

FAIRFAX COUNTY SCHOOL BOARD

2010 LEGISLATIVE PROGRAM

Positions on State and Federal
Legislation, Policies, and Regulations

The 2010 Legislative Program is available at

<http://www.fcps.edu/legupdate/>

FAIRFAX COUNTY SCHOOL BOARD

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School Board Strategic Governance

Beliefs

We Believe in Our Children

- Each child is important and entitled to the opportunity to realize his/her fullest potential.
- High expectations promote high achievement.

We Believe in Our Teachers

- Effective teachers are essential to student success.
- Learning occurs best when instruction is tailored to individual needs.

We Believe in Our Public Education System

- Adults and children thrive in a vibrant, safe, enriching, and respectful environment.
- A well-rounded education enables students to lead fulfilling and culturally rich lives.
- An educated citizenry is critical to sustaining our economy and our system of self-governance.

We Believe in Our Community

- A dynamic partnership among students, parents, teachers, staff members, and the community is critical to exceptional student achievement.
- Our diversity creates resilient, open, and innovative citizens of the global community.

Mission

Fairfax County Public Schools, a world-class school system, inspires, enables, and empowers students to meet high academic standards, lead ethical lives, and demonstrate responsible citizenship.

Fairfax County School Board 2010 Legislative Program

TABLE OF CONTENTS

Fairfax County Board of Supervisors and Fairfax County School Board Joint Legislative Priority Position.....	4
Charter Schools.....	4
Education Funding - Federal.....	5
Education Funding - State.....	7
Educational Technology.....	12
Elementary and Secondary Education Act Reauthorization.....	13
(No Child Left Behind)	
English Language Learners.....	16
Revenue Alternatives.....	17
School Calendar.....	18
Special Education.....	19
Standards of Accreditation and Standards of Learning.....	20
Standards of Quality.....	21
Adult High School Diploma.....	26
Advanced Placement & International Baccalaureate Exam Funding.....	26
After-School Programs, At-Risk Youth, and Gang Prevention.....	26
Alternative Education Programs.....	27
College Readiness and Post Secondary Education.....	27
Cooperative Procurement.....	28
Cost of Competing.....	28
Early Childhood Education.....	29
Employer/Employee Relations.....	29
Fiscal Autonomy of Elected Local School Boards.....	30
Freedom of Information Act.....	30
Governor's Schools Funding.....	30
Remedial Education and Early Intervention Programs.....	31
Retirement/Virginia Retirement System.....	31
School Construction.....	31
School Health Services and Student Wellness.....	32
Student Discipline.....	33
Student Records.....	34
Student Safety.....	34
Student Transportation.....	35
Surplus Property.....	36
Teachers and Instructional Personnel.....	36
Vouchers, Tuition Tax Credits, and Tax Deductions.....	37
Index of Federal Legislative and Policy Positions.....	39

Fairfax County Board of Supervisors and Fairfax County School Board Joint Legislative Priority Position 2010 General Assembly Session

K-12 Funding

It is essential that the state fully meet its Constitutional responsibilities to fund K-12 education. Critical gaps continue to exist between state Standards of Quality (SOQ) funding and the actual costs of providing a high quality education faced by localities. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region.

The Boards support full funding for the biennial re-benchmark of the Standards of Quality and strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Any state funding cuts contemplated for the current biennium must be temporary, avoiding changes in methodology and any further erosion of the state's financial responsibility that result in a shift of K-12 funding from the state to the localities.

Charter Schools

The Fairfax County School Board believes that charter schools can play an important role in the education of Virginia's children and can be an important tool to address student learning needs. Charter schools can be appropriate if they serve as a means to increasing student achievement or addressing the unique needs of particular student populations more effectively than other programs or schools in a division. Furthermore, the FCSB believes that implementation of charter school legislation must not disadvantage local school divisions, their schools or students.

The FCSB supports

- Virginia's current policies and laws regarding the formation and governance of charter schools. Current law is sufficient for school boards to voluntarily develop or expand charter schools where such an approach may be potentially more effective than other programs or schools in a division.

- Leaving the decision whether or not to approve or revoke the formation of a charter school to the sole and complete discretion of the local school board. The state charter school program must not become a state-mandated program. Local school boards are in the best position to make decisions regarding the granting or renewing of charters. School board authority over this process ensures academic and fiscal accountability. A charter school application may propose the use of a program or a

way of doing business which may be more appropriately implemented division-wide or at multiple school sites, potentially at a lower cost, rather than leaving it isolated in a single school. Alternative accrediting boards would not have this same perspective.

- The granting of commensurate waivers of state regulations. If the Virginia Board of Education grants a waiver of state regulations, including the Standards of Accreditation, at the request of a local school board on behalf of a charter school applicant, it should grant similar waivers to public schools in the same division at the request of the local school board. All schools in a school division should be held to the same high standards of accountability.
- The Code of Virginia provision (§22.1-212.14D) that funding and service agreements between local school boards and public charter schools shall provide neither a financial incentive nor disincentive to the establishment of public charter schools.

Education Funding - Federal

The Fairfax County School Board endorses federal support of education with minimal regulatory controls and opposes the imposition on local school divisions of federal mandates that are not adequately funded or that impose undue burdens. Federally mandated programs have a profound impact on the operations and expenditures of the school division but the federal dollars allocated to implement such programs usually represent only a tiny fraction of their total cost. However, the funding is particularly critical since most of the federal revenue received by FCPS supports at-risk student populations. Despite the importance of this funding and despite substantial increases in requirements and achievement benchmarks, federal education funding has remained stagnant in recent years, not even covering the costs of student population growth and inflation.

The FCSB supports

Individuals with Disabilities Education Improvement Act (IDEA)

- A mandatory funding level for special education to meet the federal commitment to fund 40 percent of the “excess costs” of special education as promised by the Education for All Handicapped Children Act in 1975 (now known as the Individuals with Disabilities Education Improvement Act of 2004 or IDEA 2004). FCPS will spend about \$9,600 per pupil above and beyond the costs of a general education student in FY 2010 to provide services to more than 24,000 students with disabilities. FCPS would receive an additional \$61.9 million more than the FY 2010 IDEA allocation of \$32.5 million if the federal government fulfilled its commitment to provide 40 percent of the “excess cost” of special education.

Title I: Improving the Academic Achievement for the Disadvantaged

- Continuation and full funding of the Title I program that serves schools with the highest percentage of children from low-income families. Fairfax County will receive \$17.6 million in funding for FY 2010 to support 30 school-wide and 2 targeted assistance Title I elementary schools. Fairfax will also receive \$15 million in

American Recovery and Reinvestment Act (ARRA) stimulus funds for Title I schools which must be used within 2 years. While this funding has provided welcome and critical financial support for our schools during a very difficult budget cycle, the two year commitment creates the potential for a sharp decrease in funding after ARRA stimulus funds expire, which in turn hampers long term investments in these schools. Adequate and continued funding of Title I is critically important given set-asides and other mandated uses for how these revenues may be spent (e.g. transportation or supplemental services for schools failing to meet Adequate Yearly Progress) under NCLB.

- Holding school divisions harmless from significant decreases in Title I funding due to year-to-year fluctuations in local poverty rates or due to significant non-formula based changes in Title I funding (e.g. expiration of ARRA stimulus funding), even where recipients become ineligible for future funding under particular grant formulas. Alternatively, federal “supplement not supplant” rules should be relaxed for frequently updated funding distribution formulas. With frequent data updates, localities with very small swings in the number of students may incur substantial gains or losses of funds from year to year. Localities should not be penalized if they choose to use local funds to protect programs from losses in federal funds in the event that the numbers soon change and federal funding is subsequently restored.

Title II: Preparing, Training and Recruiting High Quality Teachers and Principals

- Adequate funding for the Title II Teacher Quality Program. School divisions are required to have a “highly qualified” teacher in every core subject classroom. In addition, Title I paraprofessionals must also be highly qualified. Title II funding is critical to FCPS efforts to both ensure that our current workforce meets the proper qualifications, as well as to recruit and retain highly qualified personnel.

Title III: Language Instruction for Limited English Proficient and Immigrant Students

- Adequate funding to provide appropriate education services to students whose primary language is not English, as required by federal law under Title III. In FY 2010 the English for Speakers of Other Languages (ESOL) program is projected to serve more than 22,000 pupils at an additional cost of approximately \$3,500 per pupil.

Impact Aid

- Continuation and appropriate modification of the Impact Aid program in recognition of the large sums of money required to both operate public schools located on federal property and to subsidize other federally connected students. FCPS is eligible for greater Impact Aid under current allotment formulas than is received. However, because Impact Aid is not fully funded, school divisions like FCPS that have large overall operating budgets relative to their Impact Aid eligible population receive proportionately fewer Impact Aid dollars. If fully funded according to the federal definition, FCPS would receive \$15.8 million in Impact Aid; instead of the \$3.5 million received in FY 2009.

Impact Aid and other federal support for military families is critical as school divisions face the potential impacts associated with the federal Base Realignment and

Closure Commission's (BRAC) decision to relocate thousands of personnel to the Fort Belvoir area, particularly in the event of the expansion of on-base housing that would not contribute to the local property tax base.

Carl D. Perkins Vocational and Technical Education Act

- Continuation and adequate funding for the Carl D. Perkins Vocational and Technical Education Act which supports the FCPS Career & Technical Education curriculum and high school academy programs. While funding under the Perkins Act is critically important to keeping programs up to date with the latest knowledge, practices, and equipment from various professional and technical fields of study; states and localities should be granted additional flexibility with the funding to, for example, help defray the costs of industry certification for students.

E-Rate Program

- Continued funding for the E-Rate program and permanently exempting it from the federal Anti-Deficiency Act. E-Rate helps to subsidize school technology infrastructure, telecommunications services, Internet access and internal connections for linking schools to the Internet with funds generated through fees from an industry-collected and administered fund (the Universal Service Fund or USF). However, some E-Rate disbursements are made in *anticipation* of the receipt of these funds, not when the funds are in hand, a process known as forward funding. Should E-Rate fall under the Anti-Deficiency Act, significant disruptions in the flow of funds would occur while waiting for the receipt of USF fees, resulting in the interruption of ongoing service contracts with technology service providers in schools.

Other Federal Programs

- State policies, laws, regulations, and procedures that promote and facilitate local access to federal education-related funds such as Medicaid reimbursements.
- Continued and increased appropriations for the federal Safe and Drug Free Schools and Communities Program and the 21st Century Community Learning Centers Program. These programs help fund comprehensive approaches to address the needs of at-risk youth; including academic success, violence prevention, and counseling, prevention, and educational programs that address the abuse of alcohol, tobacco, and other drugs.

Education Funding - State

The Fairfax County School Board strongly endorses state funding for elementary and secondary education that adequately and appropriately supports quality programs for all students in the Commonwealth. In addition, the FCSB strongly supports fair and equitable state funding distribution formulas, including the Local Composite Index (LCI), that accurately reflect both local ability to pay and the resource needs of local school divisions.

The FCSB supports

- A significant increase in state funding, so that the state shares fairly with each local school board the true costs of implementing Virginia's Standards of Quality, including the Standards of Accreditation and the Standards of Learning. Current funding is significantly below the actual level as all divisions generally exceed the existing minimum program and staffing standards used by the state to determine local reimbursements.
- Adequate state funding for the additional costs to provide certain specialized programs required by the state such as special education, gifted and talented instruction, English as a Second Language, vocational education, adult education, alternative education, and remedial programs including summer school.
- Amendment of Article VIII of the Virginia Constitution mandating the General Assembly to "ensure" that an educational program of high quality is established and continually maintained. Disparity exists between the mandates placed on the state government and those placed on localities to establish and maintain an educational program of high quality. The General Assembly is required by the Constitution of Virginia "to seek to ensure" such a program, that is, to merely try. Nor is the General Assembly specifically required to pay its share. The Constitution places a mandate to pay only on local governments. The Constitution should obligate the Commonwealth to pay its portion also. Localities are compelled to achieve an educational program of high quality by the Virginia Standards of Quality, the Virginia Standards of Accreditation, and federal accountability requirements; and are subject to grave consequences if they fail.

The FCSB opposes

- Mandates requiring local school division actions or services without providing for the state's share of funding, thus shifting the burden of state-level decisions onto local taxpayers.
- Artificial or mechanical limitations on the growth of state expenditures, such as limiting expenditure growth to the rate of inflation and general population increases. The growth of these two factors is poorly correlated with the input costs associated with providing a high quality education.
- Measures reducing the discretionary authority local school boards currently have to set their own budget priorities, such as requiring school divisions to spend certain percentages of their budget on certain activities.

Teacher Salaries

The FCSB supports

- A realistic means of calculating average teacher salary as well as a methodology that properly accounts for employment costs in various regions of the state. The current method used to determine the average state salary purposely understates the true average teacher salary paid in the Commonwealth.

- Ending the practice of state funding for teacher salary increases beginning in the middle of a fiscal year. This practice only serves to overstate the true impact of a state salary increase and understate the impact mid year changes have on school divisions.

Example of How Virginia Calculates its Share of Teacher Salary Funding (Linear Weighted Average)

First, each of Virginia’s 134 school divisions calculates its average (arithmetic mean) teacher salary and then those averages are lined up from lowest to highest.

Effect: Every school division regardless of size or number of teachers counts only once despite the fact that Fairfax (169,050 students) is hundreds of times larger than the smallest school division (Highland, 273 students), and alone accounts for 13.7% of ALL public school students in Virginia. *(Data from 2008-09 Fall Membership by Division, VDOE)*

Next, along the line from low to high, school divisions with average salaries in the middle of the scale are “over-weighted” (up to five times), while school divisions at the highest and lowest ends of scale are counted only once. This creates what is known as a “Linear Weighted Average” (LWA) salary.

Effect: Because Fairfax’s average salary is near the top end of the range (to be competitive in a high cost of living area) it is only counted once in the LWA, while school divisions with salaries near the middle are counted five times.

Net Effect: Fairfax SHOULD have a much larger influence on the state’s average salary, but the methodology the state uses systematically underestimates Fairfax’s influence first by discounting its size and then by underweighting its higher teacher salary levels.

Fairfax overall average teacher salary	\$62,687
Actual statewide average teacher salary	\$51,902 (17% below Fairfax’s average)
State-budgeted (LWA) elementary teacher salary	\$44,337 (29% below Fairfax’s average)
State-budgeted (LWA) secondary teacher salary	\$46,230 (26% below Fairfax’s average)
What Fairfax receives per elementary teacher	\$11,443 (18% of total salary cost)
What Fairfax receives per secondary teacher	\$11,932 (19% of total salary cost)

(FY2009 Data from Appropriations Act, VDOE Teacher Salary Survey, FCPS Budget)

So the salary the state uses for budgeting is between 11 to 15 percent (\$5,700 to \$7,600 per teacher) lower than it would be if the state simply used a simple statewide average.

After applying the Local Composite Index, the state’s use of the linear weighted average methodology alone reduces the state’s funding to Fairfax for our SOQ-recognized elementary and secondary teachers by at least \$11M.

Local Composite Index (LCI)

The FCSB supports

- Lowering the current .8000 cap on the LCI to increase the state’s minimum share of education funding for every local school division. Implementation of this

recommendation should be undertaken without any decreases in current funding for any school division.

- Recalculation of the LCI on an annual basis to more closely reflect present circumstances in the localities. Because LCI calculations use data that lag far behind current economic conditions, state education funding is based largely on historical measures of ability to pay.
- Use of a rolling average for LCI calculations for localities that would lose funding to smooth out variations in local economic conditions over time and lessen the impact of an increased LCI.
- Hold harmless provisions in the Appropriations Act to mitigate the negative fiscal effects of increases in the LCI.
- Study of the LCI formula including: the impact of unequal city and county taxing authority on local ability to generate revenue; the impact of tax-exempt federal property on a locality's ability to pay; the impact cost of living has on a locality's ability to pay; and the incorporation of measures of service burden such as student demographics, limited English proficiency population, special education population and other programmatic demands.

The study should also update the Joint Legislative Audit and Review Commission's (JLARC) findings on adding a population density adjustment to the LCI to recognize the "overburden" of providing public services on localities with high population densities which diminish the local ability to pay for education; using the average of composite index values calculated; using total adjusted gross income (AGI) and median AGI, in instances where the use of median AGI would decrease the locality's LCI; and updating the relative weights that are given to the real property tax, sales tax, and other revenue components (JLARC 2002 *Review of Elementary and Secondary School Funding*, recommendation 22).

Other State Funding Formulas

The FCSB supports

- Distributing state aid for remedial education and early intervention programs by using the local school division's composite index or .5000 – whichever is lower. The current methodology selected to determine prevailing costs depresses the actual costs of providing educational programs and produces an unrealistically low number as a funding base. Using such methodology places an excessive burden on the few divisions with indexes above .5000, several of which have large populations of students who are academically at-risk.
- The recognition of absolute population numbers as well as percentages when distributing state funds for special needs programs, as is currently the practice in the Federal Title I Concentration grant funding formula. Percentage measures of FCPS large special needs populations do not accurately reflect their true size and financial requirements.

ABOUT THE LOCAL COMPOSITE INDEX

- The Local Composite Index, or LCI, is used to determine the distribution of most of the state's public education funds and to apportion education costs between the state and each locality.
 - **Fairfax County Public Schools LCI for 2008-2010 is .7657**, up from .7456 in 2006-2008, meaning that the state pays, on average, \$23.43 out of every \$100.00 in calculated public education costs and Fairfax pays \$76.57.
 - The division with the lowest Local Composite Index, .1553, pays only \$15.53 out of every \$100.00 in calculated public education costs with the state paying the remaining \$84.47.
- The LCI is calculated individually for each locality based on the true value of real property (50%), adjusted gross income (40%) and sales tax collections (10%) and is weighted two-thirds by average daily membership and one-third by population. The LCI is capped at .8000, but there is no minimum floor.
- The index is adjusted to establish an overall statewide local share of 45 percent and an overall state share of 55 percent.
- The LCI is recalculated each biennium, based on changes in the values for each component.
- The goal of the index is to provide greater funding for localities lacking the revenue resources to fund an adequate system of public education. However, when the formula was originally applied, only about half of the state's education funds were run through the index, or "equalized." Key changes in the late 1980's substantially increased the percent of all state education funds that are distributed based on local ability to pay. Nearly all state education funds are equalized, with disproportionate impact on Virginia's few high index divisions. Only 27 of 136 school divisions have an LCI above .5000.

LOCAL COMPOSITE INDEX FORMULA

Average Daily Student Membership (ADM) Component =

$$\begin{array}{c}
 \left[\frac{\text{Local True Property Values}}{\text{Local ADM}} \right] + \left[\frac{\text{Adjusted Gross Income (AGI)}}{\text{Local ADM}} \right] + \left[\frac{\text{Local Taxable Retail Sales}}{\text{Local ADM}} \right] \\
 \left[\frac{\text{Total Statewide True Property Values}}{\text{Statewide ADM}} \right] + \left[\frac{\text{Total Statewide AGI}}{\text{Statewide ADM}} \right] + \left[\frac{\text{Total Statewide Taxable Retail Sales}}{\text{Statewide ADM}} \right]
 \end{array}$$

Overall Local Population Component =

$$\begin{array}{c}
 \left[\frac{\text{Local True Property Values}}{\text{Local Population}} \right] + \left[\frac{\text{Adjusted Gross Income}}{\text{Local Population}} \right] + \left[\frac{\text{Local Taxable Retail Sales}}{\text{Local Population}} \right] \\
 \left[\frac{\text{Total Statewide True Property Values}}{\text{Statewide Population}} \right] + \left[\frac{\text{Total Statewide AGI}}{\text{Statewide Population}} \right] + \left[\frac{\text{Total Statewide Taxable Retail Sales}}{\text{Statewide Population}} \right]
 \end{array}$$

LOCAL COMPOSITE INDEX =

((.6667 x ADM Component) + (.3333 x Local Population Component)) x 0.45

- Use of funding formulas based on individual school populations, rather than aggregate system-wide data, to determine eligibility and funding levels. This school division's size masks significant special needs populations at individual schools that would be eligible for state funding if treated separately.
- Continued distribution of some funding on a uniform state/local match, such as the technology grants.
- Funding formulas used for infrastructure needs, such as for technology and construction, which recognize variations in school enrollments and student population growth, rather than basing distribution on a per-school basis or on the LCI. For example, some state formulas assign dollar amounts or personnel allocations equally to Virginia schools, despite enrollments that range from under 200 to almost 4,000 students.
- The current distribution of sales tax revenues on the basis of each locality's number of school-age children rather than through other mechanisms that would further equalize sales tax distributions.

Educational Technology

The Fairfax County School Board supports increased state contributions to local educational technology costs, policies to enhance the accessibility of technology to all students, and flexibility for school divisions to pursue innovative approaches to the development and funding of educational technology.

The FCSB supports

- Substantial continuing appropriations for technology as a component of the basic education formula because technology is a core component of the instructional program.
- Continuing state support for the online Standards of Learning (SOL) initiative and other technology resources required to comply with state and federal accountability mandates.
- Funding sufficient to implement a 5-year replacement cycle based on a minimum five-to-one student-to-computer ratio as well as a regular replacement cycle for administrative computers. In Fairfax, annual funding of over \$25 million is required to maintain a 5-year replacement cycle for an inventory of 98,000 computers.
- Funding sources that permit the leasing of technology equipment and software so that school divisions may make larger numbers of up-to-date computers available to more students in a shorter period of time and maintain regular technology refreshment cycles. Computers cannot be leased with non-recurring bond funding.
- Funding formulas and technology initiatives that place minimal restrictions on local school divisions so that divisions may follow their locally developed technology plans to meet specific school and program needs.

- The creation of a state clearing house to facilitate the movement of student records for students who transfer between school divisions in Virginia.
- Equitable access to educational technology resources by all students and their families through state policy and funding as well as public-private partnerships.
- Establishing and funding safe Internet enabled computer access centers and facilities that are open outside of regular school hours. Examples of these facilities include public libraries, community and recreation centers, faith-based facilities, and shelters.
- Facilitating partnerships between public education (including local school divisions as well as institutions of higher learning) and private industry.
- Establishing and funding “Centers of Excellence” within school divisions to enhance K-12 education through technology. Such centers provide an opportunity for collaboration among public and private sector entities to share ideas, knowledge, and expertise in educational technology and related systems. States and the federal government fund similar centers at universities, such as Virginia Tech’s Center for Wireless Telecommunications.
- School divisions’ current ability to develop and deploy electronic commerce services. School divisions frequently possess the necessary educational and technical expertise to provide effective electronic solutions without relying on private vendors, and can do so at substantially reduced costs.
- Continuing to allow school divisions to develop and share in-house technology solutions. School divisions share many of the solutions they have developed with other school divisions, reducing the cost of development. Restrictions would not only stifle innovation and competition, but would also result in significantly higher costs to public schools by giving private vendors undue leverage in negotiations with school divisions.

Elementary and Secondary Education Act Reauthorization (No Child Left Behind)

The Fairfax County School Board strongly supports the ideals embodied by the federal Elementary and Secondary Education Act of 1965 (currently the No Child Left Behind Act or NCLB), namely that every child is capable of learning and that every school and school division must be held accountable for educating every student to his or her potential. However, the Board remains deeply concerned about the administrative and fiscal burdens placed on local school divisions by the program’s current implementation.

The FCSB supports

- Common sense reauthorization of federal accountability programs to ensure fair, accurate, and meaningful assessments of student achievement as well as to make

certain that any federal interventions appropriately address the academic needs of a school's population.

- Addressing substantive changes in the underlying structure and implementation of federal education law as part of a comprehensive examination, with adequate participation from all stakeholders; not piecemeal through various smaller pieces of legislation, the appropriations process, rulemaking, or through the grants process.
- Flexible programs which encourage and enhance successful local practices and which emphasize the achievement of particular goals rather than inflexible "top down" or "one size fits all" approaches. School divisions can certainly learn from each other and from best practices, but what works in one school division is not necessarily the best option for other school divisions. Any approach adopted should be allowed to reflect local conditions.
- Making the costs and logistics of program implementation a part of any reauthorization discussion. While local school divisions must be held accountable for student performance, federal requirements should not impose administrative and cost mandates on local school divisions that are so significant that they negate any benefit provided by a program's proposed additional funding.

Existing ESEA (No Child Left Behind): Implementation and Funding

The FCSB supports

- Waivers from federal accountability requirements for which a state has developed its own adequate provisions that are tailored to meet the spirit of federal law. Flexibility is a key to the law's successful implementation.
- Requiring the United States Department of Education to publicly disclose every ruling made on state implementation plans and state requests for plan changes and waivers. Waiver requests granted to individual states should automatically be extended to all states.
- Meaningful federal funding support for accountability programs to ensure they do not continue to be another under-funded federal mandate. Adequate resources are critical to ensuring the program's envisioned results, particularly since most federal funding is targeted at the most at-risk student populations which correlate with key accountability subgroups. The federal government's financial contributions must adequately support necessary local expenditures on implementation and continuing compliance.
- Federal funding to assist states and localities in supplying the additional technology infrastructure required to collect and report mandated student achievement and teacher quality data.
- Giving schools greater flexibility for using Title I funds to address persistent performance gaps.

Existing ESEA (No Child Left Behind): Measuring Student Achievement

The FCSB supports

- The incorporation of measures of individual student growth or “value added”, such as a common scale across all grade level assessments, when calculating student achievement. This would allow a better assessment of student progress which otherwise might be missed under NCLB’s current single achievement benchmark model.
- Modifying achievement calculations for subgroups such that students that are members of multiple subgroups do not have a disproportionate impact on accountability results.
- Allowing determinations of reasonable and meaningful student assessment, including the use of alternative assessments where appropriate, to be made according to a student’s Individualized Education Plan (IEP), as is current practice under the Individuals with Disabilities Education Improvement Act (IDEA), while still maintaining 95 percent participation.
- The use of alternate assessments for LEP students that are linguistically appropriate and in the form most likely to yield accurate and reliable information on these students’ mastery of subjects other than English. Virginia has developed alternate mathematics and language arts tests and should develop alternate tests for the remaining subject areas and grade levels that are components of the state and federal accountability programs.
- Federal funding for a reliable and valid portfolio-based assessment of the SOL in Reading designed specifically for LEP students. The Virginia Grade Level Alternative Assessment (VGLA) is an appropriate alternative reading assessment for World-Class Instructional Design and Assessment (WIDA) Level 1 2, and 3 LEP students, but is more costly to administer than the regular SOL English: Reading assessment.
- The current flexibility granted to states in setting minimum group sizes to ensure subgroup accountability for schools and school divisions. Virginia should consider the use of confidence intervals in setting subgroup size, as have been successfully implemented in other states.
- Establishing a common definition and calculation of graduation rates for all states, to be based on the recommendations of the National Governor’s Association.

Existing ESEA (No Child Left Behind): Interventions

The FCSB supports

- Tailoring interventions to better fit the circumstances under which schools fail to meet accountability benchmarks. States should decide the order of interventions and allow a continuum of interventions based on best practices and the experience of particular school divisions.
- Making permanent the pilot program which reverses the order in which interventions are applied to schools that fail to meet benchmarks for two or more consecutive years, with supplemental educational services preceding public school choice.

- Adjusting accountability calculations so that a school, division, or state is counted as not meeting benchmarks and subject to intervention only if the same student subgroup misses a benchmark in the same subject for two or more consecutive years. Currently, missing achievement benchmarks in the same subject by any subgroup is sufficient to cause a school to be counted as having not met their accountability target, even if the specific subgroup missing the benchmark changes from year to year.
- Targeting access to public school choice and supplemental services to students that fail to achieve accountability benchmarks. Currently, as a sanction for failing to meet NCLB targets, all students within a school failing to meet those targets are provided access to these additional choices or services. In many cases, this includes large numbers of students who are achieving at or above benchmarks. Such targeting would ensure that students within the subgroups most in need of these additional resources would have access to them.

Existing ESEA (No Child Left Behind): Teacher Quality

The FCSB supports

- The goal of a highly qualified teacher in every classroom. Each state should be allowed to determine regular certification standards and alternative certification processes, including the certification of veteran teachers and those teachers who teach multiple subjects. However, state implementation of this goal should not undermine alternative routes to licensure or other innovative staffing programs.

English Language Learners

The Fairfax County School Board supports increased federal and state funding and leadership to ensure the provision of appropriate instructional and assessment programs for students with limited English proficiency (LEP).

The FCSB supports

- The federal and state requirements that limited English proficiency students be educated appropriately and that local school divisions and states accurately and meaningfully assess both the English language proficiency and the academic achievement of LEP students.
- Providing all LEP students with appropriate academic and English language instruction and requiring them to participate in regular Standards of Learning (SOL) testing only when their English language proficiency level is adequate for them to demonstrate their mastery of subjects other than English. Virginia's SOL tests were developed for native English-speaking students and are not valid measures of content knowledge for students learning English.
- State provision of alternate assessments for LEP students that are linguistically appropriate and in the form most likely to yield accurate and reliable information on these students' mastery of subjects other than English. Virginia has developed

alternate mathematics and language arts tests and should develop alternate tests for the remaining subject areas and grade levels that are components of the state and federal accountability programs.

- Adequate state and federal funding for a reliable and valid portfolio-based assessment of the SOL in Reading designed specifically for LEP students. The Virginia Grade Level Alternative Assessment (VGLA) is an appropriate alternative reading assessment for World-Class Instructional Design and Assessment (WIDA) Level 1 2, and 3 LEP students, but is more costly to administer than the regular SOL English: Reading assessment.
- State funding for all LEP-related assessments in the same manner as the state funds other tests required for mandated accountability plans. Local school divisions should not have to incur the costs of assessments that fulfill state and federal mandates particularly since the State has adopted a single, uniform language proficiency assessment for use in all school divisions. Based on Virginia Board of Education data and current enrollments, the new assessment will cost almost \$900,000 to administer in Fairfax.
- Local school division or community provision of family literacy programs for LEP students and their parents as well as adult English classes for the parents.
- Local division flexibility to fulfill mandates to monitor the progress of LEP students for two years after they have exited the LEP program. While indicators of progress such as achievement on SOL tests, classroom performance, and work samples are allowable; the state mandates the use of an existing state approved English language proficiency assessment only. This approach is time intensive and inappropriately administers a test of language proficiency to students who have already demonstrated language proficiency.

Revenue Alternatives

The Fairfax County School Board supports a tax structure in the Commonwealth that provides localities with sufficient state revenue, as well as the local revenue flexibility necessary to meet the needs of state and federally-mandated education programs. Such flexibility would accommodate various economic and demographic conditions and would assist local governments in creating systems of taxation that are sensible, fair, stable, and reflect local priorities.

The FCSB supports

- Revisions to the tax structure of the Commonwealth that truly result in long-term additional revenue capacity, not merely revenue-neutral changes among different taxing sources.
- Addressing the issue of collecting state sales tax on goods purchased on the Internet, or replacement of the loss of this significant source of revenue. Sales tax revenues are returned to Fairfax based on point-of-sale or school-age population, not the Local Composite Index.

- Return of a percentage of state individual income tax revenues to the localities in which they were generated as an additional revenue source for the locality and not solely as a replacement for other lost tax revenues.
- Expanding local taxing authority and the flexibility over the use of generated revenue available to the Commonwealth's 95 counties to match authority already available to its 39 cities. Counties serve over two-thirds of the Commonwealth's school children and are now providing the same services as cities, but continue to have fewer options available for funding those services. Counties are, by default, increasingly reliant on property taxes that have proven to be inadequate and inequitable revenue sources.
- Permitting all localities to levy a piggyback local income tax. The Local Composite Index (LCI) uses income as an indicator of a localities' relative wealth and adjusts state education funding based on this measure of ability to pay, but localities cannot tap into this substantial revenue source. This would allow localities to diversify their local revenue base beyond local property taxes.
- Legislation authorizing counties and cities to seek from their voters, by referendum, permission to levy additional local sales taxes with the proceeds dedicated to school facilities in their own jurisdictions.
- Local school boards retaining maximum flexibility to charge appropriate fees for programs and activities that are not directly related to core educational programs.

The FCSB opposes

- Any tax restructuring changes that would restrict already limited existing local taxing authority, as well as tax restructuring measures that would adversely affect the financial condition of counties, cities, and towns.
- State-mandated restrictions on local property taxes. There are few options available to counties to replace revenues lost to state restrictions on local property taxes making this a particularly critical issue in a high LCI jurisdiction like Fairfax, where about 75% of K-12 funding is locally generated.

School Calendar

The Fairfax County School Board strongly supports legislation to permit local school boards to set the opening day of school. Decisions regarding school calendars should be based on the consensus of the local community and sound academic practice rather than be dictated by state mandate or by non-educational administrative requirements, such as the time required to return data to local school divisions to fulfill federal accountability mandates.

The FCSB supports

- Repeal of Code of Virginia §22.1-79.1, which mandates that local school boards set the opening day of school after Labor Day. Virginia is one of the only states that prohibits local school boards from opening school prior to Labor Day.
- In the absence of repeal, inclusion in the current law of the following as definitions of good cause for opening school prior to Labor Day: additional effective instruction to students prior to assessments of academic achievement, the provision of appropriate summer remediation programs for students, and increased professional development opportunities for staff.

Over half of Virginia's school divisions already open as many as three weeks earlier than Labor Day because of existing "good cause" waivers for weather-related closings, dependent programs, and innovative programs (e.g. year-round school calendars). While Fairfax does have a few individual schools that take advantage of the innovative program waiver, the division as a whole cannot.

- Leaving decisions regarding bell schedules to local school divisions.

Special Education

The Fairfax County School Board supports special education programs which help every child learn to his or her potential and additional and mandatory federal and state funding to help local school divisions deliver those services.

Policy

The FCSB supports

- The Commonwealth's adherence to language in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) asking states to minimize the number of additional rules, regulations, and policies imposed upon local school divisions above and beyond the requirements already imposed by IDEA.
- Leaving the ultimate determination of the provision of appropriate services for each student covered under IDEA to that student's IEP team, subject to due process protections.
- Authority for local school boards to apply swift and fair discipline to all students, regardless of disability status, who commit violations involving drugs, weapons, and assaultive behavior endangering others at school or chronically disrupting the education of other students; where the violation is not determined by the student's IEP team to be a manifestation of their disability. Local school boards must retain the authority to treat students equitably, provide for the safety of students and staff, maintain orderly schools, and keep classrooms free of disruption.
- The existing convention which places the burden of proof during due process proceedings on the party bringing the action. Shifting the burden of proof to the

school division regardless of who brings the case would have profound policy and financial implications for school divisions.

Funding

The FCSB supports

- Making full funding of IDEA a mandated expenditure so that funding at the 40 percent level would be allocated automatically each year to assist local school divisions that must provide federally mandated services to all students with disabilities. Maximizing flow-through funds is critical as recipient school divisions are experiencing a rise in the numbers of students with significant disabilities.
- Allowing local school divisions to use additional special education funds to supplant local funds that have since 1975 been expended to make up the deficit in promised federal support.
- Enhanced state support for special education programs that benefit ALL special education students in the Commonwealth.

Medicaid

The FCSB supports

- Allowing school districts to claim administrative and transportation expenses associated with Medicaid eligible services to students served under the Individuals with Disabilities Education Improvement Act.
- The development of a uniform set of rules and guidelines from the federal Centers for Medicare and Medicaid Services (CMS) for reimbursing school divisions.

Standards of Accreditation and Standards of Learning

The Fairfax County School Board supports Standards of Accreditation (SOA) that establish an accountability program that appropriately assesses the achievement of all students—through the Standards of Learning (SOL)—and holds students, parents, teachers, and schools accountable for the results.

The FCSB supports

- Reconciliation of federal and state accountability systems confronted by Virginia's public schools. The Virginia Board of Education and United States Department of Education should endeavor to conform the two systems to reduce the time and resources needed for state and local school divisions to implement two complicated and distinct accountability systems from one set of data. While states need to make every effort to align state plans to match federal provisions, the federal government needs to show similar flexibility in their consideration and approval of state plans submitted to implement federal programs where there is a preexisting accountability system.

- Assessment programs allowing appropriate accommodations for students with disabilities and students not proficient in English who are taking SOL content courses. Moreover, alternative testing methods or instruments should be available for those students who, because of their disabilities or lack of proficiency in English, require such approaches to demonstrate their mastery of SOL content; however, the use of such substitute methods or instruments must not lower evaluation standards.
- An assessment program that is useful, nonintrusive on the learning process, affordable, reliable and valid. Alternate assessments for students with disabilities for whom participation in the SOL testing program is deemed inappropriate should meet these criteria as well. Alternate assessments for students with limited English proficiency should be linguistically appropriate and yield accurate information on these students' mastery of subjects other than English.
- Faster return of student and school SOL test results and ratings as they are determined under both the state and federal accountability programs.
- The web-based Standards of Learning Technology Initiative and other efforts directed to computer administration of the SOL tests in each high school. The FCSB supports expansion of this initiative to elementary, middle, and alternative schools, as well as to adult education programs; contingent on the provision of adequate state funding to address the technology infrastructure needs required to implement web-based testing in these schools.
- The current authority local school divisions have to implement changes in graduation requirements that go beyond those mandated by the state to meet the educational needs of their particular jurisdictions. Statewide changes in high school graduation requirements must be made with the input of the State Board of Education, major stakeholders, and should include a study of the implications of such changes for all students and local school divisions.

Standards of Quality

The Fairfax County School Board urges the General Assembly to fund the total state share of the costs of establishing and maintaining an educational program of high quality, as envisioned in the Constitution of Virginia, and as determined by actual best practices implemented in the school divisions.

The FCSB supports

- The state meeting its full share (55 percent) of the state-wide cost of continuing the existing Standards of Quality (SOQ) programs. This includes full funding for the biennial re-benchmark of the SOQ funding formulas. Since re-benchmarking is a process to update state funding formulas to reflect the current costs facing school divisions (*e.g.* increases in fuel costs, health care costs, teacher salaries, etc.), failure to fully fund re-benchmarking signifies a decrease in the state's commitment to funding K-12 education. Should the General Assembly fail to fully fund the biennial re-benchmark of the SOQ funding formulas, the state should grant waiver requests from certain mandated SOQ requirements in proportion to the shortfall.

- The state meeting its full share of the costs of continuing the existing categorical, lottery funded, and incentive programs that are included in direct aid to public education. These programs include K-3 Primary Class Size Reduction, Technology VPSA Grants, Adult Education, English as a Second Language, and Alternative Education.
- Staffing standards for instructional and support positions which reflect local educational needs and conditions and that are sufficiently funded to fully support classroom instructional priorities and state and federal accountability requirements.
- Specific inclusion in the SOQ of the positions and support necessary to carry out mandates found in other sections of the Code, in other Virginia Board of Education regulations or in federal law or in the absence of such funding relaxation of unfunded mandates which are not central to a school division's mission.
- Granting local school divisions greater flexibility within certain of the Standards in such a way as to preserve overall funding levels but allow for additional latitude in how local managers make staffing decisions.
- Virginia Board of Education recommendations for additions to the SOQ that more closely align state standards, and thus state funding, with local prevailing practice.
- Building SOQ staffing standards around high school schedules that almost universally run longer than the currently assumed six period day.
- Building the SOQ around the concept of adequacy—what resources it takes to adequately educate a child to the state standards. Moreover, the Standards should recognize that some students require more resources to educate; particularly those students who are economically disadvantaged, have disabilities, or are not proficient in English. Federal accountability is determined in part according to the academic achievement of these disaggregated subgroups.
- Creation of codified staffing standards for special education, Career and Technical Education, gifted education, and for any program supporting student achievement including adequate funding to meet the standards. Such standards currently exist only in regulation or the Appropriations Act.
- Recognition in the SOQ that the state has a role in providing the school facilities essential to the instructional program prescribed by the SOQ. Facilities directly affect the types and quality of educational services that local school divisions deliver. The Joint Legislative Audit and Review Commission, in both its 1986 and 2002 reviews of education funding, suggest that capital outlay and costs conceptually fit into the SOQ and that school facilities are an undeniable part of a meaningful foundation program.
- Increasing the provision of English as a Second Language (ESOL) teachers within the Standards of Quality from 17 per 1,000 LEP students to 30 per 1,000. This funding would help to decrease the pupil-teacher ratio from 59 to 1 to 33 to 1, which is far closer to current school division staffing.
- Provision in the Appropriations Act of the state share of funding for two pupil personnel positions per 1,000 LEP students. Personnel such as guidance counselors, social workers, translators, interpreters, and school-parent liaisons are required to

provide the additional educational services necessary for LEP students to learn English, succeed academically, and become contributing members of society.

- Adequate funding for the Virginia Standards of Learning (SOL) accountability program. Funding is essential for teacher training, curriculum development and alignment (particularly as the Virginia Board of Education revises the standards and assessments), acquisition of textbooks and instructional materials correlated with the SOL, remediation programs for students who fail, test administration, technology infrastructure for on-line testing and reporting, record-keeping, and notification requirements.
- Funding within the SOQ to support the coordination and analysis of testing required for both the Standards of Learning and NCLB accountability programs. With requirements to disaggregate test results by student subgroup, annual testing of English language proficiency of all limited English proficient students, and the expansion of federally-mandated testing to grades 3 through 8; administrators and teachers spend significant time and resources coordinating and analyzing testing rather than providing direct services to students as required in the SOQ.
- Reinstating non-personnel technology costs to the Basic Aid funding calculation to help defray the costs of such technology essentials as infrastructure components and maintenance, software and supplies, and connectivity costs. The 2004 General Assembly removed these technology funds from the Standards of Quality (SOQ) formula, leaving Virginia Public School Authority (VPSA) bond funding as the only state funding for non-personnel technology costs.
- Calculating SOQ costs using methods that produce more accurate estimates and reflect full anticipated costs, specifically by funding prevailing salaries, fringe benefit costs, and prevailing support costs at the full anticipated level for the new biennium, and furnishing such estimate to the General Assembly for consideration (Recommendation of the 2002 Joint Legislative Audit and Review Commission (JLARC) *Review of Elementary and Secondary School Funding*, Tier One, recommendation 5).
- Fully updating and executing the SOQ cost model on an annual basis to ensure use of the most accurate and up-to-date cost factors (JLARC Tier One, recommendation 12).
- State teacher salary goals that do more than keep salaries current with the calculated prevailing salary levels and that recognize teacher salary costs beyond the linear weighted average salary base, which purposely understates the true average salary paid in the Commonwealth (JLARC Tier Three, recommendation 21).
- Ending the current practice of proportionally reducing Basic Aid for SOQ operating costs if the actual statewide number of pupils exceeds the estimated annual daily membership (ADM) used for appropriations. When such reductions in state funds occur, localities bear the full costs of providing for the unexpected additional pupils (JLARC Tier One, recommendation 9).
- Eliminating arbitrary caps on inflation within the SOQ funding model. School divisions must absorb actual inflationary costs, regardless of caps or of historical averages, so inflation adjustments should be based on changes in actual costs as faced by local school divisions.

- Including expenditures made by local government that are funded from parts of the locality budget other than education in computations of prevailing costs, yet have the same purpose as expenditures commonly reported as educational costs to the Department of Education, *e.g.*, school resource officers and school nurses (JLARC Tier One, recommendation 11).

The FCSB opposes

- The state shifting its Constitutional responsibility for funding public education onto the localities and local taxpayers. School divisions are held accountable to state and federal academic achievement standards, whether or not sufficient state funds are provided. As a result, local governments are faced with increasing taxes, to the limited extent they have the authority to do so, or cutting funding to public education and/or other public services such as law enforcement or community health.
- Increasing the amount of SOQ funding by redirecting funds from non-SOQ education accounts such as categorical, lottery funded, incentive programs and the Literary Fund. Such redirecting of existing non-SOQ education funds to SOQ accounts does not increase the state's net education funding.
- Eliminating or scaling back current SOQ requirements, without sound best practice or other research based evidence that the requirements are no longer necessary. As the Standards of Quality represent minimum standards for the Commonwealth's school divisions and drive the appropriation and allocation of state Basic Aid funds to school divisions, any reduction in the mandated minimums would reduce the Commonwealth's commitment to funding public education. School divisions already routinely exceed existing SOQ minimum requirements at local expense, so reducing SOQ requirements would only exacerbate local burdens.
- Changes in the re-benchmarking process which further erode the connection between what the state is obligated to pay for K-12 education and the actual costs of providing services. Any re-consideration of existing state educational funding mechanisms must balance cost concerns with an acknowledgement of existing and persistent shortfalls in education funding, consideration of the effect of state mandates and the state's obligations to pay for those mandates, and the impact of "efficiencies and cost savings" in state spending on local budgets.
- Deducting local or federal revenues from the Basic Aid funding calculation, as partly implemented by the General Assembly in 2004. A school division's receipt of state funds should not be adjusted based on the receipt of funds which are already earmarked to implement federal mandates.

Defining the Standards of Quality, Accreditation and Learning

THE STANDARDS OF QUALITY

- Mandated by the Virginia Constitution (Article VIII, Section 2)
- Prescribed by the Board of Education, “subject to revision only by the General Assembly.” (Code of Virginia §22.1-253.13:1 through 8)
- Mandate *minimum* requirements for the Commonwealth’s public school divisions (*e.g.*, instructional programs and personnel, class size, diplomas). School divisions routinely exceed SOQ minimums, entirely at local expense
- Drive the appropriation and allocation of state basic aid funds to school divisions
- Funding determined primarily by instructional staffing ratios established in the SOQ, as well as recognized support costs that are funded on a standard and prevailing cost basis

The Standards of Quality mandate the Standards of Accreditation and Learning

THE STANDARDS OF ACCREDITATION

- Mandated by the SOQ (Code of Virginia §22.1-253.13:3A)
- Are Virginia Board of Education regulations (8-VAC-20-131-10 et seq)
- Establish graduation requirements
- Determine the effectiveness and accreditation of all public schools by measuring student achievement on core subject Standards of Learning assessments
- Linked to the accountability plan of the federal No Child Left Behind Act

THE STANDARDS OF LEARNING

- Mandated by the SOQ (Code of Virginia §22.1-253.13:1B)
- Are established by the Virginia Board of Education
- Set minimum goals and objectives for what teachers need to teach and students need to learn
- Exist for English, Mathematics, Science, History and Social Sciences, Computer Technology, Health & Physical Ed., etc.
- Assessments on SOL subjects in grades 3 through 8 and End of Course

Adult High School Diploma

- The Fairfax County School Board supports the establishment of another adult high school diploma option for students who are at least 21 years of age. Students would need to earn the standard units of credit required by the Virginia Board of Education for a standard diploma (with the exception of health and physical education) as well as one verified credit in English (including writing) and one verified credit in mathematics.
- The FCSB supports the awarding of an adult high school diploma to students who demonstrate, through applied performance assessment, full mastery of the External Diploma Program competencies, as validated and endorsed by the United States Department of Education.

Advanced Placement and International Baccalaureate Examination Funding

- The Fairfax County School Board supports state and federal funding of the student costs for Advanced Placement and International Baccalaureate end-of-course examinations, as well as other incentives, in order to encourage Virginia's public secondary school students to pursue and benefit from a rigorous program of advanced study and external examination.

After-School Programs, At-Risk Youth, and Gang Prevention

- The Fairfax County School Board supports comprehensive after-school programs and other preventive interventions addressing expanded learning opportunities and academic success, adolescent substance abuse, behavioral issues, and gang participation.
- The FCSB supports the availability of local, state and federal resources focusing on after-school programs, summertime programs, and initiatives with a proven record of effectiveness that enhance social, physical, and emotional development.
- The FCSB supports the development of a statewide after-school infrastructure comprised of a wide variety of public agencies, policy makers, business leaders, and private stakeholders to promote, support, expand and sustain quality after-school programs, and summertime programs. This infrastructure would develop an inventory of existing resources, public and private; develop policies to facilitate the coordination and leveraging of private and public resources; collect and disseminate best practices in after-school; and provide training and technical assistance to improve program quality and sustainability.
- The FCSB supports state flexibility in the treatment and regulation of after-school programs so as not to be overly burdensome to local school divisions and local governing bodies developing and implementing after-school programs.

- The FCSB supports the coordination of resources and activities across local, state and federal agencies, and with local nonprofit and community organizations, aimed at prevention of gang violence and in support of prevention and academic enrichment programs. Partnerships among levels of government and across jurisdictions, such as the Northern Virginia Regional Gang Task Force, should be encouraged and strengthened.
- The FCSB supports continued appropriations for the Fairfax Mentoring Partnership. This program seeks to connect every youth in Fairfax County with an adult who serves as a positive role model.
- The FCSB supports funding for the At-Risk Student Academic Achievement Program and Fund, designed to improve academic achievement and decrease dropout rates among at-risk students. The Program was adopted by the General Assembly in 2004 but has never received funding.
- The FCSB supports regular administration of a statewide comprehensive survey of risk behavior among youths for the purposes of targeting the areas most in need of intervention and measuring the effectiveness of prevention and intervention programs.

Alternative Education Programs

- The Fairfax County School Board supports adequate state funding for alternative education as well as flexibility for local school boards in operating their diverse programs.
- The FCSB supports local school board authority for offering alternative education programs to students, including those who have been suspended, expelled, excluded or otherwise disciplined.

College Readiness and Post Secondary Education

- The Fairfax County School Board supports increased coordination of college and work readiness standards between K-12 and higher education.
- The FCSB supports collaborative partnerships between local school divisions and institutions of higher learning, allowing high school students to earn college credit while still attending high school and facilitating their pursuit of technical training for industry certifications.
- The FCSB supports minimizing the financial impact on students of securing college credits through these programs, whether through the partnership agreements themselves, or through local, state or federal resources. The FCSB also requests that the Virginia Community College System maintain consistency with tuition charges for all dual enrolled courses in the state of Virginia. Currently, there is a range from free tuition to over 15%, depending on where the course is taken. Where possible, these fees should be minimized or eliminated.

- The FCSB advocates consideration of work experience and industry certifications earned when credentialing high school faculty to teach dual enrolled courses with a community college partner rather than looking only at the number of college credits earned in a specified area.
- The FCSB supports the establishment of a suitable ratio of in-state and out-of-state students in each of the Commonwealth's institutions of higher education.
- The FCSB advocates increased state funding for the additional faculty and buildings needed to accommodate the growing number of qualified Virginia high school graduates seeking admission to the Commonwealth's community colleges and four-year colleges and universities.
- The FCSB supports the eligibility of an undocumented alien student for in-state tuition rates if that individual has lived in Virginia for five or more years; received a high school diploma or GED from a public or private high school in Virginia; registered as an entering student in a Virginia institution of higher learning; presented an affidavit stating the intention to file an application to become a permanent resident within 90 days of the date the individual becomes eligible to do so; and, if that individual or his or her parents paid Virginia income taxes for three years.
- The FCSB requests that the United States Congress permit each state to make its own decision regarding eligibility for in-state tuition and other higher education benefits, by amending the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or enacting other legislation as needed.

Cooperative Procurement

- The Fairfax County School Board supports a school board's current authority to enter into cooperative purchasing agreements at the local, state and national level, when those agreements are financially beneficial, help to increase efficiency and/or reduce administrative costs.

Cost of Competing

- The Fairfax County School Board supports continued use of a cost of competing factor in the Standards of Quality reimbursement formulas in recognition of the higher salaries paid by school boards in identified localities in order to attract and retain skilled teachers and other personnel within its competitive local regional wage market.
- The FCSB encourages recalculating the cost of competing rate in conjunction with reviewing and resetting the differentials the state uses for its own classified employees in this region. The state differential covers approximately 740 job classes and includes all agencies with state classified employees in Northern Virginia. The instructional rate was last increased in 1996, based on a 1995 recommendation from the Joint Legislative Audit Review Commission. The non-instructional rate was last increased in 2004 (to finally reach the rate recommendation made in 1995).

- The FCSB supports the use of a cost of competing factor in other school divisions only after JLARC has examined the evidence and determined that such an adjustment is needed in particular school divisions, similar to its 1988 and 1996 analyses of the need for such an adjustment in Northern Virginia school divisions.

Early Childhood Education

- The Fairfax County School Board supports state provision of high quality early childhood programs, provided that the state furnishes full funding for the implementation of such programs. Responsibility for early childhood program and capital facilities funding should not be shifted to localities or subject to state equalization formulas.

Employer/Employee Relations

- The Fairfax County School Board supports the right of every school board to adopt its own method of communicating with employees so long as the constitutional authority of the board to make public policy is not compromised.
- The FCSB supports establishing a joint subcommittee to evaluate the appropriateness and adequacy of existing Virginia statutes governing employment, grievances, dismissal, and suspension of teachers. (Articles 2, 3, and 4 of Chapter 15 of Title 22.1). While these laws have been amended frequently over time, as a whole they may no longer achieve their intended aims in light of the Commonwealth's drive for high academic standards, high student achievement, and educational accountability at the classroom, school, division, and state levels.
- The FCSB supports amending §22.1-315 of the Code of Virginia to clarify that school employees charged with an enumerated offense are entitled the return of escrowed salary only if (1) they are found innocent of the enumerated charges and (2) they have not plead to a lesser offense or received a deferred or suspended imposition of sentence.
- The FCSB opposes amending the Virginia Constitution so as to limit the supervisory authority of local school boards. Removing the local elected school board, and consequently the community that chooses the board, from personnel decisions-would weaken local control of and accountability for the public schools. The Virginia Supreme Court decision in *School Board v. Parham* (1978) finding binding arbitration an unlawful delegation of school board supervision should stand.
- The FCSB opposes changes to the teacher grievance procedure, the *Regulations Governing the Employment of Professional Personnel*, or other state laws, regulations, procedures, or guidelines that would diminish the authority of school boards or that would impose unreasonable and unnecessary administrative and financial burdens.
- The FCSB opposes mandated benefits for local employees, which would interfere with the right of local school boards to contract benefits directly with their employees.

- The FCSB opposes legislation mandating school boards to engage in collective bargaining.

Fiscal Autonomy of Elected Local School Boards

- The Fairfax County School Board recommends that the General Assembly initiate a study to examine the complex issues involved in elected school boards making progress toward fiscal autonomy.

Freedom of Information Act

- The Fairfax County School Board supports revision and amendment of the Virginia Freedom of Information Act (FOIA) and companion regulations, such as those issued by the Library of Virginia regarding records retention, in order to achieve the appropriate balance between the considerable investment in time and money required for compliance and ensuring the people of the Commonwealth ready access to public records.
- The FCSB supports granting local school boards and other local public bodies the same authority as state public bodies to conduct electronic communication meetings.
- The FCSB supports the creation of a “personal information” FOIA exemption modeled after similar exemptions in Federal Code and regulation.
- The FCSB supports changes to the current FOIA exemptions for human resources investigations to clarify that the subject of the investigation may only access investigative report materials once the investigation is complete, and that witness names may be redacted from the final report.
- The FCSB supports granting local school boards flexibility in fulfilling mandates for required legal notices for certain public meetings and hearings beyond the current requirement that they be posted by (paid) advertisements in local newspapers. Other, less costly (free) venues exist for making such information widely and easily available to the community.

Governor’s Schools Funding

- The Fairfax County School Board supports funding for all regional academic year Governor’s Schools based on actual uncapped enrollment, with annual adjustment of the add-on per pupil amount for academic year Governor’s Schools in conjunction with the basic aid per pupil adjustment. The Thomas Jefferson High School for Science and Technology in Fairfax is currently the only Governor’s School receiving less than a full per pupil allocation because of the cap.
- The FCSB supports funding that is sufficient to maintain or expand summer residential Governor’s Schools that offer academic programs.

- The FCSB supports state funding or other support for capital construction and improvements at regional academic year Governor's Schools. These schools serve students in multiple jurisdictions with tuition costs (which may or may not include support for debt service) negotiated among the constituent school divisions. However, the actual debt supporting capital improvements is entirely dependent on the capital improvements program, bonding capacity, and debt limitations of the jurisdiction in which the school physically resides.

Remedial Education and Early Intervention Programs

- The Fairfax County School Board supports sufficient state funding for remedial education and early intervention programs for all eligible students.
- The FCSB supports reasonable reporting requirements, guidelines, and regulations for both remediation and early intervention programs that do not compromise the program's objectives of improving student academic achievement.

Retirement/Virginia Retirement System

- The Fairfax County School Board supports legislation establishing post-retirement employment options which do not adversely affect the employer and that would encourage educational employees to work after they have accrued the maximum retirement benefits.
- The FCSB supports Virginia Retirement System (VRS) consideration of the impacts that teacher retirement contribution rates can have on local school divisions during their rate setting process. Large swings in rates from year to year, even when considered actuarially sound over the long run, can have a profound impact on local education budgets.
- The FCSB opposes caps upon, or the establishment of, rates below what localities will be required to bear of the state share of VRS contribution rates for teachers. As VRS retirement is an SOQ account, the state should pay its 55 percent share.
- The FCSB opposes including salary supplements for temporary voluntary activities such as club sponsorship or coaching in the definition of creditable compensation. Doing so would increase the costs of the employer's retirement contribution, provide no benefit to most employees, and fruitlessly increase costs for those employees who pay their own member retirement contribution.

School Construction

- The Fairfax County School Board strongly supports the development and funding of adequate and equitable state and federal programs to assist localities with public school construction, renovation, and major maintenance projects. State and federal mandates and incentive programs, such as those related to class size, special education, students with limited English proficiency, alternative educational options

for disruptive or dangerous students, and services for at-risk students, have a major impact on facilities requirements for local school divisions.

- The FCSB supports reinstatement of the Virginia Public School Construction Grants Program. Capital revenue shortfalls continue to exist in Fairfax and in most of the state's school divisions. Moreover, without assurances of continuing funding, local governing bodies are reluctant to make long-term commitments to capital expenses or debt service.
- The FCSB supports the use of the absolute number of students as well as the rate of growth when accounting for student population in school construction funding formulas. Additional students require additional seats in classrooms, regardless of whether the number of new students represents a large or small percentage increase in a division's overall population.
- The FCSB supports school construction funding formulas that recognize the amount of local debt incurred for school construction and that do not overly rely on the Local Composite Index. Fairfax County voters have assumed approximately \$2.5 billion in school construction debt in bond referenda over the last twenty one years. School divisions with diverse populations must exert a significant tax effort for high local expenditures for capital outlay and debt service for new school construction.
- The FCSB supports exempting contractors from the retail and sales use tax on materials purchases while under contract by local school divisions for construction, repair, or other real-estate related services.
- The FCSB supports Virginia's current rezoning proffer authority for local governments. In the event the General Assembly does enact any changes diminishing current authority, Fairfax County should be exempted from any such legislation.

School Health Services and Student Wellness

- The Fairfax County School Board recognizes the role schools play in the provision of school health services, but views the local health department as the primary provider of such services. School divisions should not be required to assume the responsibility or costs of additional non-instructional services.
- The FCSB opposes any mandate to staff school clinics with registered nurses or other licensed medical personnel.
- The FCSB supports local authority to establish policies relating to health issues, such as student possession and use of non-prescription drugs.
- The FCSB supports continued attention to the issue of childhood obesity in Virginia's public schools. Any such consideration should include the collection and dissemination of best practices for both nutrition and physical activity which may help combat childhood obesity, but which allow local school divisions to retain flexibility in how they address this problem through local wellness policies.

- The FCSB supports the use of pre-tax dollars for qualified sports and physical fitness expenses as a means to encourage healthy behavior and to encourage booster participation or direct donations to schools for sports or other programs encouraging physical activities.
- The FCSB supports increased state reimbursement for both the school lunch and school breakfast programs. Although the costs of these programs have increased significantly due to inflation and to school division efforts to improve student menus to include leaner meats, whole grains, and fresh fruits and vegetables; they have not received any funding increases since 1981. Increased state funding would assist school divisions in implementing the best practices recommended by the Governor's Scorecard for Nutrition and Physical Fitness.

Student Discipline

- The Fairfax County School Board supports maintaining the current statutory authority of local school boards to adopt regulations permitting them to choose among alternative discipline procedures specified in the Code of Virginia for handling cases of suspension, expulsion, and exclusion. These procedures and sanctions are critical to maintaining safe educational environments and guiding students in developing appropriate behavior and personal accountability.
- The FCSB supports regulations and procedures that enable prompt disciplinary action for all students. Prompt resolution expedites the provision of appropriate services; reinforces the seriousness of disciplinary violations; maintains the effectiveness of the school board's discipline code; and promotes safe, orderly schools.
- The FCSB supports student discipline statutes that are understandable, consistent, and fair.
- The FCSB supports clarification of the multiple (and sometimes conflicting) Code sections governing the reporting of crimes to school divisions. This includes the particular incidents to be reported, under which circumstances they are to be reported, and actions which may be taken based on such reports.
- The FCSB opposes legislative imposition of universally-applicable restrictions on local school board authority to take disciplinary action against students for specific actions or behaviors.
- The FCSB opposes legislative requirements that a local school board use any particular disciplinary measure, unless it is required by federal law.
- The FCSB opposes mandates to provide educational services to students (other than those served under the Individuals with Disabilities Education Improvement Act) whom the local school board has suspended, expelled, or excluded.

Student Records

- The Fairfax County School Board supports changing Virginia Code §8.01-390.1 to allow all student records to be “self-authenticated” and not limiting self-authentication only to student records relating to attendance, transcripts, or grades. This would allow authentication via an affidavit signed by the custodian of such records stating that such records are true and accurate copies, as opposed to requiring school personnel to take time to appear in court simply to validate a record’s authenticity. “Self authentication” should be extended to all types of cases where records are requested, and not only in those cases involving the custody of a minor or the termination of parental rights.

Student Safety

- The Fairfax County School Board supports the provision of a safe and secure learning environment for its students and personnel, which includes securing physical facilities as well as educating students regarding the safe use of the internet and other instructional technologies.
- The FCSB supports state funding sufficient to support a uniformed school resource officer in each middle school and high school in the Commonwealth.
- The FCSB supports incentive funding for local school boards to use in ensuring safe, secure, and respectful school environments through effective programs such as peer mediation, conflict resolution, character education, threat assessment, door access technologies, external video surveillance, radio interoperability with public safety agencies, exit door numbering protocols, visitor screening, and other proactive initiatives appropriate at the local school level.
- The FCSB supports interpretations and provisions of law that allow local school boards to maintain the confidentiality of school specific and district-wide emergency/crisis plans.
- The FCSB supports state funding sufficient to support the active monitoring by state and local offices of probation and parole of individuals in the State Sex Offender and Crimes Against Minors Registry.
- The FCSB supports limiting the venue where sexually violent offenders can appeal the decision to bar them from school grounds only to the appropriate circuit court. Since juvenile and domestic relations district courts do not deal with criminal matters, they are not a proper venue for appeal. School divisions should not only be notified but be specifically allowed to participate during the proceedings considering such petitions.
- The FCSB supports legislation to prevent weapons violations and to protect citizens, specifically authorization for localities to ban possession of dangerous weapons in recreation centers and prohibition of the sale of look-alike firearms, particularly BB and pellet guns, to minors.

- The FCSB supports interpretations and provisions of law that allow local school boards to be rigorous in banning the possession of weapons on school property in order to protect the safety of students in the school environment.
- The FCSB supports additions to or clarifications of existing Code sections regarding public school governance and administration in the event of a catastrophic health emergency. This would include, but not be limited to: delegations of school board authority, school board meeting requirements (including quorum and open meeting provisions), procedural timelines, requirements for numbers of instructional days and amount of instructional time, truancy provisions, and Standards of Learning (SOL) testing requirements which may need to be modified or waived in the wake of a health emergency.

Student Transportation

- The Fairfax County School Board supports measures that foster safe transportation for pupils as well as the efficient operation of school division transportation systems.
- The FCSB endorses the findings of the National Highway Traffic Safety Administration's April 2002, Report to Congress regarding the safety value of installing safety belts on large school buses: Lap belts appear to have little, if any benefit, in reducing serious injuries and actually could increase the incidence of neck and abdominal injuries. While the use of combination lap/shoulder belts could provide some benefit, misuse could result in serious injuries. Requirements for lap/shoulder belts could reduce bus capacity requiring the purchase of additional buses to compensate for lost capacity while exacerbating ongoing shortages of qualified drivers.
- The FCSB encourages the Virginia Department of Motor Vehicles, the Medical Society of Virginia, and the Virginia Department of Education to consider the report of the U.S. Secretary of Transportation regarding the feasibility of allowing insulin-dependent diabetics to operate commercial vehicles. These agencies should make recommendations for school bus drivers based on this report, recent studies, and significant improvements in diabetes treatment and blood-level monitoring, all of which suggest that some insulin-dependent individuals can be safe and reliable school bus drivers and help alleviate the bus driver shortage.
- The FCSB encourages the Department of Education to revisit required inspection intervals for school buses. The age, extended use, and types of parts installed should be considered when setting inspection intervals, especially for new buses which include self adjusting or self diagnostic components. Such components allow for longer intervals or different inspection techniques which could reduce inspection costs without compromising bus safety.
- The FCSB supports increasing the maximum speed limit for school buses on interstate highways from 45 mph to 55 mph when the posted speed for all other vehicles is 55 mph.
- The FCSB opposes legislation which would involve local school boards in the provision of transportation for nonpublic school students.

Surplus Property

- The Fairfax County School Board supports legislation clarifying a school board's authority to donate surplus property.
- The FCSB opposes legislation that would remove the ultimate decision on the disposition of a School Board's property from the sole discretion of the School Board, such as placing a time limit on the length of time real property could remain vacant or unused before automatically reverting to a local appropriating body.

Teachers and Instructional Personnel

- The Fairfax County School Board supports local, state, and federal initiatives that attract and retain highly qualified teachers of diverse backgrounds. This includes competitive salaries, alternative licensure, mentoring, monetary awards for National Board for Professional Teaching Standards certification, clinical faculty programs, professional development schools, and rigorous performance evaluation systems including the ability to remove ineffective teachers.
- The FCSB supports increased funding for the Virginia Teaching Scholarship Loan Program, as well as an increase in the award amount per student. The Program is intended to increase the number of students pursuing careers in teaching and to increase the number of teachers in critical teacher shortage disciplines, including special education.
- The FCSB supports state and federal funding for professional development programs, such as leadership institutes, which prepare teachers and school administrators to successfully manage such challenges as educational accountability and the integration of technology for the purpose of improving student achievement.
- The FCSB supports tax relief for teachers, either through tax credits or deductions from taxable income on state income taxes, or by the General Assembly granting authority to local governments to provide teachers with local real property tax relief.
- The FCSB supports federal and state individual income tax credits or deductions for teachers who incur unreimbursed expenses for the purchase of instructional materials and supplies for use in their classroom.
- The FCSB supports revision of the current administrative and support staffing requirements found in the Standards of Accreditation. Instructional programs and personnel budgets will benefit if school divisions have more freedom to implement flexible staffing practices, including extended teacher schedules. Moreover, several items (differentiation between middle and secondary teacher staffing, for example) should be clarified.
- The FCSB supports state tuition reimbursement for teachers seeking advanced degrees who are willing to teach for a minimum of three years in state-designated at risk schools.
- The FCSB supports state funding for housing-related expenses such as relocation expenses, mortgage down-payments, or rental fees for teachers in critical needs

teaching fields. Such incentives are particularly important in Northern Virginia, where the average median home price is nearly double that elsewhere in the Commonwealth.

- The FCSB supports the Career Switcher program, but encourages the addition of an internship or classroom practicum requirement. Career switchers have extensive subject content knowledge, but may not have strategies to help prepare them for what they will deal with when actually in a classroom (discipline, organization, establishing expectations, dealing with parents, testing situations, etc.).

Vouchers, Tuition Tax Credits, and Tax Deductions

- The FCSB opposes diverting public education funds to nonpublic schools and specifically opposes tuition tax credits, tax deductions, or vouchers as means of reimbursing parents for their children's educational expenses, grades K-12. The diversion of public funds to nonpublic schools is likely to produce serious economic, constitutional, legal, and public policy consequences.
- The FCSB opposes mandates for choice programs between school divisions or choice programs that include private schools. Current Code language is sufficient to allow school divisions to voluntarily enter into contracts to provide school services for adjacent school divisions.
- The FCSB opposes additional state or federal mandates for intra district choice programs (within one school division) beyond those provided as sanctions under federal law.
- The FCSB believes that while vouchers require the direct expenditure of public funds in nonpublic schools, tuition tax credits and deductions indirectly affect public education expenditures by reducing the amount of revenue available in the state's general fund. If public funds are either directly or indirectly used for the support of nonpublic schools, fewer resources would be available for public elementary and secondary schools.

Since both the state under the Standards of Quality and the federal government under the current No Child Left Behind Act and the Individuals with Disabilities Education Improvement Act already severely under-fund the educational programs they mandate, additional public expenditures of education dollars should be directed to addressing these shortfalls, not diverted to nonpublic schools.

- The FCSB believes the ability of localities to ensure appropriate, safe and equitable education for all students would be impeded, and students in schools with limited parental and community support would be disadvantaged. Unlike the public schools, private schools would have no direct accountability to taxpayers for their use of tax revenues. This is especially troubling given the strong focus on academic accountability from both the state's Standards of Learning and Accreditation and federal accountability programs.

- The FCSB believes that the argument that parents with children in private schools have a “double burden”—paying tuition as well as taxes—is specious. All taxpayers, those with children in public or nonpublic schools and those with no children in school, enjoy the same benefits of an educated citizenry and of a high quality school system within a community. All have the same responsibility to support the public education system.

Index of Federal Legislative and Policy Positions

Addressed in the Fairfax County School Board's 2010 Legislative Program

Advanced Placement & International Baccalaureate Examination Funding

The Fairfax County School Board (FCSB) supports federal grants to provide funds towards reimbursing part or all of the Advanced Placement or International Baccalaureate test fees for low-income students. **(pg 26)**

Charter Schools

The FCSB believes that current policies and laws are sufficient for school boards to voluntarily develop or expand a variety of school choice programs, and specifically opposes federal mandates for charter schools, choice programs between school districts, or choice programs that include private schools.

(pg 4)

College Readiness and Post Secondary Education

The FCSB requests that the United States Congress permit each state to make its own decision regarding in-state tuition and other higher education benefit eligibility, by amending the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or other legislation as needed. **(pg 27)**

Education Funding - Federal

Please see entire position on page 5

Elementary and Secondary Education Act Reauthorization (No Child Left Behind)

Please see entire position on page 13

Employer/Employee Relations

The FCSB opposes any legislation that would mandate benefits for local employees, interfering with the right of local school boards to contract benefits directly with their employees. **(pg 29)**

English Language Learners

The FCSB supports the federal requirements that limited English proficiency (LEP) students be educated appropriately and that local school divisions and states assess both the English language proficiency and academic achievement of LEP students. However, school divisions should be given sufficient funding and flexibility to carry out these mandates. **(pg 16)**

Revenue Alternatives

The FCSB supports addressing the issue of collecting state sales tax on goods purchased on the Internet, or replacement of the loss of this significant source of revenue. **(pg 17)**

School Construction

The FCSB strongly supports the development and funding of adequate and equitable federal programs to assist localities with public school construction, renovation, and major maintenance projects. **(pg 31)**

School Health Services and Student Wellness

The FCSB supports the use of pre-tax dollars for qualified sports and physical fitness expenses as a means to encourage healthy behavior and to encourage booster participation or direct donations to schools for sports or other programs encouraging physical activities. **(pg 32)**

Special Education

The FCSB supports a mandatory funding level for special education that would meet the federal commitment to fund 40 percent of the excess costs of special education. The FCSB also supports authority for local school boards to apply swift and fair discipline to all students regardless of disability status who commit violations involving drugs, weapons, and assaultive behavior endangering others at school or chronically disrupting the education of other students; where the violation is not determined by the student's Individualized Education Program (IEP) team to be a manifestation of their disability. **(pg 19)**

Student Safety

The FCSB supports legislation and program initiatives that contribute to the safety and well-being of students in school and in the community, including character education and mentoring programs. **(pg 34)**

Student Transportation

The FCSB endorses the findings of the National Highway Traffic Safety Administration's April 2002, Report to Congress regarding the safety value of installing safety belts on large school buses: Lap belts appear to have little, if any benefit, in reducing serious injuries and actually could increase the incidence of neck and abdominal injuries. Further, use of belts could delay the rapid evacuation of passengers in an emergency. While the use of combination lap/shoulder belts could provide some benefit, misuse could result in serious injuries. Requirements for lap/shoulder belts could reduce bus capacity requiring the purchase of additional buses to compensate for lost capacity while exacerbating an already serious shortage of qualified drivers. **(pg 35)**

Teachers and Instructional Personnel

The FCSB supports federal individual income tax credits or deductions for teachers who incur unreimbursed expenses for the purchase of instructional materials and supplies for use in their classroom.

(pg 36)

Vouchers, Tuition Tax Credits, and Tax Deductions

The FCSB opposes the diversion of public education funds to nonpublic schools and specifically opposes the use of tuition tax credits, tax deductions, or vouchers as means of reimbursing parents for their children's educational expenses, grades K-12. **(pg 37)**