems to announce student religious meetings, and distribute political literature on school grounds. Public colleges and universities are prohibited from unreasonable restrictions on student speech exercised outdoors on campus and must give religious and political organizations equal access to public forums.

Several workforce and employment bills apply to educators. House Bill 1 prohibits public employees from going on strike. Under Senate Bill 6, which concerns unions, an employee cannot be enrolled as a member of a labor organization unless the employee has affirmatively requested membership in writing. School districts may no longer make mandatory dues deductions without explicit employee permission.

## **Other legislation**

HB 195 allows the Kentucky Adult Education Program to establish programs aligned with college- and career-ready standards for adult education or similar standards adopted by the federal Office of Career, Technical, and Adult Education. At least one of the programs will include a test aligned with the standards so that passing the test entitles a student to receive a high school equivalency diploma.

HB 206 establishes the Dual Credit Scholarship Program, administered by the Kentucky Higher Education Assistance Authority (KHEAA), to provide dual credit scholarship funding for each eligible high school student for a maximum of two successfully completed dual credit courses.

HB 277 allows a person to serve on a local board of education if the individual has an aunt, uncle, son-in-law or daughter-in-law employed by the local school district, which previously was prohibited. However, the bill retains restrictions that prevent a person from serving on a school board when a parent, sibling or child of the individual is employed by the district.

HB 312 ends the KHEAA student loan repayment programs Best In Class, Best In Care and Best In Law, and establishes student loan cancellation for high school dual credit coursework teachers.

SB 117 requires the Education Professional Standards Board to establish standards and procedures for alternative certification for individuals with exceptional work experience, participants in a local school district training program, professionals from postsecondary institutions, adjunct instructors, military veterans, students in university alternative programs, individuals in fields other than education, and Teach for America participants.

SB 159 requires high school students, in order to graduate, to pass a civics test with questions drawn from the U.S. citizenship test.

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

The General Assembly concluded its 2017 regular session after approving legislation to address the state's opioid addiction and overdose crisis, strengthen ethics rules that apply to legislators and state employees, permanently ban fracking in the state, and require businesses with 15 or more employees to provide paid sick leave. Legislators were confronted with slow growth in state revenues and lowered revenue projections, as well as projected general fund shortfalls in fiscal year 2019 and beyond.

The statewide general fund budget for 2017-18 totals \$17.2 billion — up \$4.4 million from the originally approved 2016-17 budget. State institutions of higher education receive nearly \$1.5 billion in general funds, a 6.2 percent increase. General funding for programs administered through the Maryland Higher Education Commission includes \$256.1 million in aid to community colleges (up 2 percent), \$63.5 million for community college employee benefits (up 0.3 percent), \$82.8 million for the need-based Educational Excellence Awards program (up 3.4 percent) and \$51 million in aid to non-public colleges (up 0.4 percent).

State general fund aid to school districts totals just under \$6 billion, up 0.4 percent. This includes decreases to Foundation Program formula funding (down 1.4 percent to \$2.7 billion), aid to school districts with larger numbers of economically disadvantaged students (down 0.2 percent to \$1.3 billion) and formula funding provided to districts with a lower amount of local per-pupil wealth than the statewide average (down 7.8 percent to \$50.2 million). General funds for school district employee benefits rise slightly (0.4 percent) to \$790.9 million, support for disabled students rises 1.3 percent to \$440.5 million, and transportation funding is up 2 percent to \$276.3 million. Funds to support education of Limited English Proficient students rises 9.5 percent to \$248.7 million. Teacher development funding is up 125 percent to \$7.2 million while funding for innovative programs rises 111 percent to \$17.1 million.

Legislators approved Senate Bill 319 to include students at Pathways in Technology Early College High (P-TECH) schools, established in 2016, in Foundation Program formula funding. In addition, the bill establishes funding mechanisms for P-TECH planning grants, supplemental school grants and supplemental college grants, and includes P-TECH students in the funding formula for state aid to community colleges.

House Bill 684 and Senate Bill 1024 provide, during the 2017-18 through 2019-20 fiscal years, supplemental grants to school districts with declining enrollments when the enrollment count for the most recently completed school year was lower than average enrollment for that year and the two preceding years. The bills also provide prekindergarten grants for districts that offer a full-day kindergarten program for all enrolled four-year-old students.

Legislators passed House Bill 978 — the Protect Our Schools Act of 2017 — regarding educational accountability and interventions for low-performing schools. The bill requires Maryland's statewide educational accountability program to include at least three school quality indicators that measure either

the comparative opportunities provided to students or the level of student success in public schools. One of the quality indicators must be school climate surveys. The state Board of Education is required to establish a scoring system for schools under the accountability system, consisting of both academic and school quality indicators, that provides meaningful differentiation between schools. The composite scores may not be reported in a letter-grade fashion.

Under the Protect Our Schools Act, a local board of education must develop and implement — on consultation with principals, parents, local leaders, teachers and others — a plan to improve student outcomes at each school that is identified by the state Department of Education (MSDE) for comprehensive support and improvement. Each plan must include evidence-based interventions that are based on a school-level needs assessment and must be approved by the school, the local board and MSDE. If student outcomes have not, in the determination of the department, improved after three years under a comprehensive support and improvement plan, MSDE is required to determine an appropriate intervention strategy in collaboration with the local board. However, the bill prohibits certain interventions, including creating a state-run school district; creating a new local school system; converting a school to charter status or creating a new public school without local board approval; providing scholarships for students to attend nonpublic schools through vouchers, tax credits or education savings accounts; and contracting with for-profit companies.

In 2015, the General Assembly established the Commission to Review Maryland's Use of Assessments and Testing in Public Schools. With the passage of House Bill 461 and Senate Bill 452 — the More Learning, Less Testing Act of 2017 — each district board of education will meet with their district's teachers' employee representatives and come to an agreement on the amount of time that may be devoted to mandatory assessments in each grade. The first agreements must be reached by December 1, 2017, and revised or re-approved every two years thereafter.

Legislators approved two pieces of legislation that address the individualized education program (IEP) established under federal law for each student who requires special education services. House Bill 1240 requires MSDE to study the IEP process in the state, including staff and resources assigned in each school system to help parents participate in the IEP process, dispute resolution procedures, and the population density in each system of students with IEPs and special education teachers. House Bill 174 and Senate Bill 710 require an IEP team to obtain written consent from a parent to enroll the student in a non-credit-bearing alternative education program, to designate the student for alternative assessment under the state's alternative curriculum, or to include seclusion or restraint in the student's IEP. Related to seclusion and restraint, Senate Bill 786 requires MSDE to convene a task force that will examine behavioral intervention policies and practices, including restraint, seclusion and trauma-informed interventions.

Several SREB states in recent years have enacted measures designed to grow state economies and help students attain marketable skills through apprenticeships. In addition to providing manufacturing business tax credits, Senate Bill 317, the More Jobs for Marylanders Act, establishes income tax credits for businesses that employ apprentices and establishes the Workforce Development Sequence Scholarship for students in job skills programs at community colleges. The legislation also requires the state Board of Education to set a goal that, by 2025, 45 percent of high school students complete a career-tech program, earn industry-recognized credentials or complete an apprenticeship prior to graduation.

The General Assembly, as part of its response to the nationwide opioid epidemic, approved House Bill 1082, the Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act). The legislation requires the state Board of Education to ensure that the statewide drug addiction and prevention education program includes opioid addiction and prevention. Local boards of education are required to

develop policies that require schools to store naloxone and authorize school personnel to administer it, and each college or university that receives state funding is required to establish a policy on opioid addiction and prevention.

### **Other legislation**

HB 425 and SB 651 prohibit schools from suspending or expelling students in kindergarten through grade two; the bill makes exceptions for an expulsion required by federal law or a suspension of up to five days when there is an imminent threat of harm to students or staff that cannot be addressed through interventions or supports.

HB 516 and SB 581 establish the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.

HB 548 and SB 667 permit each county board of education to administer, in consultation with prekindergarten teachers, an early learning assessment to prekindergarten students.

HB 669 permits a local board of education to establish a program to allow anonymous electronic reporting of student bullying, harassment or intimidation.

HB 786 requires the state Department of Health and Mental Hygiene and the state Board of Education to recommend best practices for school district provision of student behavioral needs assessments and behavioral health counseling services.

HB 920 requires the state Board of Education to require all certified educators, beginning in 2018, to complete training by December 1 of each year on understanding and responding to youth suicide risk.

HB 967 and SB 424, the Textbook Cost Savings Act of 2017, require the William E. Kirwan Center for Academic Innovation at the University System of Maryland and MSDE to jointly explore providing all K-12 students with high-quality, low-cost learning materials such as open-source materials, and to provide findings and recommendations by the end of 2018.

HB 1145, the Public School Employee Whistleblower Protection Act, prohibits a public school employer from taking or refusing to take any personnel action as a reprisal against a public school employee who discloses or threatens to disclose employer practices that violate laws or regulations, provides information or testimony regarding such violations, or objects to or refuses to participate in such a violation.

HB 1381 and SB 866 establish a high school pilot program for adults who did not graduate high school to earn their high school diplomas and possibly postsecondary credits and industry certifications.

HB 1522 requires the state Department of Health and Mental Hygiene and MSDE to conduct a needs assessment for school-based behavioral health services for students.

SB 908 establishes the Maryland Education Development Collaborative to advise the state Board of Education, General Assembly and local boards of education on policies to promote twenty-first century learning and diversity across the state's public schools.

## *Oklahoma* (<http://www.oklegislature.gov/>)

Legislators approved, and the governor signed, a 2017-18 budget bill that appropriates \$6.8 billion in state funds — up 1.2 percent from the originally approved 2016-17 budget. However, the budget imposes a 4.2 percent reduction from the original 2016-17 appropriation on most agencies and programs. Funding for career and technical education is down 4.9 percent to \$112.5 million, and the Office of Educational Quality and Accountability receives \$1.6 million, down 3.4 percent. Funding for state institutions of higher education is down 4.5 percent to \$773.6 million. State funds for elementary and secondary education are up 0.9 percent to over \$2.4 billion; this includes \$51 million in reserve funds.

Several bills addressed school funding. In addition to House Bill 2360 and Senate Bill 852, which provided reserve funding, House Bill 1578, the School Finance Review Commission Act, establishes a task force to study and make recommendations to the Legislature by December 31, 2018 on how to improve the state education aid formula. House Bill 1837 modifies the distribution of lottery funds. Rather than requiring the Lottery Commission to transfer at least 35 percent of net proceeds to the Oklahoma Education Lottery Trust Fund, the bill requires the commission to transfer \$50 million of each fiscal year's net proceeds. Lottery proceeds over \$50 million deposited into the fund will be appropriated by the Legislature for allocation to public schools.

Senate Bill 514 creates a task force to study and make recommendations to the Legislature on eliminating administrative overhead costs and improving efficiency in school district operations. The task force will consider the relative enrollment sizes of school districts, as well as their respective stability and student performance on statewide assessments. The task force must submit a report of its findings and recommendations to the governor and Legislature by August 1, 2018.

House Bill 1693 establishes the components of a new A-F school grading system that brings Oklahoma into compliance with the federal Every Student Succeeds Act. Each school will receive a grade for each component, as well as a summative grade. Components include statewide assessments, graduation rates for high schools, and English language proficiency. The bill allows the state board to adopt alternative systems of accountability for schools serving only prekindergarten or kindergarten through second grade.

Several pieces of legislation modify the Reading Sufficiency Act, designed to ensure that students can read by the end of the third grade and that students with significant reading deficiencies are not automatically promoted to the fourth grade. House Bill 1760 and Senate Bill 84 add students who score at the unsatisfactory level to the students who must be evaluated for probationary promotion by a school's Student Reading Proficiency Team. Another bill addressing reading instruction, House Bill 1789, requires that prospective teachers be provided with quality education on research-based strategies for literacy development instruction, assessment and intervention for all students. Institutions within the Oklahoma State System of Higher Education offering elementary, early childhood education or special education programs must require teacher candidates to study strategies including reading instruction that is explicitly taught, sequenced, multimodal, multidisciplinary, and reflective to adapt to individual learners.

House Bill 2155 requires the state Board of Education to adopt a statewide system of college and career planning tools. Each high school student will have an Individual Career and Academic Plan (ICAP) developed by the student and the student's parent or guardian in collaboration with school counselors, teachers, administrators and other school personnel, and updated annually. The ICAP will be used to establish personalized academic and career goals, explore postsecondary career and educational opportunities, align coursework and curriculum, apply to postsecondary institutions, secure financial aid and enter the

workforce. Students entering the ninth grade in the 2019-20 school year will be required to complete an ICAP to graduate from a public high school with a standard diploma.

Senate Bill 529 modifies the Oklahoma Higher Learning Access Program by: stipulating that to continue receiving a reward, a student must meet retention and degree completion requirements established by the institution rather than previous grade point average requirements; prohibiting the use of award monies to pay for remedial coursework beginning in the 2018-19 school year; and increasing the parental income cap for students who apply in the eighth, ninth or tenth grade.

## **Other legislation**

HB 1201 modifies the School District Transparency Act, which directs state Department of Education to make school district expenditure available on its website. It deletes the requirement for including copies of all credit card statements and specifies that the calculation of per-pupil expenditure is derived by dividing total current expenditures by the total number of students enrolled for each school year.

HB 1202 defines “per-pupil” and specifies that aggregate current expenditures does not include adult and community education, facilities acquisition and construction services, debt services, property and other expenditures not related to day-to-day operations.

HB 1576 requires the Commission for Educational Quality and Accountability to adopt rules requiring educator preparation programs to provide coursework or training in the use of digital and other instructional technologies, and specifies that educator professional development must include digital teaching and learning standards.

HB 1623 prohibits school district personnel from using corporal punishment on students with the most significant cognitive disabilities unless the use of corporal punishment is addressed in the student’s IEP.

HB 1790 allows school districts to offer a remediation course for high school students who score below a nineteen on the ACT or below an equivalent score on the SAT.

HB 1952 stipulates that school districts cannot prohibit from, or take disciplinary action against a teacher for, disclosing publicly or reporting a violation of state or federal law, or a rule promulgated pursuant to law. A copy of this law must be posted in a conspicuous place for all teachers to see.

HB 2156 changes the computer education requirement in the state subject matter standards so that it may be satisfied by a unit or set of competencies in a foreign language.

SB 15 provides for the development and implementation of teacher recruitment programs by the state Department of Education and the Board of Regents, subject to the availability of funds, and establishes the Oklahoma Teacher Recruitment Revolving Fund that will receive each \$20 license plate fee generated by the Oklahoma License to Education license plates.

SB 45 authorizes the state Department of Education to contract directly with educators who are current or retired employees of Oklahoma public school districts to assist the department with services that require the expertise and qualifications of an Oklahoma certified educator.

SB 244 requires each virtual charter school approved and sponsored by the Statewide Virtual Charter School Board to keep full and complete student attendance records in one of the student information systems approved by the state Department of Education and requires, by July 1, the governing body of each virtual charter school to adopt an attendance policy.

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

After concluding the regular session without a budget agreement for 2017-18, legislators returned to Columbia and approved the final budget in early June. Statewide general funds are up 4.9 percent over the originally approved 2016-17 budget to over \$7.9 billion. General funds to universities rise 6.3 percent to \$413.2 million, while comprehensive and technical education institutions receive \$149 million, up 6.1 percent. Statewide funding for K-12 education is up 3.4 percent to nearly \$2.8 billion, including nearly \$1.8 billion in state aid to school districts, a 2.9 percent increase. Education Improvement Act funding, from an earmarked 1 percent sales tax, is projected to total \$797.5 million, up 6.1 percent; legislators directed \$100.6 million of those funds to the statewide South Carolina Public Charter School District, up 24 percent.

Senate Bill 462 requires schools and school districts to provide each student with a personalized high school diploma pathway that allows the student to earn endorsements based on their course of study. The state Board of Education is required to outline procedures for personalizing pathways based on students' postsecondary plans. The state board is also required to develop, in collaboration with the Vocational Rehabilitation Department, the Department of Employment and Workforce, businesses, and stakeholders, a uniform employability credential for students with disabilities for whom (as determined by their Individualized Education Program teams) a standard diploma pathway would not be appropriate.

To promote the fiscal integrity of school districts, legislators approved House Bill 3221, which requires the state Department of Education to work with district superintendents and finance officers to develop a statewide program that establishes three levels of fiscal and budgetary concern — fiscal watch, fiscal caution and fiscal emergency. If the state superintendent of education declares a district under fiscal watch, the district board is required to submit a financial recovery plan to the state department within 60 days. The state superintendent may modify the submitted plan while the department will provide technical assistance to the district. A district may be released from fiscal watch in the fiscal year after the one in which watch status was declared if the superintendent determines that corrective actions have been successfully implemented.

The state superintendent is required to declare a district to be in a state of fiscal caution if there are specific audit-related deficiencies or there is an ongoing investigation into the district's finances or its board. Under fiscal caution, state department staff are required to visit and inspect the district and provide technical assistance, and may order a performance audit of the district at the district's expense. The district is required to submit proposals to correct the practices and conditions that led to the fiscal caution declaration. The district may be released from fiscal caution status in the fiscal year after the one in which caution status was declared. However, the state superintendent (with state Board of Education approval) may instead place the district in fiscal emergency status if the local board does not make reasonable proposals or take action to correct the identified issues.

If the state superintendent places a district under fiscal emergency — which the superintendent may declare if a district does not submit a plan of corrective action or make sufficient progress under such a plan, is at risk of defaulting on debt, or has been under either (or both) fiscal watch or caution status for three years — the state department may take over the financial operations of the district and continue performing that duty until the district is released from fiscal emergency status. In addition to the above provisions, the legislation requires the state auditor to adopt the fiscal integrity program adopted by the state Department of Education. The state auditor may order the state Department of Education to immediately assume emergency management of a school district following a declaration of either fiscal caution or fiscal emergency in the district.

## Other legislation

HB 3220 establishes the South Carolina Education and Economic Development Coordinating Council to report annually on progress toward implementing career pathways and their ability provide a better prepared workforce and student success in postsecondary education, and to make recommendations for a communication and marketing plan to promote career pathways. The council membership includes the state superintendent of education, the executive director of the State Board for Technical and Comprehensive Education, the chairman of the Education Oversight Committee and the chairman of the Commission on Higher Education.

SB 213 creates a joint legislative screening commission to consider qualifications and make nominations to the general assembly for trustees to state-supported colleges, universities and schools.

## *Tennessee* (<http://www.legislature.state.tn.us/>)

The Tennessee Legislature adjourned May 10, having completed work on the 2017-18 budget bill and other legislation. For 2017-18, the Basic Education Program receives \$4.6 billion, a 4.1 percent increase. Other education programs (including career and technical education and early childhood) receive \$321.1 million, an 8.1 percent increase.

State funding for higher education programs totals \$1.8 billion, a 5.5 percent increase. State-administered higher education programs (including all the state funded programs under the Tennessee Higher Education Commission and the Tennessee Student Assistance Corporation) get \$505.1 million of that amount, an 8.9 percent increase. The University of Tennessee receives \$527.5 million, a 6.3 percent increase, while the Tennessee Board of Regents systems receives \$771.8 million, a 2.8 percent increase.

The Legislature passed Senate Bill 1198, modifying existing provisions regarding school accountability. The bill specifies that the performance goals and measures the state Board of Education is required to establish for schools and districts must include, at a minimum, student achievement, student growth, and other appropriate indicators of performance. The state Department of Education must annually recommend, and the state board must approve, performance designations for districts. The districts obtaining the highest performance designation will be provided with increased funding flexibility. Districts receiving the lowest performance determination are required to create a plan for corrective action that includes a detailed analysis of student achievement results, and submit the plan to the commissioner for approval.

Schools identified as priority schools are those in the bottom 5 percent of schools in performance, all public high schools failing to graduate one-third or more of their students, and schools with chronically low-performing subgroups that have not improved after receiving additional targeted support. Priority schools are subject to district-led interventions or other improvement processes, and a comprehensive support and improvement plan — based on a school-level needs assessment that includes evidence-based interventions, a process for notifying parents of the school's status, and a plan for stakeholder engagement — must be established. After June 1, 2017, the commissioner may only assign priority schools to the Achievement School District (ASD). A school that has been removed from a local district and placed in the ASD will remain until the school is no longer identified as a priority school for two consecutive years, though no school may remain in the ASD for more than 10 years.

Several pieces of legislation addressed Tennessee's initiative to increase the number of adult residents with a college education to 55 percent by 2025. With passage of House Bill 531, starting in the 2018 fall semester, Tennessee Reconnect, which currently provides last-dollar scholarships to adults returning to

colleges of applied technology to complete two-year degrees, will provide scholarships to all adults returning to college to earn two-year degrees at community colleges. To be eligible, a student must be a state resident for at least a year before applying, and must maintain a 2.0 GPA and at least part-time enrollment. The projected annual cost of the expanded program is \$10 million and will be funded by state lottery revenues. The Tennessee Support, Training and Renewal Opportunity for National Guard (STRONG) Act, Senate Bill 1216, replaces the Tennessee National Guard Tuition Assistance program and provides Tennessee National Guard members with last-dollar assistance toward a first-time bachelor's degree. Senate Bill 720 creates the Tennessee Middle College Scholarship and expands eligibility for the Tennessee HOPE scholarship to students who complete middle college — a program operated by an eligible public two-year postsecondary institution in partnership with school district that permits students to enter the postsecondary institution in their junior year of high school and to earn both a high school diploma and an associate degree in two years.

The General Assembly enacted two bills dealing with charter schools. The Tennessee High Quality Charter High School Act (House Bill 310) redefines a charter agreement to mean a fixed-term renewable agreement between a public charter school and the chartering authority that outlines the responsibilities and performance expectations of each party. The legislation specifies that a charter agreement may be revoked for failure to meet the minimum performance requirements set out in the agreement. Adoption of national authorizing standards is required for all chartering authorities. A local board of education that authorizes charter schools may charge an annual fee to schools it has authorized, which ranges from 1 to 3 percent of each school's local and state per-student funding, depending on the number of charter schools the board oversees. House Bill 267 increases the application fee that a chartering authority may charge to a charter school sponsor from \$500 to \$2,500 per application; the fee applies only to an application for the creation of a new school.

House Bill 45 requires school districts to integrate physical activity into the school week in conjunction with (but not to replace) the school's current physical education program. For elementary school students, the amount is a minimum of 130 minutes of physical activity per full school week, and for middle and high school students a minimum of 90 minutes of physical activity per full school week and 15 minutes per day. Physical activity may include walking, jumping rope, playing volleyball, or other forms of physical activity that promote fitness and well-being.

House Bill 174 declares that educators have the right: to be treated with civility and respect; to have their professional judgement respected; to report student misbehavior provide a safe classroom and school environment; to defend themselves and their students from physical violence; to share a student information with parents or legal guardians unless doing so violates the federal Family Education Rights and Privacy Act; to review all instructional material or curricula before they are used for student instruction; and not to be required to use personal money to appropriately equip a classroom. In order to deter the filing of meritless litigation against educators or education entities, Senate Bill 729 establishes that an educational entity or employee is not liable for an action relating to the control, grading, suspension, expulsion, or discipline of student unless the action violates a law, rule or clearly articulated policy.

## **Other legislation**

HB 22 requires each school district to offer students in each of its high schools, beginning with the 2018-19 school year, the opportunity to take at least four postsecondary courses.

SB 232 requires the state Board of Education to create an endorsement in computer science for all teachers who demonstrate sufficient content knowledge in the course material.

SB 614 encourages teacher preparation programs to partner with stakeholders in the fields of neurological or brain science research to provide educators with knowledge of cognitive development and how emerging research in the brain sciences can inform educational practices and policies.

SB 1195 requires the state Department of Education to develop, and the state board to adopt, rules to ensure the education of students incarcerated in detention centers licensed by the Department of Children's Services, provided by the school district in which the detention center is located. The rules must include, at a minimum, procedures allocating funding equal to the per-pupil state and local funds received by the school district in which the student was enrolled at the time of incarceration, and procedures for the prompt transfer of the incarcerated student's records.

SB 1232 requires state institutions of higher education to develop and implement uniform procedures for awarding academic credit through course equivalencies for military education training, experience and occupational specialties.

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

The 2017 legislative session ended after the General Assembly approved changes to the 2016-18 biennial budget that reduce the previously approved budget for 2016-17 but increase general funds in 2017-18. The amended budget allocates \$20.1 billion in general funds for the current year, 8 percent more than the 2015-16 budget but below the 9.2 percent increase approved in 2016. For 2017-19, general funds will rise 9.3 percent to nearly \$20.4 billion, compared to the original increase of 8.9 percent.

General funds for education budgets total nearly \$7.8 billion in 2016-17 and \$8 billion in 2017-18, increases of 3.9 percent and 7.1 percent, respectively, when compared to the 2015-16 budget. These increases are below those originally adopted in 2015 — 6.2 percent for the current year and 10.6 percent for 2017-18. The largest portion of education funding supports the operation of K-12 schools. Amendments to the previously adopted budget bring totals to nearly \$5.7 billion in 2016-17 and \$6 billion in 2017-18 for direct aid to schools — increases of 2.1 percent and 8.4 percent, respectively, but lower than the original increases of 5 percent and 10.3 percent.

General fund support for the operation of higher education institutions in 2016-17 totals more than \$1.4 billion, 6.9 percent above the 2015-16 budget, but lower than the 8.4 percent increase originally approved during the 2016 legislative session. The reduction in the increase reflects the elimination of \$16.2 million for faculty salary increases and \$4 million in interest income that was not allocated to institutions. Four-year colleges and universities receive \$992.2 million, and two-year colleges operate with \$362.1 million.

For 2017-18, institutions receive more than \$1.4 billion, slightly lower than the amended 2016-17 budget but 6.7 percent above the 2015-16 year — the original increase approved during the 2016 session was 12.1 percent. This reduction includes a system-wide cut of 3.8 percent, or \$56.1 million, in appropriations and \$4 million in interest income, but the state also provided additional funding of \$18.3 million primarily for faculty salary increases. Four-year colleges and universities receive nearly \$1.1 billion; two-year colleges will receive \$381 million.

Several bills relating to health and safety issues passed during the session. House Bill 1408 permits a local school board to work with a qualified nonprofit vision health organization to test students in grade two or three and in grades seven and 10. House Bill 1437 eliminates the requirement to test the sight and hearing of a student if deficiencies are covered in the student's Individualized Education Program. Relating to the administration of medication, House Bill 1661 permits schools to stock and administer injectable medication to treat adrenal

crisis in students, per a prescriber's written order. Senate Bill 1116 authorizes school board employees who are nurses or nurse aides, who have received proper training, to assist students who use an insulin pump. Relative to student safety, House Bill 1709 will now require school board policy to direct principals to notify, within five days of an alleged bullying incident, a parent of the status of an investigation relating to the incident. House Bill 2282 requires the state Board of Education to develop guidelines for relevant school staff on the prevention of trafficking of children. Senate Bill 1359 requires local boards to develop and implement plans to test for lead in schools' drinking water and remediate any problems found.

Senate Bill 1475 and House Bill 2257 both address family life education. Senate Bill 1475 requires family life education curriculum guidelines to include age-appropriate information on the value of family relationships and the prevention of sexual violence, and that consent is required before sexual activity. House Bill 2257 permits high school family life education to incorporate effective and evidence-based programs on the law and the meaning of consent.

Relative to career and technical education, Senate Bill 1159 permits successful completion of the Armed Services Vocational Aptitude Battery (ASVAB) to satisfy a career and technical education credential when it is required for high school graduation. House Bill 1552 requires local school boards to post on their websites information on opportunities to obtain nationally recognized career readiness certificates at public high schools, community colleges and workforce centers.

The teaching profession was also the topic of bills passed during the session. House Bill 1770 and Senate Bill 1583 permit a school district board or superintendent to waive licensure requirements for career and technical education teachers. For teachers seeking licensure or recertification, House Bill 1829 requires training in CPR while House Bill 2352 exempts teachers licensed out-of-state from certain assessment requirements if approved by the local officials employing the teacher. Regarding license revocation, House Bill 2432 requires a superintendent to conduct an immediate investigation of any complaint against a teacher, and a local school board to conduct a hearing on a superintendent's petition for revocation within 90 days. House Bill 2140 and Senate Bill 1523 create a pilot program to administer an exit survey to teachers who leave the profession. House Bill 2332 sets a goal for the Commonwealth that teacher salaries be competitive with the national average pay for teachers.

## **Other legislation**

HB 1592 and SB 999 require each comprehensive community college to develop policies for awarding academic credit for the successful completion of state-approved registered apprenticeship credentials that are aligned with a credit-bearing program of study. To receive credit, students must achieve the same outcomes with the same academic rigor as required in the equivalent courses.

HB 1662 and SB 1534 require the State Council of Higher Education for Virginia (SCHEV) to establish a policy to grant undergraduate credit to any entering student who has successfully completed a dual enrollment course.

HB 1663 and SB 1493 require the Northern Virginia Community College, working with the state Department of Education, to contract with a partner organization to develop and implement high-quality computer science training and professional development for public school teachers statewide, to improve computer science literacy for public school students.

HB 1664 requires SCHEV to publish on its website the proportion of graduates from each public postsecondary institution and private nonprofit institution who are eligible to participate in the Tuition Assistance Grant Program and who are employed at 18 months and five years after graduation.

HB 1965 and SB 1026 extend eligibility for the Two-Year College Transfer Grant Program to students whose Expected Family Contribution as calculated by the federal government is no more than \$12,000 (up from \$8,000).

HB 1981 requires the state Board of Education to develop rules for the designation of local School Divisions of Innovation, with the goal of meeting the diverse needs of students and improving student learning, educational performance, and college, career and citizenship readiness. School divisions designated as such would be exempt from certain regulations and permitted to adopt alternative policies in some areas, as outlined in a plan of innovation.

SB 1234 requires SCHEV and each public postsecondary institution to develop a passport credit program, to be offered at two-year colleges, that will permit the transfer of certain lower-division course credits to any public college or university.

SB 1376 requires governing boards of public colleges and universities to notify students and the public 30 days in advance of a vote to increase tuition or fees.

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

The Legislature approved, during the 2017 regular legislative session, a budget for 2017-18 that would have reduced expenditures and expended reserve funds. However, the governor vetoed it in its entirety. Legislators convened a special session in early May to work on a new budget agreement; a complete analysis of the approved 2017-18 budget for West Virginia will appear in a forthcoming edition of *Legislative Report*.

During the regular session, legislators approved House Bill 2711, which contains several education changes requested by the governor. The legislation ends the eight regional educational service agencies governed by the state Board of Education on July 1, 2018. Beginning in 2018-19, a county board of education may enter into a cooperative agreement with one or more other county boards of education to share services such as purchasing, data, legal or administrative services, professional development, distance learning, and child health and development services. Counties may add up to 30 minutes to the school day to make up for instructional time lost due to inclement weather or emergencies and may also deliver up to five days of instruction through alternative methods when schools are closed for inclement weather or emergencies.

To provide school districts with more financial flexibility, legislators approved House Bill 2561, which permits a school district to use portions of the state funding provided for school transportation costs, instructional program improvement and instructional technology improvement, for school facility maintenance and replacement. The bill also increases the amount of instructional program improvement funding that may be used to employ school personnel, and allows funding for improving instructional technology to be used to employ technology system specialists.

House Bill 2711 requires the state Board of Education to engage with the Legislative Oversight Committee on Education Accountability prior to adopting or revising academic standards, adopting a statewide summative assessment or implementing a new statewide education accountability system. It also prohibits the state board from implementing Common Core standards or adopting Smarter Balanced or PARCC assessments.

With the approval of Senate Bill 630 — the Establishing Accessibility and Equity in Public Education Enhancement Act — a county board of education may establish a virtual education program, either individually or in consortia with other school systems. The programs may be entirely virtual or combine

virtual education with classroom instruction. Students in these programs are subject to the same academic standards and assessments as are students in traditional academic programs. They also are counted in the net enrollment of the district in which they reside, for purposes of state funding allocations.

House Bill 2815 contains several changes to higher education governance in the state that were requested by the governor. Under the legislation, the West Virginia School of Osteopathic Medicine, West Virginia University and Marshall University are provided the authority to make governance decisions on their budgets and finances, hiring, rulemaking and capital projects, without having to receive approval from the West Virginia Higher Education Policy Commission (HEPC). The other state institutions of higher education are permitted to make a range of governance decisions that the HEPC may not approve or deny, but the HEPC may determine whether the decision is consistent with law and policy. HEPC is not permitted to charge fees to state institutions of higher education, beginning July 1, 2018. Also related to higher education governance, House Bill 2542 modifies several provisions relating to personnel at public institutions of higher education, including allowing institutions to establish their own classification and compensation systems and requiring the governing board of each institution to adopt a rule on the elimination of full-time classified employee positions.

Senate Bill 186 changes the dates relative to the age of enrollment in early grades. It moves the date by which a child must reach age 4 to enroll in prekindergarten in 2018 from August 31 to June 30. In 2019, a child must reach age 5 by June 30 to enroll in kindergarten. In 2019, the date by which children who reach age 6 are required to enroll in first grade is moved from August 31 to June 30.

## **Other legislation**

HB 2195 requires each county board of education to implement a comprehensive drug awareness and prevention program for K-12 students regarding the dangers of substance abuse and requires health education in grades six through 12 to include at least 60 minutes of instruction regarding the dangers of opioid use.

HB 2494 removes the requirement for each school to mail a copy of the school report card to the parents of each child enrolled in the school; school and school district report cards must be made available on the district's website and provided in printed form upon request.

HB 2637 permits a county school board to provide a one-time financial incentive for purposes of recruiting teachers in critical need or shortage areas.

HB 2702 permits an excused student absence when, as documented and reasonably explained, the absence was made necessary by a personal injury or illness suffered by the student's parent or guardian.

HB 2704 prohibits an individual convicted of a sexual offense against a child from holding a teaching license or certificate, and provides for automatic revocation of the license or certificate held by a teacher convicted of such an offense.

HB 2771 allows the state superintendent of education to issue a temporary, one-year teaching certificate to a military spouse who holds an unencumbered teaching certificate or license from another state or US territory.

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