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Subject: Survey on Mandates
Date: Thursday, November 17, 2011 2:21:38 PM
Attachments: [FCPS RESPONSE Survey on Mandates.xls](#)

Please find attached a listing of specific mandates that are mentioned in the *Fairfax County School Board's 2012 Legislative Program* for consideration by the Governor's Task Force for Local Government Mandate Review. The enumerated mandates represent an initial submission from Fairfax County Public Schools and were identified mindful of the Task Force's request to identify specific mandates representing issues that may be addressed in the very short run.

In addition to the mandates identified in the attachment, there are numerous other examples of mandates in the *FCSB's 2012 Legislative Program* for which the Board requests adequate state funding for the mandate. However, based on the Task Force's assessment that "funding was off the table," the following examples may be beyond the scope of the Task Force's initial review. They are included here for the Task Force's future discussion and consideration.

Standards of Accreditation and Standards of Learning

- (The Fairfax County School Board supports) 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 other grade levels contingent on the provision of additional and adequate state funding to address the technology infrastructure needs required to implement web-based testing in these schools and contingent on the continued availability of paper tests where appropriate for an individual student's needs.

FCPS allocated \$4.3M in FY2012 to comply with the Virginia Department of Education (VDOE) requirement that all Standards of Learning (SOL) tests be administered online for grades 3-12 by spring 2013. Currently, FCPS administers SOL tests online at its middle and high schools and the additional costs are associated with expanding online testing to elementary school.

English Language Learners

- (The Fairfax County School Board supports) 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 assessment will cost almost \$900,000 to administer in Fairfax.

School divisions have a federal mandate in place to assess the proficiency of English Language Learners each year, and the state has selected the WIDA ACCESS for ELLs test as the approved assessment to fulfill this mandate. However, localities are expected to pay the full cost of administering the WIDA ACCESS for ELLs test.

Special Education

- (The Fairfax County School Board 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.

Standards of Quality

- The Fairfax County School Board urges the General Assembly to adopt Standards of Quality reflecting the actual operating realities of local school divisions and 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 Fairfax County School Board supports) 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.

Regarding the second bullet, language already exists under § 22.1-253.13:2

regarding staffing allocations of assistant principals (H.2 "...and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.") Similar language could be extended to other SOQ-related administrative and support positions (librarians H.3, guidance counselors H.4, school based clerical personnel O.8).

This change would not change overall mandated staffing, but it would grant localities more flexibility in fulfilling the existing mandate, therefore there may not be cost savings associated. The flexibility would allow local school divisions to allocate personnel based on need rather than simply to fulfill a particular staffing ratio in each school.

Thank you for the opportunity to provide initial input and we look forward to working with the Task Force going forward.

Jack Dale
Division Superintendent
Fairfax County Public Schools

School District	Name of Person & Title Submitting Comments	Email	Section of VA Code or Regulation*	Topic	Mandate Summary	Rationale for Elimination or Suspension	Number of Hours Spent on Mandate (Estimate)	Cost to Schools
Fairfax County	Dr. Jack D. Dale, Superintendent	JDDale@fcps.edu	Code of Virginia § 2.2-4304A, particularly subsection 2	Cooperative procurement	Restricts school divisions from seeking best possible contract pricing by placing artificial limiting conditions on cooperative procurement.	School divisions should be able to pursue best possible pricing under cooperative procurement.	N/A	Unable to quantify
Fairfax County	Dr. Jack D. Dale, Superintendent	JDDale@fcps.edu	EXAMPLES: Code of Virginia § 22.1-79 and 22.1-92	Required public notice	School divisions are required to post various public notices in "newspapers of general circulation" in their jurisdiction	Readily available venues exist for school divisions to post public notices widely and easily accessible to the public without having to pay for advertising space.	N/A	Cost varies based on number of required public notices annually.
Fairfax County	Dr. Jack D. Dale, Superintendent	JDDale@fcps.edu	Code of Virginia §8.01-390.1	Authentication of school records	School divisions are currently required to send personnel to court to authenticate school records in cases involving anything other than the custody of a minor or the termination of parental rights	School divisions should be allowed to authenticate school records in all matters via affidavit, to parallel authority granted to other political subdivisions of the Commonwealth under 8.01-390. However, school divisions should retain the authority to redact subjective information as specified in 8.01-390.1	Varies by court appearance and number of records requests	Unable to quantify

Fairfax County Dr. Jack D. Dale,
Superintendent

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Code of Virginia §22.1-
79.1

School calendar

School divisions,
unless eligible for
waivers
enumerated in
Code, must start
school after Labor
Day

School divisions
should be allowed
the flexibility to set
school calendars
to best reflect the
needs of their
students and their
local community. N/A

Only for eligible
jurisdictions, the
paperwork
associated with
applying for
waivers.