Mandates Identified for Potential Elimination by the Task Force and Comments from Agencies and Public

Presented to the Governor's Task Force for Local Government Mandate Review on December 9, 2011. This document contains the general mandates (non-education) that were considered for elimination, with the comments recieved from the public and state agencies through December 7, 2011.

01	*Reporting*	**01**

Description:	**GASB Reporting Standards--Virignia law requires local governments report financial information following GASB standards.**
Problem:	The standards require significant internal and external resources and serve little to no purpose for citizens.
Possible Solution:	Revise local government financial reporting requirements to allow local governments to determine the most appropriate standards for reporting while fitting within a state established framework.
Code:	TBD

Comments Received

Organization: **APA** **Retain**

The above comments appear to have mixed two different Code of Virginia sections together. We will provide our response to these three comments below.

Audit Reports

Section 15.2-2511 of the Code of Virginia requires local governments to have audits; this requirement is a policy issue that th General Assembly has made.

The Auditor of Public Accounts has responsibility for providing audit guidance to the independent certified public accountants (CPA firms) employed by the localities to do their audit on any accounting or other matter unique to Virginia. The purpose of this requirement is to reduce audit costs for the locality by having one source to answer, obtain or direct inquiries from the CPA firms, rather than having them need to individually contact state agencies.

The second requirement for the Auditor of Public Accounts in this Code section is to hire a CPA firm if a locality fails to have an audit performed. To date, we have never had to hire a CPA firm to do this work.

CPA firms engaged to perform audits must determine that the financial statements present the information in accordance with the applicable generally accepted accounting principles for the audited entity. The Government Accounting Standards Board is the national recognized organization for setting accounting principles for governmental entities. Recognizing that CPA Firms will use these accounting principles, we encourage localities to follow GASB standards.

Comparative Report

Section 15.2-2510 of the Code of Virginia requires the Auditor of Public Accounts to prepare a comparative report of local government revenues and expenditures. In order to expedite the preparation of the report we have provided local governments a model chart of accounts, which they can use to maintain their accounting records or develop computerized programs to complete the forms.

This report is the only source of information in Virginia that allows someone to compare the operations of different local governments since all of the accounting information is uniform. We conduct a survey approximately once every five years to

determine who are the stakeholders, who uses the report, what information they need or want, and usefulness of the data. The last survey found the information useful and therefore we have continued to prepare the report.

We have explored the possibility of using the local government's audited annual financial report to prepare the report. We have found that GASB allows several different reporting options and these options eliminate the comparability of information and the time and cost of conversion increases. The alternative is to require all local governments prepare their annual reports in the same manner with the same data; however, our previous discussions with localities indicate that this would increase cost further.

Organization: **DOA** **Retain**

Primarily, I associate my comments with those offered by the Auditor of Public Accounts with regard to the adverse impact this change would have on the ability of local governments to be audited. Also, I question the merits of the state issuing its own accounting standards apart from GAAP, since anything short of GAAP would result in a loss of accurate and comparable information on the true economic substance of the results of operations and financial position. Also, while any debt-issuing localities would still follow GAAP in order to obtain a credit rating, lack of GAAP-basis reporting for others could impact the access to Treasury's financing programs.

Organization: **Town Manager, Christiansburg**

GASB reporting should be maintained, there would be no consistency in reporting and bond ratings would be sacrifices.

Organization: **County Administrator, Prince George County**

Prince George County suggests that the APA (Auditor of Public Accounts) could be privatized and save the State one million seven hundred thousand dollars per year.

Organization: **VGFOA** **Retain**

The first item included in the list deals with Government Accounting Standards Board (GASB) reporting requirements. While these requirements are complex and time-consuming, regardless of the state's position, auditors and bond rating agencies will still review state and local finances in terms of GASB requirements. Generally accepted accounting principles for governmental organizations are promulgated by GASB. Deviating from those would risk a qualified audit opinion on state and local government financial statements, put their bond ratings in jeopardy and possibly impede the ability to issue debt.

Organization: **VACO** **Defer**

The Virginia Association of Counties has reviewed the list of mandates posted on the task force's website and VACo would like to reiterate and endorse the comments you received previously from the Virginia Government Finance Officers' Association.

As VGFOA noted, the first recommendations on your list pertain to reporting requirements under Government Accounting Standards Board (GASB) and for the Auditor of Public Accounts (APA). We would recommend that the task force delay any action on these issues until after the 2012 session. Both are complex issues that deserve a measured, careful approach before making any changes.

It has been pointed out relative to the GASB standards, auditors and rating agencies will be examining state and local finances in light of those requirements regardless of state law. Ignoring them or establishing different standards could lead to downgrades in bond ratings. Again, it may be better to defer any action on this recommendation until after the upcoming session. There may not be much that the task force can do in this area, regardless of how desirable that is.

With respect to the recommendations related to the APA's comparative cost report, it would be appropriate to seek assistance from a group of local officials with experience with preparing the input data for the report (e.g., chief administrative officers, managers, budget officers, finance officers, treasurers, etc. to work with the task force on potential changes to the collection and presentation of information in that report. This report is very useful to citizens and local officials, but that does not mean that improvements cannot be made.

Organization: **VML** **Defer**

First, the first recommendations on your list pertain to reporting requirements under GASB and for the Auditor of Public Accounts. We would recommend that the task force not pursue action on these issues in the 2012 session. These are complex issues that deserve a measured, careful approach that is more suitable for work in the interim between sessions.

In terms of the recommendations related to the comparative cost report, you may wish to ask a group of local officials (for example, managers, budget officers, finance officers, treasurers) to work with you on potential changes to the collection and presentation of information in that report. This report is very useful to local officials, but that does not mean that improvements cannot be made.

Turning to the recommendation regarding GASB standards, auditors and rating agencies will be examining state and local finances in light of those requirements regardless of state law. Ignoring them or establishing different standards could lead to downgrades in bond ratings. Again, it may be better to defer any action on this recommendation until after the session. There may not be much that the task force can do in this area, regardless of how desirable that is.

Organization: **Spotylvania County**

Finance is required to follow GASB standards per professional accounting standards for appropriate financial reporting. Rating agencies, bankers, and other financial type institutions rely on this information in making decisions regarding our debt issuance. Finance would continue to follow these standards, regardless of whether it is State mandated.

Organization: **Botetourt County**

Support possible solution - reduce in house & audit costs

Organization: **Town Administrator, Round Hill**

The law requires local governments report financial information following GASB standards. Round Hill agrees that the standards require significant internal and external resources and serve little to no purpose for citizens. Round Hill supports the suggestion that the state revise local government financial reporting requirements to allow local governments to determine the most appropriate standards for reporting while fitting within a state established framework.

Organization: **Town of Blacksburg**

Accountability and stewardship for public resources could be weakened if local government financial reporting requirements are revised to allow local governments to determine the most appropriate standards for reporting. GASB Standards are accepted and recognized accounting standards which provide a consistent standard of reporting governmental financial information. Revising financial reporting standards could also have a negative effect on state and local credit ratings.

Organization: **TRS** **Information Only**

It would seem that allowing local governments to issue financial reports that did not comply with generally accepted accounting principles would result in a loss of accurate and comparable information for interested parties who may depend on such data to represent the true results of operations and financial position.

A question has been raised about the impact on Treasury's issuance of debt for local governments through the Virginia Public School Authority (VPSA). There are no specific requirements for participants in the VPSA programs to have GAAP or GASB based financial statements. VPSA does not complete a credit analysis on each borrower since VPSA financings are general obligation credits of the localities. However, there is a certain degree of comfort derived from the requirement for localities to be audited by the Auditor of Public Accounts (APA), as such are held to certain accounting standards. It is unclear how the APA could provide an audit opinion if the locality does not use established accounting standards. If the reporting standards are somehow loosened, and the locality no longer receives an APA opinion, the VPSA policy may need to be revised.

Use of generally accepted accounting standards may be even more applicable to the Virginia Resource Authority, since they are dealing with localities on true revenue-backed issues and a uniform standard of reporting may be more critical.

Organization: **Town of Appomattox**

[Support]

02	*Reporting*	02

Description: **Non Essential Reporting Requirements--the Comparative Report of Local Government Revenues and Expenditures require multiple forms of reporting.**

Problem: Many reports are redundant and unecessary and provide little to no use for citizens.

Possible Solution: Examine the requirements laid out in the Comparative Report of Local Government Revenues and Expenditures to find redundancies and to ensure only that which is necessary and of use is reported.

Code: TBD

Comments Received

Organization: **APA** **Retain**

See comments to Mandate #1 from APA.

Organization: **County Administrator, Prince George County**

See comments to Mandate #1 from Prince George County.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **County Administrator, Montgomery County**

Eliminate the reporting of redundant and nonessential information

Organization: **VGFOA** **Defer**

Additionally, there are several items included on the list that deal with various aspects of the Comparative Cost Report maintained by the Auditor of Public Accounts (APA). This is a tool used by many local, state and other agencies and we do not feel it should be eliminated in its entirety. We do believe it should be reviewed to determine if there is an opportunity to modify the reporting requirements to make classification of revenues and expenditures more consistent between jurisdictions and to change the submission date so there is less conflict with the independent audits. Given the complexity of the report and short amount of time between now and the General Assembly session, perhaps it would be appropriate to ask the APA to work with a group of local officials over the next year to determine how the process might be improved.

Organization: **VACO** **Defer**

Organization: **VML** **Defer**

Organization: **Botetourt County**

Support possible solution - reduce redundancies

Organization: **Town Administrator, Round Hill**

The Comparative Report of Local Government Revenues and Expenditures requires multiple forms of reporting. Round Hill agrees that the reports contain many redundancies and provide little to no use for citizens. Round Hill supports the suggestion that the state examine the requirements laid out in the Comparative Report of Local Government Revenues and Expenditures to find redundancies and to ensure only that which is necessary and of use is reported.

Organization: **Town of Appomattox**

[Support]

Organization: **Hanover County**

Comparative Cost report does ensure apples to apples and would not propose eliminating product; however comments on how to make product less redundant should be considered.

Description: **Auditor of Public Accounts--current code requires a third iteration of year end financials be submitted to the APA.**

Problem: GAAP only requires two different formats for financial submissions and the third iteration required by the APA is unecesary and not cost effective.

Possible Solution: Modify the APA requirements to be in line with the GAAP reporting standards.

Code: TBD

Comments Received

Organization: **APA** **Retain**

See comments to Mandate #1 from APA.

Organization: **County Administrator, Prince George County**

See comments to Mandate #1 from Prince George County.

Organization: **VGFOA** **Defer**

See comments to Mandate #2 from VGFOA.

Organization: **VACO** **Defer**

See comments to Mandate #1 from VACO.

Organization: **VML** **Defer**

See comments to Mandate #1 from VML.

Organization: **Spotylvania County**

Finance staff is not clear on this "third" iteration.

Organization: **Botetourt County**

Support possible solution - meeting APA req'ts = add'l cost

Organization: **Town of Appomattox**

[Support]

04	*Reporting*	04

Description: **APA Requirements--the APA mandates an annual comprehensive report be submitted by every locality.**

Problem: Many of the information is already available in the CAFR. Requiring an additional report dupicates effort.

Possible Solution: Align APA requirements to those presented in the CAFR.

Code: 15.2-2510

Comments Received

Organization: **APA** **Retain**

Other than the information discussed about the comparative report, the only information that we request from local government is the collection of state revenues by the Constitutional Officers. These collections are not part of the locality's annual audit and some localities do not include this information in their annual audited financial report. Statewide last year, the collections were over $255 million.

The information requested comes directly from the locality's general ledger and requires no special formatting or reproduction. The Constitutional Officers in many cases keep separate records of these collections. Other than this information, we request no other information from the localities on a regular basis.

Organization: **County Administrator, Prince George County**

See comments to Mandate #1 from Prince George County.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **VGFOA** **Defer**

See comments to Mandate #2 from VGFOA.

Organization: **VACO** **Defer**

See comments to Mandate #1 from VACO.

Organization: **VML** **Defer**

See comments to Mandate #1 from VML.

Organization: **Spotylvania County**

We use our CAFR to submit financial information and do not provide additional reports, other than the required Single Audit Report and Comparative Cost Report. Not sure what this mandate refers to.

Organization: **Botetourt County**

Support possible solution - meeting APA req'ts = add'l cost

Organization: **Town of Appomattox**

[Support]

Organization: **Fairfax Co. Public Schools**

As part of a locality's report, school divisions are required to furnish detailed information on revenues and expenditures which are similar to the information already provided to the Department of Education as part of the Annual School Report (due September 15th). The conversion and reclassification of data to meet the Auditor of Public Accounts' requirements are extensive and time consuming.

Description: **Jail revenues and expenditures reporting--current code mandates that all local and regional jails that receive funds from the Compensation Board provide information to the Board on revenues and expenditures.**

Problem: This is redundant because the APA already collects this information.

Possible Solution: Eliminate this mandate.

Code: SOA.CB005

Comments Received

Organization: **Botetourt County**

Support possible solution - meeting CB Req'ts = add'l cost

Organization: **CB** **Retain**

I write regarding the recommendation to eliminate mandate Item SOA.CB005 related to the reporting on jail revenues and expenditures of local and regional jails. The recommendation to eliminate this particular mandate cites redundancy with information collected by the Auditor of Public Accounts.

Pursuant to Chapter 890, Item 67.90 K.1., the Compensation Board is responsible for reporting each year to the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration on the jail revenues and expenditures for all jail facilities in the Commonwealth. This report is commonly referred to as the Jail Cost Report, and was originally developed in 1997, with reporting beginning with FY98.

While the Auditor's Comparative Report contains macro level data for each locality related to corrections expenditures and overall encompassing revenues supporting all aspects of public safety combined, this report in no way provides the detailed level of information available in the Jail Cost Report that executive and legislative staff rely on extensively for information regarding the costs to operate jails in Virginia, and the sources of revenue supporting those jails. Additionally, the Compensation Board's report provides detailed individual jail data regarding sources of revenue that directly support jail operations, and provides cumulative historical data to reflect the changing picture of sources of jail funding. I encourage you to review the quality of the report and the quantity of relevant data that is available as a result of the reporting of this important information by local and regional jails on the Compensation Board's website at http://www.scb.virginia.gov/reports.cfm. On this page, you can select the resulting report for any year of interest.

The continuation of the collection of jail cost and revenue data as currently provided by Chapter 890 results in a report that is valuable both to the Commonwealth and to localities, local and regional jails to compare and contrast their relative financial pictures. Further, the provisions of Chapter 890 related to the reporting of this information provide for the review of audited statements related to inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, and any other fees collected from inmates and investment/interest monies, furthering compliance with specific requirements in the proper handling of each of these types of funds.

Finally, the detailed cost and revenue analysis completed in preparation of the Jail Cost Report is also used, pursuant to Chapter 890, Item 67.30, as the basis for recovery of approximately $9 million per year to the Commonwealth in overhead costs incurred in the housing of federal inmates in local and regional jails funded and staffed by Commonwealth revenues. Based upon the analysis provided in the report, the recovery can be performed in a manner that recognizes only the Commonwealth's actual contribution objectively across each locality and jail, instead of a base methodology that might otherwise reflect a singular recovery formula that may vary substantially from actual revenues per inmate day and affect jails and localities inequitably.

I hope, based upon this additional information, that you will see the added value of this reporting mechanism and consider removing this mandate from your list of those recommended for elimination.

Description: **Contracts for Community Services Board Directors**

Problem: Longer contracts are needed to take advantage of potential cost savings.

Possible Solution: Allow local governments to enter into longer term contracts with board directors.

Code: TBD

Comments Received

Organization: **DBHDS** **Retain**

The Department has several concerns about this Problem statement and the Possible Solutions. Section 37.2-100 defines three types of CSBs; there are 28 operating CSBs that employ their own staff, 10 administrative policy CSBs whose staff are employees of local government, and one local government department with a policy advisory CSB. It should be noted that subdivision A.6 of § 37.2-504 contains no requirement for the executive director of an administrative policy CSB or a local government department with a policy advisory CSB to be employed under a contract at all; presumably that is a decision made by the involved city or county governments.

1. The problem statement identifies potential cost savings. Any cost savings would be doubtful if not non-existent, certainly in terms of salary. If the potential cost savings are related to the administrative cost of processing the contract annual, this cost is extremely minimal for operating CSBs and the BHA since the contract is renewable annually.

2. The fact that contracts can be renewed annually means they are usually already longer term contracts, often for multiple years.

3. Despite language in the Possible Solution, employment contracts for operating CSBs are not between local governments and executive directors, they are between the operating CSB or BHA board and its executive director or chief executive officer (CEO) who are not employees of local governments.

4. This recommendation does not reflect the primary purpose of having the contract renewed annually, which is increased accountability of the executive director or CEO to the CSB or BHA board of directors. Annual renewal permits the board of directors to terminate the executive director's or CEO's employment simply through non-renewal if the situation is not working well. Annual renewal also supports an annual review and updating of the performance objectives and evaluation criteria required to be in the contract by the Code sections cited above.

5. Finally, since this mandate does not apply to administrative policy CSBs or the local government department with a policy-advisory CSB, it is not a mandate on local governments themselves. It is a mandate only on the 28 operating CSBs and the BHA, which are not city or county government departments.

Therefore, based on these concerns, the Department urges that this recommendation be deleted and the mandate be continued.

Organization: **Botetourt County**

Support possible solution - realize potential cost savings

Organization: **City of Roanoke**

[Support further consideration]

07	*CSB*	07

Description: **Community Services Boards--there currently exists an annual contract requirement with the Department of Behavioral Health and Developmental Services**

Problem: Adds little value for citizens served and is only an administrative exercise.

Possible Solution: Eliminate the requirement.

Code: TBD

Comments Received

Organization: **DBHDS** **Retain**

The Department is extremely concerned about the Possible Solution. The Problem statement and Possible Solution reflect a lack of understanding of the public mental health, developmental, and substance abuse services system. The annual performance contracts required by the cited Code sections are the primary accountability mechanism between the Department and CSBs or the BHA; the contracts are the means for funding CSBs and reporting on CSB services to the Governor and the General Assembly. In FY 2011, the Department provided more than $289 million of state and federal block grant funds through the performance contracts to support services to more than 195,000 individuals with mental illnesses, intellectual disability, or substance use disorders who needed services. Therefore, based on this information, the Department urges that this recommendation be deleted and the mandate be continued.

Organization: **Botetourt County**

Support possible solution - current requirement not needed

Description: **CSA State Executive Council**

Problem: Local governments are a major funding partner for CSA however representation on the State Executive Committee does not reflect this fact.

Possible Solution: Give local governments more representation on the CSA State Executive Committee.

Code: TBD

Comments Received

Organization: **CSA** **Retain**

The CSA was passed by the 1992 session of the General Assembly. The law created the State Executive Council (SEC) as the supervisory and policy-making entity for administration of the CSA. Representation on the SEC is established by the Code of Virginia, § 2.2-2648.B. The Secretary of Health and Human Resources serves as the chair of the SEC. The Office of Comprehensive Services (OCS) is the state agency responsible for administration of the CSA and implementation of policies of the SEC.

The CSA initially directed membership of the Council to include seven members including the Commissioner of Health; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Youth and Family Services; and a parent representative. Since initial inception, the membership of the Council has grown significantly to create a body inclusive of key stakeholder representation. The SEC currently has nineteen members with eighteen voting members. The voting membership includes the following:

• Two legislative members (member of the House, member of the Senate)
• Seven state agency heads (Health, DBHDS, DSS, DOE, DJJ, DMAS, Supreme Court)
• One chair of the State and Local Advisory Team (local government representative)
• Three local government representatives
• One public provider (by default, is a local entity)
• Two private provider representatives
• Two parent representatives

In addition to the voting members, the Governor's Special Advisor on Children's Services serves as an ex-officio non-voting member of the Council. In the event of a tie vote, the Chair of the SEC serves as the tie-breaker.

The General Assembly has long recognized the need for local government representation on the State Executive Council and has increased the number of local representatives over the years.

• 1996: Added to the Council "an elected or appointed local official…"
• 2000: The number of local government officials was increased to "two elected or appointed local officials …"
• 2009: The membership was expanded to include "three local government representatives…"

Local government representatives now comprise the largest non-state agency stakeholder sub-group on the Council. In addition to the three specifically designated local government members, there are two additional local government representatives on the SEC by virtue of their roles. The Chair of the State and Local Advisory Team (SLAT) must, in accordance with Code § 2.2-5201, be a local government representative. In addition, the "public provider" member of the Council is by default a local government representative as the sole public provider of children's services purchased through CSA is the local Community Services Board. Thus, local government representatives comprise five out of eighteen voting members of the Council, i.e., 27% of the voting membership.

The Task Force recommendation states that the local representation on the SEC does not reflect that local governments are a major funding partner in CSA. In FY2011, the local share of CSA expenditures was 34.79%. With a voting membership of 27%, the representation of local governments on the SEC does in fact reflect its significant partnership and nearly reflects the level of its contribution to overall expenditures. In contrast, state agency voting members represent 38% of the Council though the state's share of expenditures in FY2011was 65.21%. It must be noted that, by design, membership on the SEC includes representation of far more than "funding partners." An attempt to assure representation on the SEC according to funding contribution runs counter to the clear intent to assure representation of all key stakeholders.

Local governments are the direct implementers of CSA as they administer the use of both state and local funds under the CSA. They plan, purchase, and oversee the services to youth and families. As vital CSA partners, their voice and perspective are

essential in assisting other members of the SEC to understand how policy decisions affect not only local governments, but the children and families served. Other stakeholder groups represented on the SEC, e.g., private providers and parents, have equally vital perspectives on the impact
of policy decisions on services, youth, and families.
The effectiveness of any governing body is impacted by the size of that body. With a current membership of nineteen members, the SEC is a large governing body and its size compromises its efficiency to accomplish its charge. To address this issue, the SEC elected to form an Executive Committee and two subcommittees to focus on essential areas and provide recommendations to the Council at-large. As proposed for ratification by the SEC on December 15, 2011, a local government representative will serve as one of five members on the Executive Committee, one of three members of a Finance Committee, and one of four members of an Outcomes Committee.
Further expansion of the Council proves problematic for several reasons.
1. Increasing the size of the Council diminishes its ability to function effectively.
2. Increasing the size of a particular stakeholder group, e.g., in an effort to match its representation to its financial investment, is inconsistent with the intent that membership of the Council assure representation of multiple key stakeholder perspectives.
3. Increasing membership within existing stakeholder groups on the Council does not further the purpose of the Council in its role of oversight of the CSA. The addition of more members of a specific stakeholder group does not add new or different stakeholder perspective to the body.
The State Executive Council is comprised of representatives of a broad spectrum of stakeholders, each with key interest and significant investment in the CSA. Non-state agency representatives comprise the majority of seats on the Council holding eleven out of eighteen voting seats. Local government interests are currently well-represented on the Council and, in fact, represent the largest subgroup of non-state agency representatives.

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force

Organization: **County Administrator, Montgomery County**

Increase the local government representation on the SEC.

Organization: **Botetourt County**

Support possible solution - level of local expense justifies

Description: **Fire and Police Overtime Pay--current code requires that LEO and fire overtime be paid for annual and sick leave that would normally be counted to work.**

Problem: This is a benefit that is extended to no other class of employee and local governments are having a difficult time funding this mandate.

Possible Solution: Modify to allow local governments to not calculate annual and sick leave in overtime pay calculations.

Code: NSO.125

Comments Received

Organization: **DFP** **Information Only**

No Concerns

Organization: **County Administrator, Prince George County**

Prince George County is concerned of the impact that the possible solution would have on our Police personnel.

Organization: **DCJS** **Information Only**

I see that the Department of Criminal Justice Services is mentioned on page 2 of the list in connection with the statutory requirement (see §9.1-701 , Code of Virginia) pertaining to overtime pay for taw enforcement and fire personnel. However, our agency has no responsibility for enforcing or otherwise administering that requi rement, and we therefore have no comment or recommendation regarding it.

Organization: **Spotylvania County**

Several years ago when this mandate was instituted, Spotsy Co implemented the change for all employees in order to reduce the adm burden of two systems and for fairness to all county staff. This revision would save the county many payroll dollars of excess OT not required by FLSA.

Organization: **Botetourt County**

Support possible solution - costly to localities / not uniform

Organization: **Town of Blacksburg**

This mandate should be repealed because it is more stringent than federal law and places a financial burden on local governments. The calculation of overtime should be consistent for all employees. Repealing this mandate ensures a person is compensated for hours worked beyond 40 hours. The current mandate allows sick time and vacation leave to be included as hours worked when calculating overtime for an employee. Employees will still be compensated for any time worked, the only impact will be at what rate of pay.

Organization: **City of Roanoke**

[Support further consideration]

Description: **Blood Borne Pathogen training--current code requires training on hazmat courses every year.**

Problem: Other inservice training requirements are berformed every two years.

Possible Solution: Modify mandate to allow for biennial training.

Code: TBD

Comments Received

Organization: **DFP** **Information Only**

No Concerns.

Organization: **VSP** **Eliminate**

The Virginia State Police support this solution. The information presented during this training remains fairly consistent. Changes in handling procedures are minor and can be adequately addressed biennially.

Organization: **DOLI** **Retain**

The first entry at the top of page 3 of the chart titled "Mandates Identified in Response to Task Force/ Governor's Request" refers to mandates that are occupational health standards that are included in the federal Occupational Safety and Health Act of 1970, which requires federal OSHA to enforce its regulations nationwide, except in states that apply for and receive approval of a State Plan for occupational safety and health. Virginia received approval as a State Plan state in 1988. State Plan requirements are found in Section 18 of the federal Occupational Safety and Health Act of 1970 and in federal regulation 29 CFR 1902, entitled "State Plans for the Development and Enforcement of State Standards."

The Code of Virginia, Chapter 1 of Title 40.1, Department of Labor and Industry (40.1-1 through 40.1-11.2), provides for establishment of the Department of Labor and Industry and outlines the Commissioner's authority. Chapters 3, 3.2, 3.3, and 9 of Title 40.1, govern the Department's duties and responsibilities for occupational safety and health in Virginia. To view these sections of the Code of Virginia, click on the link below.
http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+TOC4001000

Although Virginia is not mandated by Federal law or regulation to have an occupational safety and health program, responsibility has been delegated to Virginia by the U. S. Department of Labor (USDOL), Occupational Safety and Health Administration (OSHA) through final approval of the Virginia State Plan. The Department of Labor and Industry (DOLI) is the state agency that manages Virginia's State Plan for occupational safety and health.

DOLI's Virginia Occupational Safety and Health (VOSH) Program standards are adopted by the Safety and Health Codes Board (Board), and apply to public employers and employees in the same manner as to
private employers. See Section 30 A.-G. in the VOSH Administrative Manual:
http://www.doli.virginia.gov/vosh_enforcement/voshmanuals/ARM_2006_final_booklet%20workup%20dodge.pdf

The above-mentioned standards require that Bloodborne Pathogen training be conducted annually, and that hazmat responders get annual refresher training. The Board has adopted the federal OSHA 1910.1030 Bloodborne Pathogen standard and the federal OSHA 1910.120, Hazardous Waste Operations and Emergency Response standard.

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force

Organization: **DCJS** **Information Only**

The Department is also mentioned on page 3 in connection with training related to blood borne pathogens and Uhazmat courses· which, according to the description, is required every year. We could find nothing in the Code of Virginia that establishes this requirement for either, and we have no such requirement in our in-service training rules for law enforcement and other criminal justice personnel.

Organization: **Botetourt County**

Support possible solution - biennial training s/b adequate

Organization: **City of Roanoke**

[Support further consideration]

11 *Environment* 11

Description: **Increased dam regulations--The regulations adopted in 2008 raised dam safety standards and required many dams and watersheds across Virginia be brought up to compliance.**

Problem: The pre-2008 regulations sufficed and existing infrastructure that complied with the pre-2008 regulations have handled historic flooding with little to no issues. The new requirements will mean that local governments must now improve dam and watershed in

Possible Solution: Repeal the 2008 DCR dam regulations in favor of the pre-2008 regulations.

Code: 2008 DCR dam regulations

Comments Received

Organization: **Botetourt County**

Support possible solution - 2008 regulations are excessive

12 *Environment* 12

Description: **Erosion & Sediment control programs--currently, construction sites are inspected for E & S performance by the state.**

Problem: Some local governments have their own E & S control programs that must meet identical standards to the state E & S programs. However, construction sites must be inspected by the state and, in some localities, by the local government.

Possible Solution: Eliminate the requirement for state inspection of construction sites for E & S performance in localities where an identical program exists.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - redundant requirement

Organization: **Town of Appomattox**

[Support]

Description: **TMDL & Stormwater Compliance--new developments, redevelopments, and existing developments are required in some cases to comply with numerous TMDL and stormwater regulations.**

Problem: Not only does the compliance with these requirements pose a significant financial burden to local governments and developers, in many cases rural governments lack the ability to attain at a cost effective rate expertise needed to ensure compliance.

Possible Solution: Relax regulations and provide state assistance by way of human resources to rural localities to ensure full monitoring and permitting of these regulations.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Virginia local governments face an estimated cost of more than $7 billion to comply with the Watershed Implementation Plan under Chesapeake Bay TMDL. Localities need additional state and federal funds. The Commonwealth would defeat the spirit of community partnership if it required local governments to undertake unfunded mandates designed to meet the goals of the Chesapeake Bay WIP for the EPA. Prince George County supports the recommendation of the Task Force.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **County Administrator, Montgomery County**

Provide state assistance and funds to pay for the expertise needed to ensure compliance.

Organization: **Botetourt County**

Support possible solution - regulations / complaince is costly

Organization: **Town Administrator, Round Hill**

New developments, redevelopments, and existing developments are required to comply with numerous TMDL and stormwater regulations. Not only does the compliance with these requirements pose a significant financial burden to local governments and developers, in many cases rural governments lack the ability to obtain cost effective expertise needed to ensure compliance. Round Hill agrees that the regulations should be relaxed and that the state should provide technical assistance to rural localities to ensure full monitoring and permitting of these regulations.

Organization: **Town of Appomattox**

[Support]

14	*Environment*	14

Description: **Stormwater fee remittance--current code requires that 28% of all stormwater fees collected at the local level be remitted to the state.**

Problem: Localities are already having a hard carrying out and enforcing the stormwater regualtions and remitting 28% of the fees used to support the program to the state is a heavy burden.

Possible Solution: Eliminate this mandate.

Code: Virginia Stormwater Regulations

Comments Received

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **County Administrator, Montgomery County**

Eliminate the mandate to remit 28% of the fees to the state.

Organization: **Botetourt County**

Support possible solution - mandate is costly / burdensome

Organization: **Town of Appomattox**

[Support]

15	*Reporting*	15

Description: **Annual Recycling Survey Report--Local governments must prepare and provide an annual Recycling Survey Report**

Problem: Compiling the report requires significant staff time because most recycling is done by the private sector. County staff must prepare and mail surveys, follow-up and remind people to complete the survey, compile and send reports to Richmond. The report d

Possible Solution: 1) Eliminate the requirement all together; or 2) Require the report be submitted every 2 or 3 years as opposed to every year.

Code: SNR.DEQ015

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the Task Force's possible solution to eliminate annual reporting.

Organization: **DEQ** **Eliminate**

The Code of Virginia (§ 10.1-1411) requires solid waste planning units (a locality or localities) to develop a solid waste management plan, including plans for waste reduction and recycling. The Code also requires these solid waste planning units to meet specific recycling rates on an annual basis. In the absence of data reporting, there is no way to determine compliance with the statutory recycling rates and DEQ regularly solicits input from stakeholders regarding mechanisms to improve efficiencies in collecting the data. It is our understanding that surrounding states also collect and publish these data. Although there may be some value to the Commonwealth in understanding and publishing long term recycling rates as these data may help drive an expansion of the private marketplace through the creation of new recycling opportunities leading to business growth, the collection of this information is not critical to the agency's core programs.

Organization: **Botetourt County**

Support possible solution - report every 2 to 3 years if at all

Organization: **Town of Blacksburg**

Eliminating the annual reporting requirement will allow jurisdictions that do not value recycling to eliminate recycling programs and/or reduce support for them. Changing the reporting schedule to every 2 or 3 years will likely negatively impact the accuracy of the recycling data; i.e., gathering and compiling recycling data over multiple years can be problematic for firms that do not track the data on a continuing basis; and estimated quantities will be less accurate when done over longer periods.

Description: **Landfill Surface and Groundwater Testing--current mandate requires a monthly report on ground and surface water quality due to landfill offsite migration concerns.**

Problem: Remediating the impact of ground water impact occurs over years and changes on a monthly basis are negligible.

Possible Solution: Modify the requirement to permit annual or semi-annual reports.

Code: TBD

Comments Received

Organization: **DEQ** **Information Only**

The Department is not aware of any mandate for monthly reporting on groundwater or surface water testing in Virginia's solid waste regulations (9 VAC 20-81) or in the Federal Subtitle D program (40 CFR 258 et. seq.). Facilities that are subject to corrective action (the program to respond to groundwater contamination from landfills) may have monthly reporting requirements tied to their remediation system like in-situ injection or groundwater pump and treat systems, or perhaps as part of their Virginia Pollution Discharge Elimination System permit. This would be a site-specific requirement to monitor the effectiveness of the corrective action program at the facility (9 V AC 20-81-260.D.l.c); it is not a statewide mandate.

Additionally, for sites with known groundwater plumes at their property boundary(ies) and adjacent landowners that use private wells for drinking water, monitoring of the property boundary wells may be required at a monthly frequency until such time as the remediation
system is fully operational in order to protect the off-site landowner from exposure to carcinogenic or otherwise toxic compounds in contaminated groundwater. Such a site-specific
requirement may be necessary to protect public health or the environment as authorized under
9VAC20-81-430. At the request of the facility, DEQ will consider amending such site-specific
monthly monitoring requirements based on the specific site conditions/issues.

Organization: **Botetourt County**

Support possible solution - monthly reporting not necessary

17	*Environment*	17

Description: **Cobalt remediation standards--the threshold for cobalt remediation was recently lowered by DEQ.**

Problem: Cobalt is a naturally occuring background substance and the new lower standards capture much of the naturally occuring levels and mandates that local governments remediate these naturally occuring levels even though the intent of the regulation is to reme

Possible Solution: Roll back the DEQ regulation to pre-2010 levels.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

The new standard has placed many localities in non-compliance along with the need to obtain professional services to assist with testing and reporting to meet the requirements of the Department of Environmental Quality (DEQ). Prince George County supports the Task Force's possible solution to roll back the DEQ regulation to pre-2010 levels.

Organization: **DEQ** **Information Only**

DEQ administers the Federal Subtitle D landfill program which requires that every site in the Assessment or Phase II monitoring programs establish a groundwater protection standard (GPS) for each detected groundwater constituent. See 40 Code of Federal Regulations 258.55.(h) and 9 VAC 20-81-250.A.6 Groundwater performance standards (GPS) may be established based on Federal maximum contaminant levels (MCLs), Department approved site-specific background concentration levels, or risk-based alternate concentration limits (ACLs). DEQ has been providing ACLs (using EPA toxicity values) since 1994 to assist the facilities/consultants in proposing appropriate ACL values. The ACL value of cobalt was lowered because EPA determined that cobalt was more toxic than previously assumed. If a site detects cobalt in its groundwater it must set a GPS for cobalt pursuant to Federal and state regulations. Under Federal and state requirements, any facility is allowed to substitute natural site background as the default GPS instead of an ACL if the natural background is higher than the ACL (see 40 CFR 258.55.(h).(3)). Therefore, no landfill site in the Commonwealth is forced to remediate cobalt to below its own natural site background levels. DEQ currently is working with stakeholders to evaluate the way Virginia implements the ACL program and will be considering potential regulatory changes as part of that process.

Organization: **Botetourt County**

Support possible solution - pre 2010 levels are proper

18	*Environment*	18

Description: **Local Landfill Closures--there are currently ongoing reporting and monitoring requirements for all closed local landfills.**

Problem: Administratively burdensome and could serve no purpose

Possible Solution: Eliminate the requirement to monitor closed landfills that have had jo identified problems for 3 or more years.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **DEQ** **Retain**

Closed landfills are required under current regulations (9V AC20-81-170) to monitor for environmental impacts for a minimum defined post-closure care period. For those that are classified as Subtitle Dl (or equivalent) landfills, that minimum time period is 30 years, as specified in the Federal Subtitle D program under 40 CFR 258. For those that are not classified as Subtitle D landfills, that minimum time period is 10 years. The purpose of the monitoring period is to ensure that leachate from the old closed landfills is not adversely impacting groundwater on neighboring properties or otherwise adversely impacting public health. An owner/operator of a facility may ask DEQ to be relieved (or for reduction) of these monitoring requirements based on site-specific information and many have successfully done so.

Organization: **County Administrator, Montgomery County**

Eliminate the mandate to monitor closed landfill with no problems for three years.

Organization: **Spotylvania County**

From a financial perspective, this would reduce the cost of engineering estimates of these costs annually, reduce adm time in preparing the report and reduce the audit costs required to review the report.

Organization: **Botetourt County**

Support possible solution - limit reporting / montoring req'ts (However, this is a federal regulation (40CFR Part 257 & 258)

Description: **Wastewater testing--the state has established additional wastewater testing requirements that include new parameters to test and increase the frequency of others.**

Problem: This will increase the cost to localities of testing because many samples must be sent to outside labs.

Possible Solution: Relax these requirements and examine where minimum thresholds can be raised with little to no adverse environmental impact.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **DEQ** **Information Only**

[Ed. Note: DEQ's submitted comments showed that their response was based on the following revised information:
Description: Wastewater Testing - the state has approved the NELC guidelines overseen by the DGS.
Code: 1 VAC 30, Chapters 45 & 46
Problem: This has increased the cost to localities by additional testing, burdensome documentation forcing smaller noncommercial labs to pay outside labs.
Poss. Solution: Return the lab oversight and inspection to DEQ.]

COMMENTS FROM DEQ: On December 1,2011, DEQ received clarification with respect to this mandate (the clarification being immediately above). Our comments are to the mandate as described in the clarification. It is our understanding that the Department of General Services, Division of Consolidated Laboratory Services (DCLS) through the Virginia Laboratory Accreditation Program (VELAP) works actively with laboratories to ensure compliance with this State mandated accreditation program. The program focuses on continual improvement to laboratory quality systems as well as demonstrating the ability to satisfactorily perform the methods of analysis. It is our understanding that VELAP has received numerous positive feedback statements from Virginia Pollutant Discharge Elimination System permitted (VPDES) facilities regarding the value of this program. The analysis results are used to show compliance with DEQ VPDES permit requirements and DEQ is working closely with DCLS to ensure that when the requirements become effective on January 1, 2012 there is a smooth transition for VPDES permitted facilities.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - limit testing (federal mandate)

Organization: **Town Administrator, Round Hill**

Local wastewater treatment facilities are experiencing an ever increasing financial burden with certain regulations that have been imposed upon laboratory operations and reporting. Facilities around the state are now forced to outsource laboratory testing of local wastewater due to program mandates. Currently laboratory testing and certification mandates are imposed by the Virginia Division of Consolidated Laboratory Services through its regulations for environmental testing laboratories in establishing a program to certify environmental laboratories. Round Hill strongly recommends that the state allow localities a full exemption for non- commercial laboratories or allow the Department of Environmental Quality to resume control of wastewater treatment plant laboratory quality control and inspection, and to eliminate the requirements of the newly enforced NELAC program.

Organization: **Town of Appomattox**

[Support]

20	*Environment*	20

Description: **Fees for Solid Waste Management Facility Permits--current requirements mandate that localities pay this fee on a sliding scale based on tonage.**

Problem: This is unfair to smaller governments who do not have a high tonage.

Possible Solution: Change the mandate to be a flat fee or eliminate all together.

Code: SNR.DEQ012

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the Task Force's possible solution to eliminate fees.

Organization: **DEQ** **Information Only**

The current solid waste annual fee structure was enacted by the 2011 General Assembly in Senate Bill 1007. This fee structure, set forth in Virginia Code § 10.1-1402.1: 1 replaced the sliding scale fees with either a flat fee or ¢/ton fee (depending on the type of solid waste management facility). This fee structure was one of several proposals discussed and considered by stakeholders representing various sectors of solid waste facilities during 2010.
The current fee structure is the result of that stakeholder input and a report of the work of that stakeholder group is available at:
http://www.deq.virginia.gov/export/sites/default/regulations/pdf/Waste Fees Report. pdf.

Organization: **Botetourt County**

Support possible solution - support removal of annual fee

Description: **Solids Waste Management Plans--mandates that local governments develop a solid waste management plan and submit to the state.**

Problem: This mandate provides little to no impact on the actual management of solid waste and each local government should be allowed to operate their own plans without state oversight.

Possible Solution: Eliminate this reporting requirement.

Code: SNR.DEQ014

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **DEQ** **Information Only**

The requirement for developing solid waste management plans (SWMPs) is set forth in § 10.1-1411 of the Virginia Code and encourages the formation of regional solid waste planning units, development and implementation of comprehensive regional solid waste management plans to manage solid waste on long and short term bases (including optimizing needs, resources, and disposal capacities based on demographics). The SWMPs serve as a tool for planning units to develop and implement the solid waste management hierarchy to promote recycling, waste reduction, recycling and reuse storage, treatment, and disposal. DEQ uses data from the plans to estimate statewide solid waste landfill capacity and considers this need when making permit decisions pursuant to statutory mandates. Elimination of this requirement raises the policy question of whether the Commonwealth wants to allow the market to determine landfill capacity needs without state oversight. Elimination of this requirement also would necessitate elimination of requirements that DEQ evaluate need when determining whether to issue a permit for a new facility or expansion of an existing landfill.

Organization: **Botetourt County**

Support possible solution - elim'n of Solid Waste Mgt. Plan

Organization: **Town Administrator, Round Hill**

Round Hill supports elimination of the mandate requiring that local governments develop a solid waste management plan and submit it to the state. This mandate provides little to no impact on the actual management of solid waste and each local government should be allowed to participate in a regional initiative, coordinate and/or operate their own plans without state oversight.

Organization: **Town of Blacksburg**

State oversight is important to ensure that local jurisdictions actually carry through with their commitments for solid waste management. The state mandate to prepare the solid waste management plan may be the sole reason some jurisdictions actually comply with this requirement. Eliminating the reporting requirement will allow jurisdictions that do not value solid waste management reduce support for these programs.

Description: **Solid Waste Management Deputy--current code requires an annual report on the amount of solid waste disposed of by a locality and a differentiation between in and out of state tonage.**

Problem:

Possible Solution:

Code: SNR.DEQ028

Comments Received

Organization: **DEQ** **Information Only**

§ 10.1-1413.1 of the Virginia Code requires DEQ to annually report the amount of solid waste, by weight or volume, disposed of in the Commonwealth during the preceding calendar year. The report must identify solid waste by category and for each category set forth an estimate of the amount that was generated outside of the Commonwealth and the jurisdictions where such waste originated, if known. The report also must include an estimate of the amount of solid waste managed or disposed of by each of the following methods: (i) recycling; (ii) composting; (iii) landfilling; and (iv) incineration. All permitted solid waste facilities (private and public) are required to submit information for this report and the report is regularly requested by a variety of groups, public and private, both nationally and within the Commonwealth. It is our understanding that data from this report are used by businesses to establish new operations in the Commonwealth. DEQ relies on these data primarily to invoice facilities for their state solid waste fees as required by law, however, the information necessary for determining solid waste fees (generally the tons of waste managed) could be requested through a separate mechanism if this reporting requirement is eliminated.

Organization: **Botetourt County**

No solution specified

Description: **VPPA--currently required to report public notice of request for proposals in newspapers of general circulation.**

Problem: This is an antequated and expensive requirement.

Possible Solution: Eliminate this requirement and replace it with appropriate online advertisements and notices in public spaces.

Code: VPPA 2.2- 333 2

Comments Received

Organization: **DGS** **Eliminate**

DGS would support this. Do not know where the Policy Office comes down on this issue.

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **County Administrator, Montgomery County**

Eliminate the mandate to advertise in newspapers.

Organization: **Spotylvania County**

Finance staff agrees our vendors review our procurements online and this would save advertising dollars. This is currently being proposed by VAGP for elimination in 2012 legislative agenda.

Organization: **Botetourt County**

Support possible solution - eliminate / update requirement

Organization: **Town of Appomattox**

[Support]

Organization: **City of Roanoke**

[Support further consideration]

Description: **Procurement of professional services--procedures for acquiring professional services is done in a different manner than for non-professional services and goods.**

Problem: The requirement to rank and evaluate each bidder on an individual basis and not as a group limits the ability to obtain a better result for the taxpayer because it mandates the order in which bidders are evaluated and does not allow bidders to be evaulate

Possible Solution: Allow professional services to be procured following the existing procedures that apply to goods and non-professional services.

Code: VPPA 2.2-4301 3.a

Comments Received

Organization: **DGS** **Retain**

Strongly oppose. Professional services are procured based on qualifications that best match the project scope. It is critical to hire the best qualified professional for the job at hand and not hire a professional based on low bid who may not have the expertise required to successfully complete the project. This is especially relevant in the design of construction projects. An example is the design of the Heating, Cooling and Air Conditioning systems. A mechanical engineer may have experience in simple systems but designing a system for a laboratory requires a higher level of expertise and experience. I believe the proposed solution is short sighted and does not take into account the potential for cost overruns and system failures due to inadequate design. The legal fees associated with correcting the defective work should also be factored into the equation.

Organization: **County Administrator, Prince George County**

Based on the content of the problem statement, we disagree with possible solution. Prince George County proposes no change.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Spotylvania County**

Procurement staff is unclear on the wording of the problem and does not see this difference in procurements as a problem.

Organization: **Botetourt County**

Support possible solution - uniform procurement procedures

Organization: **Town of Appomattox**

[Support]

25	*FOIA & Transparency*	25

Description: **Minimum number of bidders--requires that for procurements that exceed $30,000 a minimum of 4 informal bidders are received as well as a posting of a public notice. The act also allows localities to adopt their own written purchasing procedures where good**

Problem: the minimum bidder requirement for purchases over $30,000 contradicts the ability of a locality to adopt their own procurement policies for goods and non-professional services under $100,000

Possible Solution: 1) eliminate the requirement for a certain number of bidders for procurements over $30,000; 2) allow localities to adopt their own procurement procedures for all procurements less than $100,000

Code: VPPA 2.2-4303 G

Comments Received

Organization: **DGS** **Retain**

Oppose. This provision came into existence because some localities failed to get adequate competition which resulted in higher costs and the continuance of unfair restriction of trade effectively shutting out businesses from competing. However, if localities are required to post solicitation notices on the Commonwealth's electronic procurement system eVA, then the four bidder requirement can be deleted as eVA will automatically send notices to the appropriate number of bidders.

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **County Administrator, Montgomery County**

Allow professional services to be procured using the same procedures as other goods and services and raise the formal procurement threshold for professional services to $100,000

Organization: **Spotylvania County**

Procurement staff agrees it would be appropriate to adopt our own County policies for items under $100k without State requirements.

Organization: **Botetourt County**

Support possible solution - localities to adopt their own

Organization: **Town of Appomattox**

[Support]

Description: **Procurement thresholds--the formal procurement threshold for professional services is $50,000 yet for all other procurements it is $100,000.**

Problem: All procurement classifications should have equal thresholds for formal procurement to ensure uniformity and reduce administrative costs.

Possible Solution: Raise the formal procurement threshold for professional services to $100,000--the level it was before the GA changed it last year.

Code: VPPA 2.2-4343 12

Comments Received

Organization: **DGS** **Alter**

Support an increase to $100,000. The change also needs to be made in 2.2-4303 H

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **County Administrator, Montgomery County**

Allow localities to adopt their own procedures for procurements under $100,000.

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools supports the elimination of this requirement so that School Boards and divisions can have the flexibility to deliver instruction on a schedule that is appropriate to local conditions.

Organization: **Spotylvania County**

Procurement staff believes the current thresholds are a good control for us and would probably incorporate into our policies if eliminated by the State.

Organization: **Botetourt County**

Support possible solution - uniform procurement thresholds

Organization: **Town of Appomattox**

[Support]

Description: **Auction of surplus property--current code mandates that surplus property must first be offered for sale to other local governments and volunteer fire departments.**

Problem:

Possible Solution: Eliminate this mandate.

Code: 15.2-955

Comments Received

Organization: **DGS** **Information Only**

This is a request that has me somewhat flummoxed. The code cite's nexus to surplus property is a reference in 2.2-1124 B.3 which states that DGS, is permitted to dispose of surplus property through public sale or auction to the public, only after it has offered it first to political subdivisions and any volunteer rescue squad or voluntary fire department established per 15.2-955. How is this a burden to localities? They do not want to have the ability to have first call on any state surplus property? My reading of the surplus law appears to apply only to agencies of the Commonwealth.

Organization: **Spotylvania County**

Staff agrees with this change.

Organization: **Botetourt County**

Support possible solution - mandate not necessary

28	*Reporting*	28

Description: **UDA Reporting--current code requires that UDAs be reported to the state.**

Problem: Serves no practical purpose.

Possible Solution: Eliminate.

Code: TBD

Comments Received

Organization: **DHCD** **Information Only**

UDA Compliance Reporting
Although UDAs were first introduced into the Code of Virginia through HB 3202 in 2007 as one component of the transportation initiatives adopted that year, the reporting requirement was not introduced into § 15.2-2223.1 until the 2010 legislative session. Paragraph H obligates localities adopting urban development areas to provide various items documenting their actions to the Commission on Local Government. The Commission, in turn, is obligated to report to the Governor and General Assembly annually on overall compliance with the UDA requirements. The law required the Commission to cooperate with planning district commissions in developing the report format and barred the Commission from imposing an annual administrative burden on localities in preparing the annual report. To as great an extent as possible, the Commission relied on automated surveys to ease local reporting and minimize costs in preparing its initial report, which is available at the Reports to the Virginia General Assembly portion of the Legislative Information System (LIS) and the Commission's web site.

Chapter 22 of Title 15.2 (Planning, Subdivision of Land and Zoning) contains numerous requirements shaping local government regulation of local land use. In most cases, localities are not obligated to report on their activities in this area. However, the legislature indicated its interest in the local activities in two specific areas—the collection and use of cash proffers by localities and local implementation of urban development areas.
In the latter case, the UDA statute requires the state to direct various forms of funding for new and expanded facilities to urban development areas or equivalent areas that accommodate growth in a similar manner. Thus, knowledge of the locally designated areas is related to the obligation placed on various state agencies to fulfill that requirement to the extent possible. Because the UDA statute includes both permissive and mandatory provisions and because localities face statutory deadlines for compliance ranging from July 1, 2011 to February 2013, the Commission needed to survey all Virginia local governments for its initial report. The Commission queried localities subject to the mandatory provisions of the law as well as those voluntarily adopting UDAs or similar growth areas about the status of their activities.
The General Assembly apparently intended the reporting requirement to provide it with information about the effectiveness of policies intended to bring a greater degree of coordination among local land use actions and state administered programs addressing critical and costly investments in infrastructure that are affected by local development policies. The rationale for the UDA approach was to facilitate the use of higher development densities and reduce recourse to less efficient patterns of development. Policy makers in the legislature and the administration may use the information gathered through the report to assess the success of these policies and whether to continue them.
So long as the UDA mandate is in place for localities, and especially until the final compliance deadline is reached in February 2013, the report provides a concise source of information about where and how UDAs have been implemented. However, if the UDA mandate is eliminated and only the voluntary provisions remain, the primary purpose of the report would be mooted and it should no longer be required. What could make sense in the near term, if the UDA mandate remains in place, is to clarify that the report should only address compliance by those localities subject to the mandate. That would limit the scope of the report document and eliminate a majority of localities from having to respond to a survey What might be lost in this approach, is the opportunity to develop a comprehensive inventory of areas designated by Virginia localities for higher density development.

Organization: **Botetourt County**

Support possible solution - requirement not needed

Description: **International Code Council Codes adoption--current state law requires the purchase of the 2012 edition of the International Code Council Code Book.**

Problem: There have no major changes added to the 2012 edition.

Possible Solution: Delay the purchasing of the code books until the 2015 edition is released.

Code: TBD

Comments Received

Organization: **DFP** **Eliminate**

No concerns.

Organization: **DHCD** **Information Only**

Since the adoption of uniform building regulations by the state over thirty years ago, Virginia has pursued a three year cycle of regulatory revision that is synchronized with the triennial development of national model codes by the International Code Council (ICC), its predecessors and other entities. Because the Administrative Process Act (APA) establishes an extensive and highly participatory pathway for the adoption and revision of regulations, Virginia normally begins a new cycle within a year or so of the completion of the previous cycle. The advantage of updating these regulations on a predictable schedule is that new technologies, methods and materials can be brought into use more quickly, providing potential cost savings and other efficiencies to those who construct and occupy buildings. The latest edition of the Uniform Statewide Building Code (USBC), which became effective earlier this year, uses the 2009 ICC model code as a basis.
The eleven 2012 ICC model codes include numerous code changes and alternate ways to design and construct buildings or their components that vary from the 2009 edition. They will ultimately provide the starting point for the Code that the Board of Housing and Community Development will consider for adoption over the subsequent two years.
Even before the Board of Housing completes the next code development cycle, in constructing their projects, designers, builders, contractors and owners may want to reference new technologies and design methods found in the 2012 model codes. Because the USBC is largely a performance-oriented code, alternative methods that meet the performance standard may be used if approved by local officials. Local officials responsible for code enforcement under the provisions of § 36-97 et seq., may have to review construction documents using both the 2009 and 2012 ICC model codes and referenced standards. In addition, by reviewing the provisions of the 2012 model codes, local officials as well as other affected parties may better be able to identify those provisions of the model code that should be modified or excluded from the state's building regulations. Local governments may be able to reduce the number of copies as in previous years. DHCD also pays ICC a fee that since 2006 has made available PDF files for each of our adopted ICC model codes. Localities can use these free read-only access files if budgets are reduced for the purchase of the model codes. Alternately, local governments should recognize that the building code allows localities to recover the cost of their enforcement operations through locally established fees, and maintenance of the appropriate code volumes and reference standards is an important component of local enforcement.

Organization: **County Administrator, Prince George County**

The cost of purchasing code books every 3 years for Inspection personnel should not be the factor in deciding not to provide the safest built environment that we can under the most current codes. Prince George County does not support the recommendation of the Task Force.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - if no major changes made

30 *Transportation* 30

Description: **Airport Property Lease--current code requires that any lease on airport property be approved by the state Department of Aviation.**

Problem: This decision is best left to the local government based on their unique needs.

Possible Solution: Eliminate this mandate.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - not a Botetourt County issue

31 *Public Safety* 31

Description: **Department of Corrections jail inspections--current code mandates that local and regional jails be inspected annually by the DOC.**

Problem: Some jails are accretited by the American Correctional Association which contains all the state requirements. This is thus a duplication of efforts.

Possible Solution: Waive DOC inspections for jails that are ACA accretited.

Code: SPS.DOC001

Comments Received

Organization: **Botetourt County**

Support possible solution - accreditation = inspection

Organization: **DOC** **Retain**

The only identified mandate under our agency's control concerns Department of Corrections Jail Inspections, Current COY §53.1-68 requires " .. . The Board (of Corrections) or its agents shall conduct at least one unannounced inspection of each local facility annually. However, in those years in which a certification audit of a facility is performed and the facility is in compliance with all the standards, the Board may elect to suspend the unannounced inspection based upon that certification audit and the history of compliance of the facility with the standards promulgated in accordance with this section, except in any year in which there is a change in the administration of a local or regional jail .. ,"
The identified problem is that since "some jails are accredited by the American Correctional Association which contains all the state requirements. This (annual inspection) is thus a duplication of efforts," The suggestion is to "waive DOC inspections for jails that are ACA accredited,"
Board of Corrections regulation 6VACI5-40, Minimum Standards for Jails and Lockups, sets the operating standards for Virginia jails. While there are similarities, these standards do not duplicate the ACA standards.
The current COY §53, 1-68 requires an annual inspection of each local facility, with the option of waiving the inspection in years when the facility is in compliance with ALL standards in a certification audit.
The possible solution does not specify whether all DOC inspections are to be waived or only inspections in the year of an ACA accreditation audit. Waiving all inspections would completely remove the jail Board of Corrections oversight. ACA accreditation does not mean that the jail meets Board of Corrections standards and does not require that the jail meet all ACA standards as is required for waiver of an inspection in the year of a DOC certification audit,
Therefore the Department of Corrections recommends that this suggestion not be adopted as it would lessen Board of Corrections oversight of jails and lead to confusion over the standards jails are required to meet.

32 *Education* 32

Description: **School Construction and Renovation Standards--current code mandates that schools to be constructed or renovated meet standards adopted by the State Board of Education, the Uniform Statewide Building Code, and the Superintendent of Public Instruction.**

Problem: This is duplicative in that there are 3 different sets of standards that must be met with little to no state assistance.

Possible Solution: Consolidate the requirements and eliminate redundancies.

Code: TBD

Comments Received

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools supports the consolidation of requirements to a single document and eliminate of redundancies.

Organization: **Botetourt County**

Support possible solution - requirements s/b consolidated

33 *Education* 33

Description: **Sale of School Property--current code mandates that all procedes from the sale of school property go into capital improvement.**

Problem: This decision is best left to the local school system based on their unique needs.

Possible Solution: Eliminate this mandate.

Code: TBD

Comments Received

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools supports the elimination of the restriction that proceeds from the sale of school property must be used for capital improvement. School Boards and divisions need the flexibility to use resources where needed.

Organization: **Botetourt County**

Support possible solution - local schools to allocate proceeds

Organization: **DOE** **Information Only**

This is found in §22.1-129 of the Code. This is a local government issue.

34 *Education* 34

Description: **School year to begin after Labor Day--current code mandates that public schools not granted a waiver by the Board of Education start school after Labor Day.**

Problem: This decision is best left to the local school system based on their unique needs.

Possible Solution: Eliminate this mandate.

Code: TBD

Comments Received

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools supports the elimination of this requirement so that School Boards and divisions can have the flexibility to deliver instruction on a schedule that is appropriate to local conditions.

Organization: **Botetourt County**

Support possible solution - local schools to make decision

Organization: **DOE** **Information Only**

Many bills have been introduced to eliminate this mandate, found in § 22.1-79.1 of the Code, but thus far all have failed. The bills are supported by education organizations and opposed by tourism.

Organization: **Fairfax Co. Public Schools**

(See also Education Items 15, 71, 84, 94, 100, 126). Local school boards should be permitted 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.

35 *Education* 35

Description: **Virginia Public School Construction Grants--current code outlines procedures for local governments to attain grants from the Board of Education for school construction.**

Problem: The state no loner provides this grant and thus this code section should be eliminated

Possible Solution: Eliminate this mandate.

Code: SOE.DOE104

Comments Received

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools does not support the elimination of what is an opportunity for localities to obtain outside assistance in meeting the often onerous capital expenses involved in school construction. This is another tool in the box that could be funded someday, eliminating it throws away an option and reduces flexibility in the future.

Organization: **Botetourt County**

Support possible solution - no longer applicable

Organization: **DOE** **Eliminate**

Sections 22.1-175.1 through 22.1-175.5 of the Code address the Virginia Public School Construction Grants Program. The program is no longer funded and has been eliminated.

Description: **Notification to parents on financial status--current code mandates that the superintendent annually reports to parents and guardians the cost per pupil across the entire system.**

Problem: Any parent or guardian may find this information in the school budget which is usually avaliable online.

Possible Solution: Eliminate this mandate.

Code: 22.1-92

Comments Received

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools supports the elimination of this requirement to provide hard copy to every parent, but it is appropriate to require the electronic posting with hard copy available for individuals unable to access the Internet.

Organization: **Botetourt County**

Support possible solution - information already available

Organization: **DOE** **Information Only**

Section 22.1-92 of the Code permits school divisions to post this information online. Hard copies of this information are required only upon requested by the parents or guardians.

Description: **Contractor's License required for building permit--this requires that proof of a contractor's license be shown before a building permit is issued.**

Problem: Virginia Code 54.1-1111 states that alternatively an affidavit that the contractor is not subject to licensure is a reasonable substitute to a contractor's license. These 2 mandates are in direct conflict.

Possible Solution: Eliminate this mandate and defer to existing code.

Code: NSO.021

Comments Received

Organization: **DPOR** **Information Only**

Section 54.1-111 of the Code of Virginia requires local building officials and revenue commissioners to verify licensure status of contractor applicants for permits and business licenses, respectively. Contractors may meet the requirement by furnishing evidence of a state license issued by the Virginia Board for Contractors at DPOR or, if the applicant is exempt from the licensure requirements (i.e., a homeowner applying for a building permit for his own property), by providing an affidavit declaring such exemption.
Uniform Statewide Building Code (USBC) regulations (13 VAC 5-63-80.D), promulgated by the Department of Housing and Community Development (DHCD), reiterate the provisions of § 54.1-1111. This regulation is reflected in the Catalog as item NSO.021.
The longstanding rationale for requiring building officials to obtain proof of contractor licensure (or exempt status) is to promote public protection by preventing unlicensed or improperly licensed contractors from obtaining building permits. In 2010, the General Assembly applied the verification provision to local business licenses as well, in an effort to prevent unlicensed contractors from skirting state regulation while obtaining or renewing a local business license.
If removing the duplication is paramount, DPOR recommends retaining the Code provisions of § 54.1-1111, in order to provide local prosecutors with adequate statutory justification for pursuing any violations. Criminal enforcement of a statute is often more feasible than enforcing a regulation contained in the USBC.
Ultimately, neither the Board for Contractors nor DPOR is granted jurisdiction over the provisions of § 54.1-1111 (as it governs the activities of local officials), and elimination of the statutory reference while retaining the USBC regulation would not affect agency operations. However, if the USBC regulation is retained in lieu of the existing Code section, the regulatory reference to the statute would need to be deleted.

Organization: **HBAV** **Retain**

HBAV supports the current requirement outlined in 54.1-1111, which mandates that individuals applying for building permit must be a duly licensed contractor, or provide evidence that he is not subject to licensure in Virginia. Such a safeguard for homeowners with home improvement projects or “contract” new home buyers helps ensure that the home improvement work or new construction work will be performed in a “workmanlike manner so as to pass without objection in the trade.” As you may know, when Virginia consumers contract with a licensed contractor, they have direct access to the Virginia Board for Contractors and their many remedies for non-workmanlike construction, and access to the Virginia Contractors Recovery Fund in a worse case scenario. This so-called Mandate should be retained to ensure quality construction continues in Virginia.

Organization: **County Administrator, Prince George County**

The two mandates are not in conflict. One requires that contracting work be done by Licensed Contractors, and indicated on permits. However, there are a couple of instances when a Contractor's License may not be required for a building permit, and 54.1-1111 requires that you state your exception to be a Contractor if applicable, and that you sign an affidavit attesting to the legality of not being a Licensed Contractor.
The contractor license requirements have a minimum "threshold" of when a license is required. Some minimal work can be done by individuals without a license. Also, the Owner of a property may perform contracting work on his own property without first obtaining a contractor's license. These are the types of applicants that would sign an affidavit that they are not legally required to be a Contractor for the permit. All other work requires a Licensed Contractor.

Organization: **Botetourt County**

Support possible solution - defer to virginia code

38 *Environment* 38

Description: **Waste Management Facilities Operators License--code requires a license to operate a waste management facility.**

Problem: There is another mandate that covers this already; SNR.DEQ012

Possible Solution: Eliminate one of the redundant mandates.

Code: SCT.DPOR003

Comments Received

Organization: **DPOR** **Information Only**

The General Assembly established the regulatory program for individuals operating a waste management facility in 1991. State law requires any individual who operates a waste management facility—regardless of whether facility ownership/operations are public or private—to possess a valid license issued by the Board for Waste Management Facility Operators (§ 54.1-2209 et seq. of the Code of Virginia).
Licensing requirements for local government employees are identical to those that apply to the population at large. As such, this item is not a state mandate on local government mandate per se, and should be considered for elimination from the Catalog of State and Federal Mandates.
The regulation of Waste Management Facility Operators is unrelated to facility permit fees assessed by DEQ on local government (SNR.DEQ012).

Organization: **DEQ** **Information Only**

The requirement that "on and after January 1, 1993, no person shall be employed as a waste management facility operator, nor shall any person represent himself as a waste management facility operator, unless such person has been licensed by the Board for Waste Management Facility Operators" is set forth in §10.l-1408.2 and § 54.1-2212 of the Code of Virginia making it easy for the affected parties, the waste management facilities (subject to the requirements of the Virginia Waste Management Act set forth in Va. Code § 10.1-1400 et seq) and the waste management facility operators (subject to the licensing requirements set forth in 54.1-2209 (et seq) to identify the applicable requirements.

Organization: **Botetourt County**

Support possible solution - defer to SNR.DEQ012

39	*Other*	39

Description: **Vending services by the blind--if a vending stand is relocated or removed in a public building the Department of Rehabilitation Services shall have the right to place another stand in its place to be operated by the blind.**

Problem: The necessity of this mandate is questionsed. Also, the state capitol and all legislative offices are exempted from this mandate, however all other public buildings are not. If this mandate is truly a well thought out mandate then why are the capitol an

Possible Solution: Eliminate this mandate.

Code: 51.5-89

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **Botetourt County**

Support possible solution - mandate is not applied uniformly

Organization: **DBVI** **Retain**

This document is in response to the recommendation from the Taskforce for Local Government Mandate Review that the priority granted to the blind to operate vending facilities in public buildings be eliminated. The recommendation erroneously attributes responsibility for this priority to the Department of Rehabilitative Services rather than to the Department for the Blind and Vision Impaired where it truly resides. It also questions the continued necessity of the provision which the Department believes to be of continued value and need.

The Code of Virginia in section 51.5-89 states that "When any vending stand or other business enterprise operated in a public building becomes vacant or a vacancy is created through the construction or acquisition of new public buildings or renovation or expansion of existing public buildings, the existence of such vacancies shall be made known to the Department. ["The Department" refers to the Virginia Department for the Blind and Vision Impaired.] The Department acting on behalf of the blind shall have first priority in assuming the operation of such vending stand or business enterprise through placement of a properly trained blind person in such vacancy. This section shall not apply to vending stands or other business enterprises operated in neither the State Capitol nor the legislative office buildings that shall be subject to the control of the Rules Committee of the House of Delegates and the Rules Committee of the Senate.". This provision extends to public property in the Commonwealth a priority to individuals who are blind similar to one granted in federal law pertaining to property owned or controlled by departments, agencies and instrumentalities of the United States.

This priority has been granted to persons who are blind as a means of promoting self sufficiency and economic independence among a group that is historically underemployed and impoverished. Presently, the need for government at all levels to encourage and support individuals with significant disabilities to become financially self reliant still exist. It is estimated that persons with significant disabilities who wish to work are unemployed at a rate of nearly 70%.

The Business Enterprise (vending facility) Program operated by the Virginia Department for the Blind and Vision Impaired has consistently provided Virginians who are blind with opportunities to manage businesses on public property and to achieve financial stability. The persons licensed and operating within this program also provide employment for others. During last fiscal year, 56 licensed managers who are blind ran businesses in 68 locations while employing 609 fellow Virginia residents.

Currently, the program operates two facilities on properties controlled by municipalities and several others on state property. The number of vending facilities located in municipal buildings varies from year to year, but continues to provide a viable living for two to four individuals annually. If these opportunities in State and local buildings are taken away from persons who are blind, the result will be reduced employment, income and independence for the licensed managers and their employees.

We believe this provision to be of minimal burden to state agencies and localities. We urge that these opportunities not be eliminated for Virginians who are blind. This is one vehicle whereby government can assist citizens with significant disabilities to become taxpayers rather than tax consumers.

The Department cannot provide the rationale for exempting the State Capitol and those controlled by the General Assembly from this provision. We are aware of licensed managers in this program who are managing facilities which are very large and complicated as well as those which are small and requiring no additional employees other than the licensed manager. The targeted population would benefit more by the priority's expansion as opposed to its contraction.

DBVI and the individuals participating in this program are available to address any questions.

Description: **Annual Report of Guardians--state code outlines specific procedures for the filing and reporting of the annual report of guardians**

Problem: The rigurous requirements seem overly burdensome and draining on local government resources.

Possible Solution: Relax these procedures and allow for more electronic submissions to streamline the process.

Code: 37.2-1021

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force. There is little the County can do when guardians fail to tum in the annual report except tell the court.

Organization: **Botetourt County**

Support possible solution - allow for electronic submissions

Organization: **DSS** **Information Only**

As a point of clarification, Title 37.2 falls under the purview of Behavioral Health and Developmental Services, rather than DSS. However, it directly involves local departments of social services. The annual guardian report to local Adult Protective Services (APS) is the only monitoring and review process for court-appointed guardians of vulnerable individuals who are incapacitated by age or disability. Local APS staff review reports for indicators of possible abuse, neglect or exploitation, which are investigated.

Guardianship abuse is rising nationwide, as is the incidence of adult abuse. In Virginia, total reports of abuse, neglect and financial exploitation of vulnerable adults increased by 15 percent from SFY 2009 to 2011. Substantiated cases of financial exploitation increased by 38 percent. The number of guardianship reports filed increased by 32 percent.

Relaxing procedures would leave many incapacitated adults without any review of their safety. Facilitating electronic submissions to streamline the process is feasible but would have a state and local fiscal impact.

Description: **Medicaid Applicants Duplication--current code requires that new medicaid applicants be entered into the Virginia MMIS system. This system cannot track the status of the pending applications so a second system, Medpend, was created that the same applicant**

Problem: This is a clear case of duplication of efforts.

Possible Solution: Review the feasability of developing a new system that consolidates the two existing systems.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Any means of streamlining the process will be greatly appreciated. Although it is a duplication of effort, Medpend is the only means now of tracking an application sent to the agency. Staff is hopeful that once we automate the process next spring that this will become a non-issue. Applications will be submitted online through a web based program.

Organization: **Botetourt County**

Support possible solution - eliminate duplication of effort

Organization: **DSS** **Information Only**

DSS knows of no Code requirement as described. Medicaid applicants/applications are not entered into MMIS, as the MMIS was designed to be an enrollment system rather than an eligibility determination system. Only enrollees are entered into MMIS. The majority of Medicaid applications are tracked in the MedPend system.

The issue of having multiple systems for Medicaid is of concern. Automated solutions are being sought, particularly in relation to system modernization for health care reform.

Description: **Family Partnership Meetings--meetings are now required by the state for foster children at certain times in their lives. An expansion of the requirements is forseen.**

Problem: The staff time and resources to facilitate these meetings is burdensome to local governments.

Possible Solution: Minimize the number of required meetings.

Code: TBD

Comments Received

Organization: **County Administrator, Frederick County**

We oppose the minimization of the use of Family Partnership Meetings, which are now required by the VA Department of Social Services at critical decision points for children in foster care. The use of Family Partnership Meetings, while time consuming, has been a tremendous benefit and has done more to improve the services our Department of Social Services provides to children and families than any other change our DSS Director has seen over her 33 years.

Organization: **County Administrator, Prince George County**

There are 4 major points that a FPM must be done at - at risk of removal, immediately after removal, at change of placement, and at discharge. If a child comes in to foster care- there could likely be 2 FPM right way (one before and 1 after). Then hopefully the following are all to discuss discharge. Unfortunately, we have several children who have a disruption of their foster placement so they end up having a FPM every time we have to change their placement. That is when it becomes challenging. FPM require the attendance of the case worker and the supervisor and any other worker working with the family. FPM always tie up 2 staff but at times can tie up several more. That is the cumbersome part for staff. The meetings are helpful and Prince George has just begun using them in the last 9 months so we are still fine-tuning the process. Staff is on the fence with addressing the frequency issue. For Prince George County, the bigger issue is the required attendance of the supervisor.

Organization: **Stafford County**

The County's DSS Director does not support minimizing or reducing the number of required family partnership meetings. The process is time consuming for local staff, but clearly strengthens families and facilitates permanency for foster children. We would advocate for more resources for local departments to conduct the meetings.

Organization: **Botetourt County**

Support possible solution - revisit required # of meetings

Organization: **DSS** **Retain**

The requirement for Family Partnership Meetings (FPM) is not based in Code, but in DSS guidance. Guidance for CPS and Foster Care provides instruction for when and how to conduct FPM. Implementation of FPM is part of Virginia's Program Improvement Plan (PIP), developed after the last federal child welfare review. DSS must report quarterly to the federal government on FPM activity. Not meeting PIP goals could result in penalties for Virginia.

FPM are currently required at four critical decision points in the CPS or foster care case. No additional requirements are expected. While it is labor intensive to plan, facilitate and provide appropriate follow up to a FPM, localities that have been using them effectively are reporting good results in preventing foster care and in achieving permanency for children who must enter care. This is an evidence based practice that is accepted nationally as a proven strategy for teaming with all parties interested in a particular child's welfare. It enables families and others who care about a child to be part of the planning for that child to keep him safe or provide a permanent home for him as soon as possible. A number of localities that have fully utilized this strategy are reporting being able to shift staff to help with the facilitation of the meetings and to reduce CSA spending. This is a practice that benefits children and families and should be fully supported, not diminished.

Description: **Investigation of child abuse claims--current code requires that local governments investigate claims of child abuse at a juvenile detention center.**

Problem: Juvenile detention centers are exclusively owned and operated by the state. This has the potential to drain resources from local social service programs.

Possible Solution: No longer require the local governments to investigate a matter that has no bearing on that local government because these facilities are owned and operated by the state.

Code: TBD

Comments Received

Organization: **DJJ** **Retain**

Thank you very much for providing the Department of Juvenile Justice (DJJ) with the opportunity to comment on the Governor's Task Force for Local Government Mandate Review's (Task Force's) recommendations for elimination or modification of local mandates. Specifically, DJJ is writing to comment on the Task Force's proposal to no longer require locally-operated departments of social services to investigate claims of suspected child abuse or neglect at juvenile detention centers that are "exclusively owned and operated by the state." In making this recommendation, the Task Force indicates as its rationale that "[t]his has the potential to drain resources from local service programs" and local governments should not be required "to investigate a matter that has no bearing on that local government because these facilities are owned and operated by the state" (page 10, "Mandates Identified in Response to Task Force/Governor's Request").

A.Mandate Authority and Scope

Section 63.2-1503 of the Code of Virginia requires each local department of social services to establish child-protective services which shall be responsible for receiving and responding to complaints of suspected child abuse or neglect. Subsection A states:

…in cases where an employee at a private or state-operated hospital, institution or other facility, or an employee of a school board is suspected of abusing or neglecting a child in such hospital, institution or other facility, or public school, the local department shall request the Department and the relevant private or state-operated hospital, institution or other facility, or school board to assist in conducting a joint investigation in accordance with regulations adopted by the Board, in consultation with the Departments of Education, Health, Medical Assistance Services, Behavioral Health and Developmental Services, Juvenile Justice and Corrections.

The Board of Social Services promulgated regulations to address the investigation of child abuse and neglect in out-of-family complaints, including those in publicly or privately owned facilities where 24-hour care is provided to children separated from their legal guardians (22VAC40-730). This regulation specifically applies to the investigation of child abuse or neglect in "secure custody facilities" and requires the local departments of social services to investigate complaints in "state licensed and religiously exempted child day centers, regulated family day homes, private and public schools, group residential facilities, hospitals or institutions." Any such investigations shall be completed in conjunction with the regulatory authority whose responsibility is to investigate whether there are any regulatory violations or concerns (6VAC35-40-730-40).

DJJ operates six juvenile correctional centers (JCCs) throughout the state. The JCCs house juveniles, up to the age of 21, who are committed to DJJ by a court for a determinate or indeterminate period of time. Local departments of social service investigate complaints of suspected child abuse and neglect in these facilities. The regulatory authority for JCCs is the Board of Juvenile Justice (BJJ), with DJJ acting as its agent.

B.DJJ Recommendation

DJJ does not recommend eliminating this local mandate.

C.DJJ Justification

In recommending the retention of the local mandate, the following justifications are provided:

•Unclear Scope - Definition of Juvenile Detention Centers:

DJJ operates six JCCs in the Commonwealth. These are the only state-operated "secure custody facilities" for juveniles. Additionally, there are 24 secure juvenile detention centers (JDCs) throughout the state. These JDCs are residential facilities providing temporary care for delinquent or alleged delinquent juveniles requiring secure custody pre-dispositionally or post-dispositionally. Twelve of these facilities are locally operated, and 12 are run by commissions (political entities comprised of three or more localities). Moreover, juveniles who are tried and convicted in circuit court may be sentenced to a period of confinement in a local or regional jail or with the Virginia Department of Corrections in a state-operated correctional facility.

The Task Force recommends eliminating the requirement for local departments of social services to investigate complaints of suspected child abuse or neglect in juvenile detention centers. Though the problem and possible solution columns reference "state-operated" facilities, whether this recommendation includes locally-operated or commission-operated JDCs is unclear or includes other secure facilities housing juveniles.

•Bi-furcated System - Other State-Operated Facilities:

Local departments of social services are required to respond to complaints of suspected child abuse or neglect in all state-operated facilities, including hospitals, mental-health facilities (e.g., Commonwealth Center for Children and Adolescents), training-centers, and JCCs. The Task Force recommends eliminating this requirement only for complaints involving "juvenile detention centers." As such, local departments of social services would be investigating complaints in some, but not all, state-operated facilities (all but the six JCCs). This could result in role-confusion regarding what department would conduct the investigations in which state-operated facilities.

•Possible Fiscal Impact to the State - Unavailability of Similar State-Operated Function:

Existing statutes and regulations mandate local departments of social services to respond to complaints of suspected child abuse or neglect, unless directed otherwise by a court. Local departments of social services have established child protective services units devoted to responding to allegations of suspected child abuse or neglect. No other departments are responsible for these functions and are mandated to receive all the training related thereto.

If local departments of social services are no longer responsible for responding to allegations of child abuse or neglect, another agency or department would have to assume this responsibility. As such, the responsible agency would need to be identified and staff would need to be trained and readily available to respond to any complaint alleging child abuse or neglect in the six JCCs. Since such an agency does not currently exist, it would need to be identified and staff would need to be hired and trained to perform this function. This could result in a fiscal impact to the Commonwealth.

•Unclear Future Protections – Placement of Offenders on CPS Registry and Access to Registry Information:

Section 63.2-1514 of the Code of Virginia requires the local department of social services to retain the records of all reports or complaints of suspected child abuse or neglect and records of all founded allegations for 25 years from the date of the complaint. It further requires the state Department of Social Services (DSS) to maintain a central registry of founded complaints. The reports of invalid complaints is accessible only to the local departments for child protective services and the state DSS. Thus any other investigators would not have access to this information. Moreover, § 63.2-1515 of the Code of Virginia gives priority to request for a search of the central registry to local departments of social services and local school boards. Should reports of suspected child abuse or neglect in JCCs be conducted by a non-local department of social services investigator, that individual would not be privy to the same accessibility as the local department personnel.

Moreover, current Board of Social Services regulations restrict the investigating agency to the local department of social services and, as such, individuals employed by this agency are the only individuals who can place a perpetrators name on the central registry in cases of founded complaints. This would result in possible increased risk of additional victims if there were a delay in placement of abuser or neglector information on the central registry.

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **Botetourt County**

Cannot support, as County is a partner in a reg'l detention center

Organization: **DSS** **Information Only**

Currently § 63.2-1503 authorizes only local department of socials services staff (CPS staff) to receive and respond to complaints of child abuse and neglect. It does allow for joint investigations in juvenile facilities and other settings, because these settings are very different from family homes and the juvenile facility staff help navigate the facility rules, culture, or special circumstances. Local CPS staff currently investigates reports of abuse and neglect in state operated hospitals, institutions, or other facilities or public schools. The Code could be revised to authorize specialized staff within the facilities to conduct their own investigations, but there would be costs associated with training those staff and credibility issues with a perceived lack of objectivity when staff internal to the organization are investigating allegations of other staff.

44 *Land Use Zoning* 44

Description: **Wireless Telecommunications Antenna Sites--current code requires that all applications for antennas be decided within 150 days for a new tower or 90 days for a co-located antenna. It also prohibits denying the application based on already existent wirele**

Problem: This places an unecessary burden on local governments and should be a decision the government makes, not the state.

Possible Solution: Eliminate this mandate.

Code: 47 USC 332 (c)(7)(B); 24 FCC Rcd 13994

Comments Received

Organization: **Botetourt County**

Support possible solution - elim mandate; localities to decide

Organization: **Town Administrator, Round Hill**

Current code requires that all applications for antennas be decided within 150 days for a new tower or 90 days for a co-located antenna. It also prohibits denying the application based on already existent wireless service. Round Hill agrees that this places an unnecessary burden on local governments and that these should be local decisions, not the state.

Organization: **Staff** **Retain**

This is a Federal regulation. There is no state involvement.

Description: **Record keeping and retention requirements**

Problem: In general, these requirements are near impossible to meet, over burdensome, redundant, and resource consuming with little to no use served.

Possible Solution: Reform the state record keeping and retention requirements.

Code: TBD

Comments Received

Organization: **LVA** **Information Only**

The Library Board and the Library of Virginia are responsible under the Code for carrying out the provisions of the Virginia Public Records Act.

Records management in the public sector fosters the efficient and effective control of the creation, maintenance, use, and disposition of government records. Public officials are legally responsible for creating and maintaining records that document the transactions of government. These records provide evidence of the operations of government and accountability to its citizens. A sound records management program safeguards vital information, minimizes an agency's risk of litigation, and ensures compliance with federal and state records-retention laws. When a records management program is in place, an agency will save money. Records can be located quickly in response to agency needs and citizen requests, and records that are past their life cycle can be securely destroyed, avoiding expensive storage costs.

A records series is a group of related records that are normally filed together and document a particular function, transaction, or activity. There are 1,135 active records series pertaining to the 33 General Schedules that apply to localities in Virginia. Of those records series, 119 are permanent (representing only 10% of all records series), in many cases by Code mandate, such as adoption, land, and fiduciary records. In fact, many permanent records may be transferred to the Library as archival items, further reducing the strain on local resources. Of the remaining 1,016 non-permanent records series (e.g. election, assessment, sheriff and regional jails, parks and recreation, fire and rescue, and the like) 978, or 89%, have a retention period of 10 years or less.

The Library's records management staff conducts periodic reviews of the retention schedules, endeavoring to maintain the proper balance between government accountability to its citizens and the weight of the responsibility that maintaining records places on local government. The Library maintains a strong working relationship with local records officers and hopes that they would communicate issues/concerns to us. If particular records requirements are causing problems for localities in these challenging fiscal times, the Library's staff stands ready to discuss and examine them to see if adjustments can be made. The Library would welcome knowing which specific records series are causing concern to localities so that we can initiate a review of those requirements, involving local records officers in the review process.

Organization: **Botetourt County**

Support possible solution - elim any redundancy; reform

Organization: **Town Administrator, Round Hill**

In general, these requirements are over-burdensome, redundant, and resource consuming with little to no use served. Round Hill supports the request that the state reform the state record keeping and retention requirements to allow greater local discretion.

Organization: **Town of Appomattox**

[Support]

Organization: **Fairfax Co. Public Schools**

(See also Education Item 124.) FCPS 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. Revision and amendment are particularly important in light of the growth of the use of electronic communications to communicate more quickly and efficiently with the public, including but not limited to web pages and "social media." In addition, FCPS 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.

46 *FOIA & Transparency* 46

Description: **Newspaper Ads--current code mandates that newspapers be utilized for public meeting notices for a local government.**

Problem: This is very expensive to enact and electronic resources could be implemented.

Possible Solution: Modify mandate to allow for electronic advertisements.

Code: TBD

Comments Received

Organization: **Town Manager, Christiansburg**

Only public hearing notices are required to be published in the newspaper; not all public meeting notices. Public meeting notices must be posted in a "prominent public location at which notices are regularly posted and in the office of the clerk of the public body," as well as online (VA Code 2.2-3707(C)). Some citizens still lack Internet access and/or lack the knowledge of how to utilize the Internet to find public meeting and/or public hearing notices. The present mandate ensures that all citizens have a chance to receive notification of a public hearing and have an opportunity to provide comment. Ending this mandate will place an undue burden on citizens without Internet access who might not otherwise see a public hearing notice. The present requirement should continue.

Organization: **County Administrator, Montgomery County**

FOIA- Modify the mandate to allow for electronic meeting advertisements

Organization: **County Administrator, Montgomery County**

Modify the mandate to allow for electronic meeting advertisements.

Organization: **Botetourt County**

Support possible solution - allow electronic advertisement

Organization: **Town Administrator, Round Hill**

Current code mandates that newspapers be utilized for public meeting notices for a local government. Round Hill agrees this is very expensive to enact, and that electronic resources could be used with greater efficiency and perhaps could be a means to reach more citizens. Round Hill suggests modifying this mandate to allow for electronic advertisements.

Organization: **Town of Appomattox**

[Support]

Organization: **City of Roanoke**

[Support further consideration]

Organization: **Fairfax Co. Public Schools**

See Fairfax County Schools comment to #45.

Description: **VFOIA Response Times--current code requires that governments respond within 5 business or request an extension.**

Problem: Most FOIA requests are extended due to the staff time required to fulfill the requests.

Possible Solution: Raise the respnse time from 5-7 days to 7-10 days to decrease the number of extesion requests that must be processed.

Code: Chapter 37, Section 2.2-3704 (B)

Comments Received

Organization: **VSP** **Eliminate**

The Virginia State Police support this solution. Often times the information requested is time consuming to gather. With limited personnel resources, this more relaxed standard provides valuable time to address the request and reduces the time spent corresponding with the requestor regarding an extension.

Organization: **Town Manager, Christiansburg**

Meeting the current response time is rarely a problem for our locality. When an extension is needed, an almost-standard letter is either mailed or emailed to the requestor. The time spent on this process is minimal and raising the response times would not create a cost savings for our locality. It would, however, impact public perception of openness and accessibility to government documents.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - current deadline s/b extended

Organization: **Town Administrator, Round Hill**

Current code requires that governments respond within 5 business days or request an extension from the applicant. Most FOIA requests are extended due to the staff time required to fulfill the requests. Round Hill supports consideration of increasing the response time from 5-7 days to 7-10 days to decrease the number of extension requests that must be processed.

Organization: **Town of Appomattox**

[Support]

Organization: **Fairfax Co. Public Schools**

See Fairfax County Schools comment to #45.

Description: **Notification for zoning changes--current code mandates that localities notify all property owners individually by mail anytime a change in the zoning ordinance affects 25+ parcels.**

Problem: This is over burdensome. Current technology could be utilized to accomplish the same goal but cost significantly less.

Possible Solution: Modify this mandate to allow for electronic communications th be used.

Code: 15.2-2204

Comments Received

Organization: **HBAV** **Retain**

HBAV supports the requirement that local governments notify individual landowners by mail, when they are considering text or map amendments to their zoning ordinance that may affect a landowners property rights (use or density) and the value of their property. This is a simple and straight forward "Good Government" requirement has been imposed on localities in Virginia, at the behest of HBAV. Property rights are very valuable in Virginia, and they should not be diluted or compromised without this very basic and timely direct notification requirement to landowners. Simple publication or publications in a local newspaper can easily be missed by a present landowner, or a landowner that may be away from his property for a short period of time. When such an action is initiated by 3rd parties, they are responsible for the cost of notification. HBAV supports the retention of this reasonable and important "notice" mandate.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - allow electronic notification

Organization: **Town Administrator, Round Hill**

Current code mandates that localities notify all property owners individually by mail any time a change in the zoning ordinance affects 25+ parcels. Round Hill agrees that this is burdensome, where perhaps current technology could be utilized to accomplish the same goal and cost less. Round Hill suggests that this mandate be modified to allow for electronic communications to be used.

Organization: **Town of Appomattox**

[Support]

Organization: **City of Roanoke**

[Support further consideration]

Description: **Certifies Public Librarian--code requires that the head of a public library in a jurisdiction with more than 13,000 people must have a state certification.**

Problem: Unecessary and the costs are shifted at times onto th head of the public library to attain the certification.

Possible Solution: Eliminate.

Code: TBD

Comments Received

Organization: **LVA** **Information Only**

The Code of Virginia and State Library Board regulations require, as a condition of receipt of State Aid to Public Libraries, that the library director at local public libraries receive certification from the State Library Board. To be certified, a librarian must hold a graduate degree in library and information science from a university that is accredited by the American Library Association. This requirement insures a basic level of professional training for the person in each locality charged with overseeing the expenditure of significant amounts of state as well as local funding. In most localities, the occupational classification for a library director requires the same skills and education sets required of upper-level administrative staff of local government. Certification helps maintain the standards of managerial skills among library directors, helping to ensure that libraries are run efficiently and that they effectively meet the changing needs of the citizens in their communities.

The certification requirement is not an unfunded mandate. Virginia currently appropriates more than $14 million a year in state aid to local libraries and up to 25% of a library's state aid may be used to support the library director's salary (since a degreed professional salary is usually higher than positions that do not require an advanced degree). Localities may opt not to fulfill this requirement and instead may take a 25% reduction in their library's state aid grant. In recognition of recruitment challenges in smaller localities, the population at which a certified director is required was increased to 13,000 in FY2006.

No Virginia university offers a master's degree in library and information science, but through the Academic Common Market, Virginia residents are able to earn the degree with in-state status, making the tuition much more affordable. Many schools that offer Virginians in-state status also offer the degree program via distance education. If a library wishes to hire someone as director who does not hold the master's degree and assist them in earning this credential, some funds from the library's state aid grant can be used to defer the director's educational costs. Also, in extenuating circumstances, the Library Board can issue a waiver to this requirement on application from the local library.

Organization: **President, Va. Public Library Directors Association** **Retain**

As president of the Virginia Public Library Directors Association, an association representing more than ninety public library directors in the Commonwealth of Virginia, I wish to inform you of our association's opposition to the elimination of the Certified Library Director Requirement. This requirement is not an unfunded mandate. It merely insures a basic level of professional training for the person in each locality who oversees the expenditure of significant funds received from the state each year. Virginia currently appropriates more than $14 million a year in state aid to local libraries and up to 25% of a library's state aid may be used for salaries of certified full-time librarians.
In many localities, the classification for a library director mirrors the skills and education sets required of upper-level administrative staff of local government. Certification helps maintain the standards of managerial skills necessary to library directors in their work to provide a wide array of services to local communities. Localities may opt not to fulfill this requirement and instead may take a 25% reduction in the library's state aid grant. In recognition of recruitment challenges in smaller localities, the population at which a certified director is required was increased to 13,000 in FY2006.
On behalf of the directors of Virginia's public libraries, I urge the task force to retain the Certified Library Director Requiremer

Organization: **Botetourt County**

Support possible solution - certification not required

Description: **Library Internet Use Policy--current code mandates that all libraries that receive state funds submit an internet use policy to the Librarian of Virginia.**

Problem: This mandate serves little to no purpose.

Possible Solution: Eliminate this mandate.

Code: 42.1-36.1

Comments Received

Organization: **LVA** **Eliminate**

This provision was added to the Code in the late 1990s at the request of several legislators and citizen groups. They were concerned that unfiltered access to the full range of information available on computers connected to the Internet in public libraries might allow library patrons to access illegal or otherwise offensive material that citizens in the community might find objectionable. The intent of this provision was to require each local library to have a policy that stipulates the standards of its community for material accessed via the Internet and outlines any steps the library was undertaking to filter out objectionable material.

The Library of Virginia has no objection to the elimination of this mandate requiring a biennial report, but the Library would expect the same citizen groups that encouraged the passage of this Code provision to object strenuously to its removal. These acceptable internet use policies have served Virginia's diverse library communities well and the requirement of a biennial report ensures that libraries establish and keep their internet use policies current.

Organization: **Botetourt County**

Support possible solution - unnecessary mandate

Description: **Cash Proffers Collection and Temporary Restriction--This mandate requires localities to collect after final inspection and prior to issuance of a certificate of occupancy cash proffers.**

Problem: This could create a problem where occupied structures must be enteres without a certificate of occupancy being on hand.

Possible Solution: Modify the time line of collection of cash proffers to not conflict with a certificate of occupancy requirement.

Code: NAO.108

Comments Received

Organization: **HBAV** **Retain**

HBAV supports the retention of the mandate that localities may not accept per lot cash proffers until after final inspection and before the issuance of a Certificate of Occupancy. This legislative mandate was overwhelmingly enacted in 2010, and again 2011, in an effort to eliminate a significant barrier to the production of new housing and construction job growth in Virginia

Among the impediments to the recovery of the new housing industry and job growth in many markets in Virginia, was the requirement that Per Lot Cash Proffers and other fees had to be paid to localities "UPFRONT". In most circumstances the Per Lot Cash Proffers, which range from $15,000 in the Richmond area to as high as $55,000 Per Lot in Loudon County, had to be paid in conjunction with an Application for a Building Permit. The required Per Lot Cash Proffers were in addition to the thousands ($$$) of dollars that must be paid "UPFRONT" in most cases for water and sewer connection fees, and the substantial amount other fees that are required to be paid to a locality in connection with the Application for a Building Permit.

Such "UPFRONT" required cash payments to local governments, in the current building and banking environment, stifles job production by the housing industry. In the acquisition, financing and production of every new home in Virginia, over 50 local companies go back to work. In most localities, cash proffers fund less than 5% of the localities total capital improvement budget.

It is also very important to remember that Cash Proffers are not required to be paid to localities to offset the impact of a new home on public facilities. They are paid to offset the impact of the occupants on the new home on public facilities. New homeowners CANNOT occupy a new home until a CO has been issued.

HBAV supports the retention of the Mandate that localities cannot accept a Per Lot Cash proffer until after the final inspection of a new home and BEFORE the issuance of a Certificate of Occupancy.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - time line modification needed

Organization: **Town Administrator, Round Hill**

This mandate requires localities to collect cash proffers after final inspection, and prior to issuance of a certificate of occupancy. This could create a problem where occupied structures must be entered without a certificate of occupancy being on hand. Round Hill agrees that the state should modify the time line of collection of cash proffers to not conflict with a certificate of occupancy requirement.

Description: **Consolidation of School and County Administrative Services--current code does not allow for local governments to compel consolidation of administrative services between the schools and the county government.**

Problem: This prohibits the ability for local governments to consolidate functions and activities with the school system.

Possible Solution: Eliminate this restriction.

Code: TBD

Comments Received

Organization: **Fluvanna County Public Schools**

Fluvanna County Public Schools most strongly supports the continuation of the requirement that local school boards have a say in whether consolidation takes place. This should be a local decision between public bodies, not a local mandate. As well, it should be made clear that in the consolidation of support functions, the funding provided by the Commonwealth to school divisions for support activities, which can be significant, will not be provided after consolidation.

Organization: **Botetourt County**

Do not support

Organization: **Town of Appomattox**

[Support]

Organization: **DOE** **Information Only**

This is a local government issue.

Organization: **Fairfax Co. Public Schools**

FCPS would oppose granting authority to local governments to compel consolidation of administrative services between schools and local government. School divisions can and do work together with their local governing bodies to find efficiencies and areas where joint work is appropriate, but a blanket "one size fits all" mandate would not account for differences among governments in terms of size, scope and function. Ironically, many school divisions are larger than their associated local governing body, should they be allowed to compel local governments to consolidate functions with them?

53 *Transportation* 53

Description: **Extension of approvals to address housing crisis--current code allows developers to, in some cases, have until July 2014 to complete and attain specified zoning improvements and approvals.**

Problem: 1) home builders are having a hard time selling homes because develpers have yet to complete road improvements because they are able to extend that until July 2014; 2) since this section does not apply to VDOT, there have been cases where VDOT is enforcin

Possible Solution: Eliminate or narrow the scope of the applicability of developer extensions in some improvements.

Code: 15.2-2209.1

Comments Received

Organization: **Botetourt County**

Support possible solution - narrow the scope for extensions

Organization: **Town Administrator, Round Hill**

Current code allows developers to have until July 2014 to complete and attain specified zoning improvements and approvals due to home builders having a hard time selling homes. Many developers have yet to complete road improvements because they are able to extend that until July 2014. Also since this section does not apply to VDOT, there have been cases where VDOT is enforcing an expiration of a land use permit and bond for public road improvements in a particular subdivision in which the local government has no authority to require the developer to complete the improvement. Round Hill supports the elimination of or narrowing the scope of the applicability of developer extensions for certain critical improvements.

Organization: **VDOT** **Information Only**

This issue appears to most directly affect decision making by local officials. It does not appear that VDOT has a role to play in this particular issue.

54 *Transportation* 54

Description: **Road and Transportation Inprovement Maps--cost estimates must be provided on planned road improvements.**

Problem: This is unecessary and misleading because at this stage in the planning process any estimation of cost is arbitrary and will most assuredly change significantly.

Possible Solution: Eliminate or extend the date of required reporting to a period in which a more accurate cost can be attained.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - extend the reporting date

Organization: **VDOT** **Information Only**

VDOT is not in a position to offer comment on the proposal without additional information .

Description: **Circuit Court Fee Collection--current law requires that circuit court clerks assess and collect a $10 fee per transaction that is then remitted to the supreme court. The circuit clerk must also purchase equipment and supplies from the supreme court.**

Problem: It is unequitable to require the circuit court clerks to collect fees for the supreme court then charge the clerks for supplies and equipment they are legally obligated to purchase from the supreme court.

Possible Solution: a portion of the fees collect should be retained by the circuit court clerks to assist in paying for purchases from the supreme court.

Code: TBD

Comments Received

Organization: **SUPCT** **Retain**

The $10 fee that the General Assembly has allocated to the Supreme Court of Virginia (Supreme Court) is essential to support statewide information technology systems, including the two major systems -- the Financial Management System (FMS), which is used by all 120 circuit courts,1 and the Case Management System (CMS), which is used by 117 of 120 circuit courts. By statute, the Executive Secretary is the administrator of the circuit court system and is required to provide and maintain these two statewide systems as well as "related technology improvements." See Va. Code § 17.1-502. The suggested "possible solution" currently set forth in the mandates chart that a portion of the fees collected for the Courts Technology Fund instead be transferred to individual circuit court clerks (who happen to collect the fees) is not consistent with the overall funding sources for clerks' technology. Nor is the suggested "possible solution" in the best interest of the Commonwealth or the Judicial Branch. It will not save money. Instead, it would reduce funding for the statewide information technology systems maintained and developed by the Judicial Branch by transferring additional fees to individual circuit court clerks in varying amounts depending on how much they collect. Circuit court clerks already collect a fee to pay for their particular information technology needs. See Va. Code § 17.1-279 ("Additional fee to be assessed by circuit court clerks for information technology."). In fact, circuit court clerks currently have two separate funding sources to pay for new systems and their maintenance: the Technology Trust Fund and the Remote Access Subscriber Fee.

Regarding equipment, the mandates summary incorrectly states, "The circuit clerk must also purchase equipment and supplies from the supreme court." Although the Auditor of Public Accounts has recommended that the General Assembly clarify that the Supreme Court has overall authority for all clerk and court information systems,2 we are not aware of a specific requirement that the clerk purchase equipment and supplies from the Supreme Court and suggest clarification and further documentation is needed on this point. Virginia Code § 15.2-1656 provides that localities are responsible for furnishing supplies and equipment to clerks of courts of record. See also Va. Code § 17.1-279 (H) ("Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies."). When clerks are asked to contribute to the cost of personal computer equipment provided by the Supreme Court, their contribution accounts for less than 50% of the actual cost and this is paid for by fees collected pursuant to § 17.1-279. Additionally, most equipment and services are provided free of charge. For example, software licensing agreements, annual hardware maintenance, software for PCs and mainframe computers, disk storage, telecommunications equipment, telecommunications line charges, are all provided without charge. The Supreme

Court also "backs up" all data nightly and provides secure, off-site storage, again without charge to the clerks.

Civil filing fees paid by litigants in circuit court are apportioned to support many essential functions. See Va. Code § 17.1-275. The ten dollars ($10) for the Courts Technology Fund is a small part of the total filing fee collected by the clerks. 3 However, the Judicial Branch uses this funding to maintain and develop the key technology systems used to support circuit courts statewide, which are provided to clerks at no cost, including the statewide e-filing system in development.

As noted in the APA Report in 2006, the Supreme Court has two primary computer systems used throughout the Commonwealth: the Financial Management System (FMS) and the Case Management System (CMS). Supreme Court staff created both systems in 1986 using mainframe technology and subsequently implemented the systems in a majority of circuit courts beginning that same year. "Circuit courts can elect to use these Supreme Court systems, purchase one from another vendor, or develop them in-house." See 2006 APA Report. The Supreme Court recently completed a major upgrade of the Circuit Court Case Management System, which included the development and implementation of a new browser-based front end. Written in Java, this new application leverages the latest technologies, standards, and software development practices.

These critical improvements were made possible at no cost to clerks by the use of Courts Technology Fund money. The Courts Technology Fund is also being used to make similar upgrades to the statewide Financial Management System. Data for both CMS and FMS was also converted to IBM's DB2 relational database using Courts Technology Fund money.

Additional upgrades made using the Courts Technology Fund have included design changes and added functionality. As the Auditor noted, these changes have brought the statewide computer systems to a more modern and easier to use platform. These systems, used in virtually all circuit courts,4 are provided at no cost to the clerks. The Supreme Court relies on the Courts Technology Fund to support the development, enhancement, and maintenance of these systems.

Again as the APA Report notes, the Supreme Court created a Records Management System (RMS) in 1991. Prior to 1991 several circuit court clerks tried to purchase a records management system for their courts but found it very costly and, with their limited budget, not feasible. Circuit court clerks requested the Supreme Court to assist them by building a system that the courts could use and pay for through a service fee. The Supreme Court agreed, and created RMS. More than half of the circuit courts are using the Supreme Court's RMS system. The clerks that do use the Supreme Court's RMS system use the clerks' technology trust fund money to reimburse the Court for its costs and for maintenance fees. Va. Code § 17.1-279 provides:

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a $5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every $5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth pursuant to § 17.1-294; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining andenhancing court records, including, but not limited to, the costs of repairs, maintenance, land records, consulting services, service contracts, redaction of social security numbers from land records, and system replacements or upgrades; and (v) improving public access to court records. ...

Va. Code § 17.1-279 A and B. In order to provide increased support to circuit courts during the ongoing budget crisis, the Supreme Court has not increased the annual maintenance contract fees that it charges clerks for RMS for the last 4 fiscal years; instead, the Supreme Court has been absorbing these increased costs.

For the reasons stated above, it is recommended that Task Force reject the suggestion to transfer

any part to the Courts Technology Fund to circuit court clerks. Transferring a portion of the Courts Technology Fund Fee collected by circuit court clerks directly to the clerks will hinder the Supreme Court's ability to continue to support, maintain and upgrade the statewide computer systems it provides to the circuit clerks at no charge.

Organization: **Botetourt County**

Support possible solution - portion of fees to be retained

Description: **Courthouse Construction--current code mandates that localities construct and maintain court facilities. Additionally, the circuit court can arbitrarily order the construction of a new court with no regard for local finances or CIP plans.**

Problem: Financially burdened localities should not be n the position to be forced to construct new court facilities.

Possible Solution: Eliminate the ability for a circuit court to order the construction of a new courthouse.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County supports the recommendation of the Task Force.

Organization: **SUPCT** **Retain**

The statement in the current draft of the Mandates Chart that "[a]dditionally, the circuit court can arbitrarily order the construction of a new court with no regard for local finances or CIP plans," is not accurate. Pursuant to the Code of Virginia, localities are responsible for providing and maintaining local court facilities. When the circuit court is called upon to determine whether the courthouse is "insecure, out of repair, or otherwise pose[s] a danger to the health, welfare and safety of court employees or the public," the court cannot and does not act arbitrarily. The procedure for the courts to follow is set forth in Va. Code § 15.2-1643. Second, the current process provides for input of the local governing body:

Before a mandamus is issued, if the concerned governing body elects, or if the pleadings allege that the court facilities are in fact insecure or out of repair, or otherwise pose a danger to the health, welfare and safety of court employees or the public, or that a replacement or additional courthouse may be needed, the local governing body shall appoint a five-member panel, three of whom shall be qualified by training and experience as either an architect or a professional engineer, not representing the same firms, to review the court facilities in question and make recommendations to the local governing body and circuit court judge assigned by the Chief Justice concerning the construction or repairs deemed necessary.

* * *

No mandamus shall require a county or city to erect a replacement or additional courthouse unless such replacement or additional courthouse has been recommended by the panel appointed pursuant to the provisions of subsection B.

Va. Code § 15.2-1643(B) and (C) (Underlining added.). Any mandamus must be issued by a judge of a circuit remote from the affected locality, and may be appealed to the Supreme Court.

The suggested "possible solution" to "[e]liminate the ability for a circuit court to order the construction of a new courthouse" leaves unresolved the question of who will decide if repairs are necessary to make a courthouse safe. Moreover, the issue of required local funding has, effectively, been deferred under the 2010-12 State Budget. See item 41.F, which provides:

F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise shall be delayed at the request of the local governing body in which the court is located until June 30, 2012. The provisions of this Item shall not apply to facilities that were subject to litigation on or before November 30, 2008.

For the reasons stated above, it is recommended that the Task Force reject the suggestion concerning courthouse construction. KRH

Organization: **Botetourt County**

Support possible solution - elim circuit court authority on this

57	*Reporting*	57

Description: **Depositing Requirements for State Funds & Estimated Tax Payments--current code requires the reporting and submitting of funds daily.**

Problem: This is a heavy administrative burden that serves little to no purpose and could be relaxed.

Possible Solution: Allow for weekly or monthly reporting.

Code: TBD

Comments Received

Organization: **DOA** **Information Only**

Primarily, this proposal would have an adverse fiscal impact on state interest earnings. Secondary concerns include the adverse impact delayed deposits could have on reporting cutoffs, which for certain deposits could result in timing delays in subsequent related disbursements (e.g., recordation tax). Delays would also impact comparability of monthly and yearly revenue reports, particularly in first couple of years following implementation.

Organization: **Treasurer, City of Chesapeake** **Alter**

Relaxing this daily reporting requirement could be helpful. Since the Commissioner receives the tax due check with the return, they have to process the return prior to sending the check to the Treasurer's office. Near the due dates, the volume becomes very heavy and makes it difficult to meet the daily deposit and reporting requirement. Another scenario where the daily deposit is burdensome is localities with multiple offices. A runner has to travel to each branch to pick up the state funds for the daily deposit, because the state only allows one deposit from the locality each day. That should be changed to allow multiple deposits from one agency on a daily basis.

If relaxed, the requirements should specify the money be deposited daily and reported on a weekly or monthly basis. I am hesitant to go to monthly reporting. If the deposit is made daily and the reporting done weekly, the locality would have to create a spreadsheet to accumulate the detailed breakdown between estimated tax, tax due, tax due penalty, interest and Sheriff's fees that is required by the State.

Currently, each month a locality has to reconcile their deposits to the CARS report. It is easy to verify each deposit to the amount listed on the CARS report. If reporting is relaxed, the CARS report information would have to be redesigned to coincide with the reporting.

If the deposit and reporting are relaxed, although my office would continue to deposit daily, some Treasurer's may elect to go by the relaxed deadline and only make their deposits on a weekly basis. This is not a good business practice.

I probably have given you more information than you need. I believe more thought needs to be given before changing this item.

Organization: **Botetourt County**

Support possible solution - reporting s/b monthly

Organization: **TRS** **Retain**

This would have a negative impact on the Commonwealth in three areas:
•Loss of investment income. The Cash Management and Investments Division of Treasury invests all available funds on the same day that the funds are available. Even a short delay of one week or less would have the potential to have a significant negative impact on investment earnings. Investment earnings are a major source of revenue to the Commonwealth and that revenue has already dropped sharply in recent fiscal years due to historically low interest rates. When interest rates return to a more 'normal' level, any delay in depositing funds will have a more significant negative impact on investment earnings.
•Interruption of Cash flows: Treasury relies on the daily inflow of funds to meet daily financial obligations. On an average day Treasury has more that 100 million dollars flowing in and out of all Commonwealth Accounts (for example the average daily EDI for October was 107 million - for November 140 million) and this does not include state payroll. Treasury relies on the daily deposits from Agencies, Courts, and Localities to meet the daily financial obligations of the Commonwealth and a disruption of the timing of the inflows of monies could have a significant negative impact on the Commonwealths ability to fund the daily outflows of monies.
•Investment Strategy: Treasury's current investment strategy allows for longer term investment vehicles based on anticipated cash flow. If localities remitted funds less frequently Treasury may be required to shorten investment terms in order to meet daily obligations. This would further reduce interest income.

58 *Taxes* 58

Description: **Real Property Tax Exemption for Disabled Veterans--current code mandates that all service disabled veterans be 100% exempt from paying local real property taxes.**

Problem: The code does not take into consideration 1) the value of the property exempted, 2) the economic need of the veteran, or 3) the effect on the local government.

Possible Solution: The exemption should be subject to income and property value criteria.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County will not make any changes to its current practice, but supports the option being offered.

Organization: **Constitution of Virginia** **Retain**

ARTICLE X

Taxation and Finance
Section 6-A. Property tax exemption for certain veterans.
Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this section, so long as the surviving spouse does not remarry and continues to occupy the real property as his or her principal place of residence. The amendment ratified November 2, 2010, and effective January 1, 2011-Added a new section (6-A).

Organization: **Botetourt County**

Support possible solution - apply criteria to the exemption

Organization: **Town Administrator, Round Hill**

Current code mandates that all service disabled veterans be 100% exempt from paying local real property taxes. The code does not take into consideration 1) the value of the property exempted, 2) the economic need of the veteran, or 3) the corresponding effect on the local government. Round Hill agrees that the exemption should give consideration to income and property value criteria.

59 *Reporting* 59

Description: **Annual Assessment Sales Ratio Study--current code mandates that local tax departments make available data to the Tax Commissioner for the assessment of sales ratios.**

Problem: The necessity of this study is questioned. Eliminating this mandate would free up staff resources at the local level.

Possible Solution: Review the necessity of this report and possible eliminate.

Code: SFIN.TAX003

Comments Received

Organization: **Botetourt County**

Support possible solution - necesity of data s/b reviewed

Description: **Board of Equalization Appeals--current code mandates that the burden of proof in a BOE case rests with the local government.**

Problem: In many cases, the local government hires an ouside consultant to make assessments. Local governments should not bear the burden of proof in these cases.

Possible Solution: Modify the mandate to allow for a more equittable burden of proof sharing between the government and the apellant.

Code: TBD

Comments Received

Organization: **County Administrator, Montgomery County**

Modify the mandate to allow an equitable burden of proof between local government and the property owner.

Organization: **Botetourt County**

Support possible solution - modify mandate - s/b more equitable

Description: **Unclaimed Property--current code requires that localities identify, collect, and return property that has been held for specified dormancy periods to rightful owners. Property held more than 1 year must be reported and remitted.**

Problem: This is a very time consuming task and has little to no benefit to the public.

Possible Solution: Establish a threshold ($25) under which this mandate would not apply.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - apply a dollar value threshold

Organization: **TRS** **Information Only**

In accordance with the Code of Virginia, Uniform Disposition of Unclaimed Property Act (Chapter 11.1 Section 55-210.1 thru 55-210.30) the holder reports property that has reached dormancy and has met due diligence requirements to locate the rightful owner, to the Commonwealth of Virginia. Our service to the community is to provide guidelines to enable the holder to report abandoned property in a timely manner, while ensuring the owner property remains available for the owner to claim.

Businesses have wanted to establish a threshold under which reporting would not be required, meaning they would no longer have to track and report these funds. If this is done for localities, it would not be long before businesses would want the same benefit for themselves. A quick estimation of the effect on unclaimed property receipts for 2010 alone shows a potential reduction in the number of accounts reported at 468,951 (not including the aggregate amounts) and the dollar amount of reduction in the neighborhood of $8-11M (total reduction in consideration that all holders would not have to report property below $25). Note that the due diligence process for property less than $100 is not required and can be reported in an aggregate amount.

Although we continue to make the reporting process less cumbersome for the holder, the objective is to protect the availability of funds for the rightful owner. While this request may seem to reduce the liability faced by the holder, the workload required of them remains the same, and the true liability does not go away. They must still track the checks or accounts involved. They will have the same potential liability if the owner comes forward. Note that the localities (and other holders) would still have to report liabilities in this dollar range to other states where required. Although they would no longer have to remit the funds to the Commonwealth for safekeeping, the work of following up on these items should remain. Insofar as localities are involved, would they be allowed to use these funds? No, they are still liabilities on their books. Truthfully, they are better off reporting them as unclaimed property so the liabilities can be transferred to the Commonwealth.

The localities should also be concerned about the potential for abuse and embezzlement of these small accounts. The requirement for them to maintain accountability to the Commonwealth, even for small amounts, enhances their integrity when accounting for the locality's funds. If they get to keep the funds, who is watching to insure they are repaid when appropriate? In other words, we disagree that this effort has little or no benefit to the public. This effort is all about keeping the public institutions accountable, and it provides them with a legal way to relieve themselves of the liability for these small amounts.

Description: **Unclaimed Property Due Diligence--current code requires due diligence be exercised for property $100 or more. Reports are also requried to be submitted.**

Problem: The impacts of this mandate on the citizens is minimal however it takes significant staff time and resources.

Possible Solution: Raise the threshold for due diligence to $500.

Code: Chapter 11.1 Section 55-210-1

Comments Received

Organization: **Treasurer, City of Chesapeake** **Alter**

I believe $500 is too high of a threshold, maybe $300 and then I am hesitant. As servants of the public, it is our responsibility to see that they receive any refund or surplus funds that are due to them. Sure it takes time, but we have many resources at our fingertips which reduce research time to minimal. During these economic times, a $100 is a lot to many taxpayers. One taxpayer, when he discovered he had excess funds, said one word "heat". That money meant being able to provide heat for his home and family.

Organization: **Botetourt County**

Support possible solution - increase dollar threshold

Organization: **TRS** **Retain**

In accordance with the Code of Virginia, Uniform Disposition of Unclaimed Property Act (Chapter 11.1, Section 55-210-1) holders are required to contact owners of property valued at $100 or more by mailing a first class letter to their last known address. We believe the $100 threshold is a reasonable value to maintain for the protection of the rightful owner.
We feel that a further increase in the threshold for the requirement to perform due diligence will result in more money being reported to the Commonwealth, where the holder has not tried to contact the owners to let them know that they have funds available to be claimed. The requirements to track the accounts and determine if they fall into the category of needing a due diligence letter remains. The only difference is a few more accounts will not receive correspondence, saving the holder the cost of a postage stamp for each new account below the limit. If owners are not contacted, they do not make claim, and the account must then be reported as unclaimed. Funds that are not claimed are not available to be spent by the owner.

One of the major complaints received from claimants is their concern about why the holder did not let them know about the account. Even in current circumstances where a due diligence letter should have been sent to the last known address of the owner, and that address is still correct, the claimants indicate that they have never been contacted about the account, and they hold the company responsible for them having to work through us to reclaim their money. This will be worse if the threshold is increased again.

In our opinion, accounts, credits, outstanding checks and other items that do not have due diligence required are more prone to potential embezzlement.

63	*Reporting*	63

Description: **VCCS Reporting--VCCS requires a monthly report on the accruals under the Workforce Investment Act.**

Problem: Accruals are almost always done on an annual basis and this mandate has led to the establishing of more work to format the data.

Possible Solution: Make this report annual.

Code: TBD

Comments Received

Organization: **VCCS** **Retain**

The VCCS is required by federal policy to report quarterly to the U.S. Department of Labor on the financial status of the awards it issues under the Workforce Investment Act. This quarterly reporting must be done on an accrual basis per 20CFR667.300 (c)(3). In order for VCCS to be in position to comply with this federal requirement, the VCCS must receive the financial status reports from all sub-recipients on an accrual basis monthly. Moreover, movement to a anything less frequent than monthly accrual based reporting may add an administrative cost burden to sub-recipients and to the Commonwealth through the process of reconciling the monthly and quarterly records and reports.

Organization: **Botetourt County**

Support possible solution - make report annual

Description: **Comprehensive Animal Care Laws--state code outlines extensive administrative requirements for animal care, licensing, fees, etc.**

Problem: This is a local issue and is best left to local governments.

Possible Solution: Eliminate this restriction or allow for more local control.

Code: 3.2-6529

Comments Received

Organization: **County Administrator, Prince George County**

The elimination of this restriction could possibly have a detrimental impact on various operational requirements to include specialized training. Without the current guidelines, an increase for calls related to animals would certainly increase and the potential for infectious diseases (e.g. rabies) may be seen in the community. Prince George County does not support the recommendation of the Task Force.

Organization: **VDACS** **Retain**

Rabies Vaccination Reporting

Section 3.2-6529 of the Code of Virginia, Veterinarians to provide treasurer with rabies certificate information; civil penalty.

VDACS concurs that Virginia's local governments are best placed to determine the merits of retaining this mandate. This mandate was established in 2007 with the intent of increasing compliance with dog licensing requirements. It requires that veterinarians forward information regarding each dog vaccinated against rabies to the local treasurer of the jurisdiction in which they practice, and that treasurers take actions to ensure the licensure of such dogs including forwarding information to other jurisdictions if the owner of the dog resides elsewhere. VDACS defers to local governments to determine if the costs of compliance with this mandate exceed the benefits realized.

Provision of Veterinary Care to Impounded Animals

Section 3.2-6546 of the Code of Virginia, County or city pounds; confinement anti disposition of animals; affiliation with foster care providers; penalties; injunctive relief and Section 3.2-6503 of the Code of Virginia, Care of companion animals by owner; penalty.

These statutory mandates require the impoundment of companion animals by local governments under certain circumstances, and the provision of adequate care including veterinary treatment when needed to impounded animals. Impounded animals (other than those surrendered by their rightful owner) are subject to a holding period to allow their rightful owner the opportunity to claim them. During this holding period, veterinary treatment must be provided in order to prevent suffering or disease transmission. Section 3.2-6546 does allow euthanasia in lieu of veterinary treatment within the holding period ifan animal is critically ill or injured.
It is not clear to VDACS if the commenting local government is suggesting that the statutorily mandated holding period be waived for animals not critically ill or injured but nonetheless requiring veterinary treatment to allow for early euthanasia, or that the holding period be maintained but no veterinary treatment provided. VDACS does not feel that either approach would best serve the citizens of the Commonwealth. It is generally not possible to conclusively determine that an animal is un-owned or otherwise not likely to be claimed when first impounded, and therefore removing the requirement of veterinary care either through early euthanasia or allowing an animal to suffer or transmit disease to other impounded animals will result in situations that fail to protect the property rights and bonds of affection that citizens have in and for their companion ani mals.

Inspection of Commercial Dog Breeding Facilities by Animal Control Officers for Compliance with State Regulations

Section 3.2-6555 of the Code of Virginia, Position of animal control officer created.

This mandate requires that animal control officers inspect each commercial dog breeding facility as defined by statute at least twice annually to ensure compliance with state animal care laws and regulations. The intent of this mandate is to ensure compliance with statutory animal care, recordkeeping, and population limits established by the 2008 Session of the General Assembly. The Board of Agriculture and Consumer Services has to date not enacted any regulations concerning commercial dog breeding facilities. Animal control officers are therefore only responsible for ensuring compliance with the Code of Virginia, and not ensuring compliance with any provisions of the Virginia Administrative Code promulgated by this or any other state agency.

Organization: **Botetourt County**

Support possible solution - allow for more local contrl

Organization: **City of Roanoke**

[Support further consideration]

Description:	**Disaster Pet Planning/Animal Protection--current code mandates that localities coordinate with VDEM in developing emergency response plans to address the needs of individuals with household pets and service animals in the event of a disaster.**
Problem:	The necessity of this mandate is questioned. Elimination would free local resources.
Possible Solution:	Review and possibly eliminate.
Code:	SPS.VDEM013

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County would like to maintain a required structure as it relates to the care of animals during a disaster. The County currently has this included in our Emergency Operation Plan (EOP) and feel that it is a service much needed. Knowing that each jurisdiction would be required to have a plan allows for greater communication. Prince George County does not support the recommendation of the Task Force.

Organization: **VDEM** **Retain**

VDEM asks that this be retained.

Organization: **VDACS** **Retain**

Incorporation of Household Pets and Service Animals in Emergency Planning

Section 44-146.18 of the Code of Virginia, Department of Emergency Services continlLed as Department of Emergency Management; af/ministration and operational control; coordinator and other personnel; powers and dILties.

Though Title 44 of the Code of Virginia is largely the purview of the Virginia Department of Emergency Management, VDACS has an active Pet Sheltering Program as part of the Office of Animal Care and Health Policy in order to support state and local emergency pet sheltering planning and operations. Therefore, retention of this mandate requiring the incorporation of household pets and service animals into emergency planning efforts by local governments is of considerable interest to VDACS.
The federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Pets Evacuation and Transportation Standards Act of 2006, requires that state and local emergency plans take into account the needs of individuals with household pets and service animals before, during, and after an emergency. The Federal Emergency Management Agency's Public Assistance Program requires that both state and local governments respect this federal mandate in order to qualify for federal assistance in emergency management; failure to include household pets and service animals into emergency planning could therefore result in a local government being ineligible to receive any reimbursement from the federal government following a disaster response (for all response efforts, not just those relating to household pets and service animals). The Code of Virginia was amended in 2007 to reflect this federal mandate and not to create a new or expanded mandate.
Both nationally and in Virginia, the public has demonstrated considerable interest in the plight of companion animals during and following disasters. The unwillingness to leave pets behind has been repeatedly identified as a major obstacle to effective mass evacuations.
VDACS's Pet Sheltering Program has worked with localities across the Commonwealth to develop and enhance their capability related to household pets and service animals in evacuation and sheltering planning efforts. VDACS has also facilitated the delivery of $494,682.00 in federal grants directly to local governments to support these activities. Retention of this mandate is critical both to ensuring the Commonwealth's ability to secure federal reimbursement for eligible disaster responses and in ensuring the safety and wellbeing of its citizens.

Organization: **Botetourt County**

Support possible solution - review mandate

66	*IT*	66

Description: **VITA Health Department--current code requires that health departments paid by the cooperative budget utilize IT services provided by VITA.**

Problem: VITA recently oursourced their IT services to Northrop Grumman and the costs have risen significantly.

Possible Solution: Modify mandate to allow the local health departments to determine which IT service is best for them.

Code: TBD

Comments Received

Organization: **VDH** **Information Only**

1. This creates a potential security risk in that most outside vendors providing IT services are not covered by HIPAA or the Commonwealth's Security policy. This could put citizen health data at risk.

2. Should local health districts opt to not use VITA, all IT hardware would have to be returned to Northrop Grumman. The health district would then have to incur the cost of buying all new hardware and paying for its installation as well as the cost of new software licenses and wiring of their buildings.

3. Local Health Districts do not currently have the technical expertise to handle infrastructure services on their own.

4. This places the VDH Central Office and local health districts on different IT platforms should LHD's purchase services outside VITA. This could potentially create a compatibility issue between the central office applications and those used by the local health districts.

5. No study has been done to document that the cost to a health district would be less than they are currently paying VITA. It is not an accurate comparison to consider current costs and pre-VITA costs because substantial costs were underwritten by the central office prior to VITA.

6. In a public health emergency, lack of compatibility and full access to COVA enterprise communications and automated systems could compromise the public health response.

7. Fixed agency VITA costs that are currently spread among work units may rise for those that remain in VITA when others drop out.

Organization: **VITA** **Information Only**

VITA would like to highlight three issues related to the following possible solution: "Modify mandate to allow the local health departments to determine which IT service is best for them."

(1) Use of IT services from vendors other than VITA would create security risks to citizen health care data. VITA/NG pro-actively manages the security of CoVA's IT infrastructure 24x7x368 to prevent authorized access to networks and citizen data.

(2) The current integrated IT environment that places the VDH Central Office, local health districts, and the rest the executive branch on the same network provides operational benefits and efficiencies that will be lost if the local health districts are on a separate network.

(3) Under the contract with Northrop Grumman, removal of the local health districts would not result in a net cost reduction for the Commonwealth. Instead, it would lead to the remaining agencies paying incrementally more for the same service.

Organization: **Botetourt County**

Support possible solution - allow local health depts to decide

Description: **Local Use of Transportation Funds--current mandates require oversight from VDOT on certain local road projects.**

Problem: This mandate is unecessary as it only adds additional personnell to a road project and local officials could be trained and perform the same oversight duties as VDOT officials while not tying up VDOT resources.

Possible Solution: Modify mandate to allow for a VDOT certification for local governments to attain or eliminate all together with conditions.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

Prince George County does not support the recommendation of the Task Force.

Organization: **Botetourt County**

Support possible solution - use of VDOT certification for local gov'ts

Organization: **VDOT** **Information Only**

On the first comment regarding oversight, we have begun a self-certification program for the Urban Construction Initiative and Virginia Beach is the first locality to be approved, and we will continue to work with cities and towns participating in the Urban Construction Initiative to get them to the same level as Virginia Beach.

However, there are many federal, and some state, requirements that have a bearing on how transportation dollars must be spent and it is critical to ensure that these federal and state requirements are followed. There are many occasions where the requirements are not followed, which then jeopardizes the federal funding for the project.

Organization: **Town of Appomattox**

[Support]

Description: **Six Year Secondary Improvement Plan--current code requires that local governments publish a 6 year plan that outlines secondary road improvements.**

Problem: This is unecessary when there is no funding for these planned improvements.

Possible Solution: Eliminate.

Code: TBD

Comments Received

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Do not suport solution; rather, require updates every 2 - 3 years

Organization: **VDOT** **Eliminate**

If there is no additional funding, any reallocation of funding, or any change in the projects included, there may be merit in not requiring a posting and public hearing. However, this would likely require a statutory change.

Organization: **Town of Appomattox**

[Support]

Description: **Coordination of State and Local Transportation--local governments must submit plans, plan amendments, and rezoning proposals that affect transportation on a state highway to VDOT.**

Problem: This is redundant to traffic evaluations that are performed at the local level and add no value over and above local analyses.

Possible Solution: Eliminate.

Code: Chapter 527

Comments Received

Organization: **HBAV** **Information Only**

HBAV would inform the Task Force that significant changes were made to VDOT Chapter 527 requirements during both the 2011 Legislative Session and subsequently this fall, by the Commonwealth Transportation Board and CTB Commissioner Whirley. HBAV recommends that before the Task Force continues with this recommendation, it become familiar with the significant changes to the VDOT Chapter 527 changes that have been made in 2011. For example, the VDOT requirement for traffic impact statements in conjunction with by-right development was terminated by the state legislature, and the CTB threshold for traffic impact statements in conjunction with a residential or commercial rezoning was increased to 5,000 vehicle trips per day (500 new homes or 450,000 square feet of new commercial space), thus returning most of that responsibility to localities.

Organization: **County Administrator, Prince George County**

Some relief is necessary in that all projects should not require VDOT review. However, many localities do not have a Transportation Engineer on staff and shifting the review to the locality may become a burden. VDOT regulations were recently changed to no longer require a TIA (Chapter) 527 for a site plan or subdivision. The locality is now responsible for reviewing the potential impacts of a new development, while VDOT is reviewing primarily the connection to the public right-of-way.

Organization: **Botetourt County**

Support possible solution - eliminate

Organization: **Town Administrator, Round Hill**

Local governments must submit plans, plan amendments, and rezoning proposals that affect transportation on a state highway to VDOT. Round Hill supports that these review requirements be eliminated as this process is redundant to traffic evaluations that are performed at the local level and adds no value over and above local analyses.

Organization: **VDOT** **Information Only**

While many local governments perform a number of similar studies, not all local governments do so. Moreover, with the statutory and administrative changes to the 527 process mandated by the General Assembly this year, many of the concerns may have been already addressed.

Organization: **Town of Appomattox**

[Support]

Description: **Bus Shelter Permitting--current code mandates that us shelter permitting go through DGS procedures which takes 8 weeks.**

Problem: The vast majority of bus shelters are a stand alone kit and already meet Uniform Building Code Standards. The additional permiting through DGS for a routine bus shelter installation seems unecessarilly burdensome.

Possible Solution: Modify the code to allow for blanket permitting of bus shelters and to allow for a 3 year permitting as opposed to the newly established annual permitting.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - allow for blanket permitting

Organization: **VDOT** **Information Only**

Based on description provided, this appears to be an issue for the Department of General Services.

Organization: **DGS** **Information Only**

DGS issues a prototype permit for the structure of the bus shelter. VDOT issues, under their annual permit authority, a site permit for each location. The local building official inspects the work. DGS does not review each individual shelter.
Since the typical structure used for bus shelters changes at least once a year allowing a prototype permit for 3 years would not help the process a prototype for 3 years would be inconsistent with VUSBC "Annual Permit" process Section 110.2.

71	*Transportation*	71

Description: **Watch for Children Signs--current code does not allow for local governments to install these signs.**

Problem: This is akin to parking enforcement signs that local governments are allowed to install under a blanket permit.

Possible Solution: Eliminate this code and allow for these signs to be installed under a similar blanket permit used for parking enforcement signs.

Code: 33.1-210.2

Comments Received

Organization: **County Administrator, Prince George County**

Assuming the locality will be able to pay for the signs out of their VDOT Secondary Six Year budget, Prince George County supports the recommendation of the Task Force.

Organization: **Botetourt County**

Support possible solution - allow for blanket permitting

Organization: **VDOT** **Retain**

As long as signs are in the VDOT system and VDOT is responsible for maintaining those signs, VDOT should control the manner, method, and location of all such signing. There are a number of traffic engineering issues involved in placing signs. If local governments were given authority with regard to sign placement, they should follow the same standards, warrants, and requirements that VDOT follows in determining whether a sign should be placed and its location.

Organization: **Town of Appomattox**

[Support]

72 *Transportation* 72

Description: **Secondary road projects through Richmond--current code requires that all secondary road projects, once approved by a regional VDOT directors, must go to Richmond for further approval.**

Problem: This is overly time consuming considering the fact that the VDOT District Director follows the same standards as the Richmond office. Design waivers and exceptions could also be approved in the district offices.

Possible Solution: Modify this mandate to allow for secondary road projects to only need approval from the District Director.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - allow for approval in district offices

Organization: **VDOT** **Information Only**

- VDOT believes that the new Tiering process for projects addresses the Task Force concerns in this recommendation.
- The districts now have approval authority (i.e., no Central office oversight) for all maintenance schedule work and all non-federal oversight construction contracts less than $5M, which should cover a majority of secondary road projects.
- However, design exceptions for all projects still require the VDOT Chief Engineer's approval.

Organization: **Town of Appomattox**

[Support]

73 *Transportation* 73

Description: **Red Light Cameras--VDOT currently requires cities to submit for approval the intersections that a locality wishes to place a red light camera at.**

Problem: Towns and Cities are responsible for their own road maintainance and this should be under local control.

Possible Solution: Eliminate this requirement.

Code: TBD

Comments Received

Organization: **Botetourt County**

Support possible solution - eliminate requirement

Organization: **VDOT** **Eliminate**

VDOT does support this recommendation for red light cameras in cities and towns which maintain their own roads. However, it would require a statutory change.

74	*Transportation*	74

Description: **Bike and pedestrian trail storm water regulations--current code requires that bike or pedestrian trails which are constructed on a roadway that was previously exempted from storm water runoff regulations contain implementation for storm water runnoff regu**

Problem: This is over burdensome and cost prohibitive. This has resulted in many bike and pedestrian trails not being constructed.

Possible Solution: Eliminate this mandate.

Code: TBD

Comments Received

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - eliminate mandate

Organization: **VDOT** **Information Only**

VDOT does not hold an opinion on this recommendation and believes it is an issue for the Department of Conservation and Recreation.

Description: **Mandated Land Use Requirements--state code requires the inclusion of several elements in a local land use plan such as cluster zoning, urban development area designations, and by-right temporary family healthcare structures.**

Problem: These requirements impede on the ability of a local government to make land use decisions in the best interest of their unique demographics and community concerns.

Possible Solution: Relax these requirements to give more local control to local governments to deal with land use cases.

Code: TBD

Comments Received

Organization: **DHCD** **Information Only**

Over the years, the legislature has amended numerous provisions of Chapter 22 of title 15.2 (Planning, Subdivision of Land and Zoning) to incorporate specific items such as those cited by the List of Mandates. In a sense, these accretions acknowledge the central role of local land use decisions in shaping the physical or spatial character of communities and therefore the importance of assuring that local policies also incorporate the legislature's established priorities.
Because no executive branch state agency has administrative or appellate authority over local land use decisions, none are directly responsible for administering the specific examples cited in the List of Mandates or, indeed, other provisions of the enabling legislation.
Some of the provisions noted are applicable only to localities based on certain populations densities or growth rates (e.g., cluster zoning in § 15.2-2286.1 and UDAs in § 15.2-2223.1). Others (e.g., temporary family health care structures in § 15.2-2292.1) are more broadly applicable.
It is primarily the province of the legislature to determine whether the criteria for these mandates or the mandates themselve continue to be appropriate. The List of Mandates asserts that these requirements impair the ability of each local government to make land use decisions in the best interest of its unique demography and community concerns. Without addressing specific provisions, the List also notes that by relaxing such requirements, local governments would be better equipped to deal with land use cases presented to them.

A legislative response to the issues raised by the Task Force might begin by addressing the appropriateness of the mandates in terms of their avowed purposes and whether they are instrumental in advancing those purposes as intended by the legislature. A second consideration could focus on whether the criteria used to apply the mandates are the right one or if localities have been inappropriately swept into their realm. Examples might include whether the growth rate, density or other delineating features of the UDA or cluster zoning statutes have required localities to adopt land use requirements via the zoning ordinance that are not particularly relevant to actual local circumstances. For instance, a relatively small town that received (in absolute numbers) a small number of new residents between federal censuses might find itself rather unexpectedly falling under the UDA mandate because even a small increase in actual numbers might meet the statutory percentage change threshold.

Organization: **Citizen** **Eliminate**

I noticed that on several other items, the recommendation was to eliminate the mandate being studied.

In this category, the recommendation is to "relax" the requirements. With all due respect, the only good solution to this unfunded mandate which our citizens neither want nor can afford is to repeal the Mandated Land Use requirements. I sincerely request that this be reconsidered. I will attend the December 9th meeting and will ask you to repeal rather than relax this mandate.

Organization: **Citizen** **Eliminate**

The following is an email expressing the opinion and request that the UDA mandate imposed on localities by the Commonwealth of Virginia should be recommended for elimination by the Mandate Review Task Force.

Organization: **HBAV** **Retain**

HBAV supports the retention of the Mandates imposed on Localities to allow by-right Cluster Development and to establish the current Urban Development Areas by the state legislature. Both mandates were overwhelmingly adopted by the state legislature to require local governments to allow more density in areas they designated as growth areas, so as to preserve or save open space in the locality.

Also please remember that both measures were adopted in conjunction with transportation funding legislation to help reduce the future maintenance cost of VDOT, since a significant part of their scarce resources are being dedicated to the maintenance of the states existing transportation system. Allowing by-right cluster home development on a parcel will reduce the transportation infrastructure within the same and permanently preserve open space in high growth areas of a locality. Requiring localities to designate residential and commercial growth areas near the location of the job growth centers in their communities (UDA's) will also reduce the future maintenance costs for VDOT, is "Smart Growth" and should be embraced by local governments.

HBAV supports the retention of the By-Right Cluster Housing Requirement and the current "Smart Growth" - UDA statute, which only applies to so-called high growth localities.

Organization: **County Administrator, Montgomery County**

Land Use Requirements - relax requirements to provide more local control.

Organization: **Stafford County**

Please consider eliminating, not relaxing, mandated land use requirements. We believe this is a local land use decision best made in context with local demographics.

Organization: **Botetourt County**

Support possible solution - allow for more local control

Organization: **Town Administrator, Round Hill**

State code requires the inclusion of several elements in a local land use plan such as cluster zoning, urban development area designations, and by-right temporary family healthcare structures. Round Hill agrees that these requirements impede on the ability of a local government to make land use decisions in the best interest of their unique demographics and community concerns. Round Hill supports relaxing these requirements to give more local control to local governments to deal with land use cases.

Description: **Reporting of Salary Date--Current code requires that quarterly salary data be reported to the VEC for the Occupational Employment Statistics Survey.**

Problem: This date is not published in any meaningful way.

Possible Solution: Eliminate this mandate.

Code: TBD

Comments Received

Organization: **Treasurer, City of Chesapeake** **Information Only**

I am not sure what is meant by date therefore, I want to let you know that Treasurer's use the VEC's data for placing liens to collect delinquent taxes and fees. It is important to be able to see what quarter and year the wages were earned. Here is an example of what we see which is useful to us in our mandated line of work. It allows us to know if the taxpayer is currently employed.
Q/YR Wage: 2/2011 $9,347.78
Q/YR Wage 1/2011 $8,847.78
Q/YR Wage 4/2010 $8,847.78

Organization: **County Administrator, Frederick County**

We would like to see the VEC reporting remain on a quarterly basis. These reports provide valuable information that assist in collecting taxes. If the VEC were to move to an annual reporting schedule the information would be of lesser value because it is out of date.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Botetourt County**

Support possible solution - eliminate reporting mandate

Organization: **VEC** **Retain**

The quarterly collection of salary data is carried out by the VEC Unemployment Insurance Tax Division as part of the Federal Unemployment Insurance Tax program mandated by the Federal government (ETA) authorized by law 29 U.S.C. 2., and State Unemployment Insurance laws. The Quarterly Census of Employment and Wage Unit extracts the employment and wage data from the Unemployment Insurance Tax Division data base.

Description: **Employees at Multiple Work Sites Report--current code requires that localities report to the state cases in which employees work at multiple sites.**

Problem: This serves no purpose.

Possible Solution: Eliminate.

Code: TBD

Comments Received

Organization: **DHRM** **Information Only**

Not administered by DHRM

Organization: **Botetourt County**

Support possible solution - eliminate report

Organization: **VEC** **Information Only**

Enhancements in data collection to yield more detail were established in 1990/1991 with the implementation of the Business Establishment List (BEL) project were added to the BLS Co-operative agreement. Employers having multiple establishment locations were asked to report employment and wage data for their individual physical locations or in some cases the differing business codes (SIC or NAICS). Without this detailed, disaggregated data source, statistical information at the local level would be unavailable to the many organizations, both private and public that might need such information for research, planning and other purposes.

Data collection through the U. S. Department of Labor Bureau of Labor Statistics (BLS) Co-operative Agreement is one of the sources of the VEC's revenues.

Description: **New Hire Reporting--local governments are required to provide a list of new hires on a monthly basis to the state.**

Problem: The necessity of this report is in question.

Possible Solution: Eliminate this reporting requirement.

Code: TBD

Comments Received

Organization: **DHRM** **Information Only**

Not administered by DHRM.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **VML** **Information Only**

Finally, in our correspondence to you on Nov. 29, we indicated agreement with eliminating the requirement for local governments (and indeed all employers) to report new hires to the state. This requirement comes about in part due to federal law regarding child support enforcement. At this point, it doesn't appear that the task force can simply eliminate that reporting requirement without a number of unintended consequences.

Organization: **Botetourt County**

Support possible solution - eliminate reporting requirement

Organization: **Town Administrator, Round Hill**

Local governments are required to provide a list of new hires on a monthly basis to the state. The necessity of this report is in question. Round Hill supports elimination of this reporting requirement.

Organization: **VEC** **Retain**

New hire reporting is connected to the Code of Virginia § 60.2-212 as referenced in The Code of Virginia § 60.2-114 Records and reports and § 453 (i) of the Social Security Act. One of its functions is to facilitate the tracking of "deadbeat parents" in order to enable the collection of child support payments. (See http://newhire-reporting.com)(1-800-979-9014)

What is the new hire law? (from the new-hire website) Virginia Statute 63.2-1946 and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, 42 U.S.C. 653A, requires all employers to report newly hired and re-hired employees to a state directory within 20 days of their hire date.

Description: **VRS contribution--local governments are not allowed the option to require employees hired before July 1, 2010 to contribute the 5% employee share of VRS.**

Problem: Benefits are a local issue that should meet the needs of the local government as determined by the local governing body. Also, the state has this option themselves.

Possible Solution: Allow local governments to have the option to require employees hired before July 1, 2010 to contribute the 5% share to VRS.

Code: TBD

Comments Received

Organization: **County Administrator, Prince George County**

It is the position of the County that changing this requirement will have adverse effects on employee retention and motivation. Thus, potentially leading to performance issues and a negative impact on services rendered. It is further the position of the County that the solution be to leave the current regulation in place, not allowing local governments the "option" of requiring employees hired before July 1, 2010 to contribute up to 5% of the VRS employee share. Prince George County does not support the recommendation of the Task Force.

Organization: **Town Manager, Colonial Beach**

[Supports elimination]

Organization: **Citizen** **Retain**

I am respectively writing you not to oppose a mandate or to repeal a mandate but to keep a mandate on the books for the working men and women.

The mandate I would like stand is the following:

VRS (Virginia Retirement System) Contribution: Local governments have expressed concern that they are not allowed the option to require employees hired before July 1, 2010 to contribute the 5% employee share of VRS. I disagree that benefits are a local issue that should meet the needs of the local government as determined by the local governing body. Myself and I know every person hired in Virginia State and Local Municipal government positions prior to July 1, 2010 were given the 5% retirement package as part of our hiring.

This is just another way of the local governments to take away our benefits with no cause but in the name of saving funds.

I am not a highly paid worker and neither are my co workers. In fact I work as a Wastewater Treatment Plan Operator, yes sewage treatment!!! The 5% that I would be mandated to pay from my salary will be detrimental to my family support. I have two children in college that I have prepaid the college through the VPEP and I am proud I saved for my childrens education. But to take away from my retirement and require me to pay for this benefit that was part of mine and many other State and Municipal employees hiring package is an atrocious act during these economic times.

Our Town has not allocated nor funded a decent cost of living in three years but my insurance has gone through the roof. When I was hired my hiring package included a family insurance plan, but now I must pay over $700 a month for family health insurance if I choose to obtain insurance for my family. I cannot afford the insurance plan the Town I work for has, so I had to decline family health insurance. That is $8400 a year that I do not have for insurance nor insurance coverage through my employer. Who can afford this being a soul provider, single Father of two young college aged students and hell bent on not having to ask for public assistance for their education.

If the localities receive permission to not fund our retirement plan of 5% then the expense of working for this municipality has just went up for 8 staff members and many of us here cannot afford to take another hit from our employers. Currently all staff members at the water and wastewater plants work over 60 miles away for our jobs. Commuting is gotten expensive and wages have shrunk, commuting alone cost over $4100 a year in fuel apiece.

$8400 Health Insurance
$4100 Fuel
$4000 for VRS 5% required deduction from the employee. This could double to 10% if the employee already pays 5%.

$16,500 Just for health insurance, fuel to get to work and retirement contribution. This is atrocious!!!!

Who can afford 5% more for VRS retirement that we are entitled to from our employers as we were hired with that benefit in mind.

Please do not resend the mandate for them to KEEP THE VRS RETIREMENT MANDATE in place.

I do not support the localities' authority over employee contributions and percentage shares to the VRS.

I appreciate the time that you have taken to give this a fair review.

Organization: **Local Government Employee** **Retain**

I respectfully request that you do not change any legislation that attempts to repeal a local government's ability to not pay the 5% VRS contribution of their employees. To repeal this mandate would be an atrocity and a broken promise to every state and local government worker that was hired prior to 2010. I work for the Town of Round Hill in northern Virginia. They are preparing to submit a letter to your task force to request that this mandate be rescinded. The promise for the Town to pay this share of my retirement, and every employee hired before 2010, was one that was included as a benefit to every employee. This was a promise and a benefit to the employee; How can the state allow them to now rip this benefit from its employees? The cost of the President's healthcare plan is enough to bankrupt the local government employee already. If I were to elect to have my family covered by the Town's insurance policy I would have to pay over $700 a month for my family of four. I cannot afford to pay this for insurance and my family is forced to elect insurance at my wife's place of employment. I find it ridiculous that a private company can afford insurance for its employees cheaper than a government municipality!

The cost of living has increased, fuel prices have increased, health insurance premiums have increased, the cost of food and daily necessities have increased; How can the state allow a local government to create even further hardship upon the working class utility employee? Every employ who works for the Town lives over an hour away and drives approximately 100 miles a day to work because we cannot afford to live and work in the same community. When I started working for the Town, going on 14 years ago, fuel prices were around $1 per gallon. Fuel prices have tripled in that time. The cost of commuting has increased but the amount of benefits offered to us has decreased. The Town used to pay for family insurance and now it is an out of pocket expense of around $700. How can the State allow local governments to just take benefits and promises from municipal employees who are servants of the community?

Members of the committee, rescinding the mandate that requires local governments to pay the 5% of the VRS retirement is not fair. Municipal workers do not make the salaries that could be made in the private sector and depend on their benefits to help even out the lack of pay. I was promised this benefit when I was hired and no local government should have the right to take this benefit away from me or any other employee.

Please let me know how you intend to handle this request to remove this mandate. You will be making a decision that will effect many local municipal utility operators and workers who were made a promise and who depend on their benefits to provide for their families.

Organization: **Botetourt County**

Support possible solution - provide local gov'ts with the option

Organization: **Town Administrator, Round Hill**

Local governments have expressed concern that they are not allowed the option to require employees hired before July 1, 2010 to contribute the 5% employee share of VRS. Round Hill agrees that benefits are a local issue that should meet the needs of the local government as determined by the local governing body. Round Hill supports the localities' authority over employee contributions and percentage shares to the VRS.

Organization: **Town of Appomattox**

[Support]

80 *Public Safety* 80

Description: **VSP Sex Offender Registry--current code does not allow for electronic submission of fingerprints.**

Problem: New technology should be utilized in order to streamline the fingerprint submission process.

Possible Solution: Review this mandate and study the feasability for electronic submission.

Code: SPS.VSP009

Comments Received

Organization: **VSP** **Defer**

The description indicates that the current code does not allow for electronic submission of fingerprints. This is a not a correct representation of the Sex Offender and Crimes Against Minors Registry registration requirements. The statute does not prohibit the submission of fingerprints electronically. The VSP is in the process of programming Livescan to allow for the printing of cards and then mailing those cards to us for manual work flow through AFIS. The second phase of that would be programming both in AFIS and Livescan to transmit the card with a unique identifier, so it could be processed electronically from the livescan machine. Additionally, the registration form could be programmed into livescans for electronic submission. We have not formalized how to handle the formal signatory acknowledgement that is used for prosecution, since signatures of offenders cannot be transmitted via livescan. In any case, for those entities that have Livescan and are connected to our agency there is good reason to move forward with electronic submission. Currently, the Code of Virginia allows an offender to appear before any law enforcement agency for registration. Many agencies have live scan machines at booking locations and not at all public locations, such as our area offices where offenders appear for registration. Also many registrations occur with members of the VSP Sex Offender Investigative Unit.

The electronic handling of registration will streamline the process. The obstacles to such electronic submission, such as those noted above, could be identified in the feasibility study. Additionally, the feasibility study would bear out the cost of requiring electronic submission. The Virginia State Police supports the feasibility study.

Organization: **County Administrator, Prince George County**

This practice would require the Police Department to work with the Sheriffs office to obtain the electric prints as the Police do not have this capability. Prince George County supports the recommendation of the Task Force.

Organization: **Botetourt County**

Support possible solution - review this mandate

E001 *Education* E001

Description: **Pupil/Teacher Ratios - Required school wide ratios**

Problem: Lack of funding to maintain ratios

Possible Solution:

Code: Code: 22.1-253.13:2, 22.1-293 through 22.1-

Comments Received

Organization: **DOE** **Information Only**

Funding for the schoolwide and divisionwide staffing ratios in the Standards of Quality, Section 22.1-253.13:2 of the Code, is part of Basic Aid. For FY 2011-2012, the state share of Basic Aid is budgeted at $4.9 billion.

E002 *Education* E002

Description: **Professional development for board members - Requires board members to participate in in-service**

Problem: Lack of funding to provide in-service

Possible Solution:

Code: Code: 22.1-253.13:5 and 22.1-253.12:6

Comments Received

Organization: **DOE** **Information Only**

Funding within the Standards of Quality, Section 22.1-253.13:2 of the Code, includes professional development for school division personnel and members of local school boards as a component of Basis Aid. For FY 2011-2012, the state share of Basic Aid is budgeted at $20 million for professional development.

E003 *Education* E003

Description: **Length of school term - Requires 180 days or 990 hours**

Problem: Does not give school divisions flexibility

Possible Solution:

Code: Code: 22.1-98

Comments Received

Organization: **DOE** **Information Only**

The 180 days/990 hours requirement provides a minimum floor for instructional time. If school divisions do not meet either the days or hours requirement, then the Basic Aid payments from the state will be reduced, unless the school division has met certain provisions in this section of the Code.

E004 *Education* E004

Description: **Professional development for teachers and administrators - Requires professional development**

Problem: School divisions need flexibility in tight economic times

Possible Solution:

Code: Code: 22.1-253.13:5

Comments Received

Organization: **DOE** **Information Only**

Funding within the Standards of Quality, Section 22.1-253.13:2 of the Code, includes professional development for local school division teachers and administrators. For FY 2011-2012, the state share of Basic Aid is budgeted at $20 million for professional development.

E005 *Education* E005

Description: **Drugs, Substance Abuse, Drunk Driving - Required instruction on topics**

Problem: No funding to support and not the core mission of schools

Possible Solution:

Code: Code: 22.1-205 and 22.1-206

Comments Received

Organization: **DOE** **Information Only**

The Standards of Learning for Health and the Standards of Learning for Driver Education both include these topics. Funding to provide instruction in the Standards of Learning is found in the Standards of Quality, and is part of Basic Aid. For FY 2011-2012, the state share of Basic Aid is budgeted at $4.9 billion.

E006 *Education* E006

Description: **Physical and health education - Required advisory committee**

Problem: No funding to support the organization and management of advisory committee

Possible Solution:

Code: Code: 22.1-207, 22.1-253.13:1; 22.1-275.1

Comments Received

Organization: **DOE** **Information Only**

The school health advisory committee, in Section 22.1-275.1 of the Code, is required to meet twice a year. It is designed to bring together parents, students, health professionals, educators, and other members of the community to "assist with the development of health policy in the school division and the evaluation of the status of school health, health education, the school environment, and health services."

E007 *Education* E007

Description: **Adult education - Required program**

Problem: Not core mission and not adequate funding to support

Possible Solution:

Code: Code: 22.1-253.13:1

Comments Received

Organization: **DOE** **Information Only**

Virginia receives approximately $11 million a year in federal funding for adult education programs. The funding can be used for instruction and for the administration of programs that provide adult basic education and English for speakers of other languages (ESOL). In additional, state funding of approximately $1.0 million is allocated for adult education and $2.7 million is allocated for adult literacy. Section 22.1-225, Code of Virginia, states: "Local school boards shall provide adult education programs, in compliance with subdivision D 8 of § 22.1-253.13:1, for residents of the school division and, in their discretion, may charge appropriate fees to persons admitted to such programs." This section of the Code also states: "With such funds as may be appropriated for the purposes of this article, school boards shall seek to ensure that every adult participating in such program has an opportunity to earn a general educational development (GED) certificate or a high school diploma."

E008 *Education* E008

Description: **CTE advisory committee - Required advisory committee**

Problem: No funding to support the organization and management of advisory committee

Possible Solution:

Code: Regulation: 20-120-40, 50, 70

Comments Received

Organization: **DOE** **Retain**

The federal Carl D. Perkins Act requires states to have a plan for Career and Technical Education that "actively involves parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs..." This committee is established in Virginia Board of Education Regulations (8 VAC 20-120-50).

E009 *Education* E009

Description: **Violence and crime on school property - Required program**

Problem: No funding to support and mandate is not necessary

Possible Solution:

Code: Code: 22.1-279.3:1, 22.1-279.9

Comments Received

Organization: **DOE** **Retain**

Section 22.1-279.3:1 of the Code of Virginia relates to the reporting of incidents of discipline, crime, and violence. This reporting is also a federal requirement related to the Elementary and Secondary Education Act (ESEA). Section 22.1-279.9 of the Code provides that all school boards "shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include prevention of hazing."

E010 *Education* E010

Description: **Fees and charges - May charge fees authorized by Board of Education**

Problem: Funding in not available to support limits on fees and it should be a local decision

Possible Solution:

Code: Code: 22.1-6

Comments Received

Organization: **DOE** **Information Only**

The Constitution of Virginia, in Article VIII, Section 1, says, "The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained." Section 22.1-3 of the Code says, "There shall be a system of free public elementary and secondary schools established and maintained as provided in this title and administered by the Board of Education, the Superintendent of Public Instruction, division superintendents and school boards." Section 22.1-6 says, "Except as provided in this title or as permitted by regulation of the Board of Education, no fees or charges may be levied on any pupil by any school board." The Board of Education approved final regulations to revise the current fee regulations in September, 2010. These regulations are currently in the Governor's Office undergoing executive review. The proposed regulation contain provisions regarding permissible and impermissible fees, policies for families that cannot afford the fees and permissible and impermissible actions for the failure to pay the fees.

Organization: **Fairfax Co. Public Schools** **Information Only**

Particularly in times of tight budgets, school divisions should be given greater flexibility, not less, to charge appropriate fees for programs and activities that are not directly related to core educational programs.

E011 *Education* E011

Description: **Intervention training - Required training**

Problem: Funding is not available to support localities in this mandate

Possible Solution:

Code: Code: 22,1-303

Comments Received

Organization: **DOE** **Information Only**

Section 22.1-303 provides: "Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments." Funding to provide remedial services to students is distributed to local school divisions and the state share is budgeted at $69.4 million in FY 2012.

E012 *Education* E012

Description: **Instruction requirements - Required financial literacy**

Problem: No funding to support the additional teachers that will be required

Possible Solution:

Code: Code: 22.1-200.03, 22.1-208, 22.1-208.1

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools** **Information Only**

At the very least school divisions should be given greater flexibility in implementation of this mandate (e.g. allowing students to fulfill the requirement virtually and/or on a "credit by objective" basis). It is also important to note that this new requirement now overlaps existing Code mandates in § 22.1-200.03 to infuse relevant SOL curriculum areas in the middle and high school levels with economics education and financial literacy.

E013 *Education* E013

Description: **Placement of twins - Allows parents to place children in classes**

Problem: Educational placements should be a local decision and not made by the state.

Possible Solution:

Code: Code 22.1-291.1

Comments Received

Organization: **DOE** **Information Only**

Legislation providing that local school board develop policies to allow parents of multiples in the same grade to request placement in the same classroom or separate classrooms was passed by the 2009 General Assembly, in Section 22.1-79.3 of the Code.

E014 *Education* E014

Description: **Supplemental pay for military service - Requires supplemental pay to make up the difference in pay**

Problem: This mandate, may be with good intentions, but is not funded and creates additional burden on local budgets Fund it if necessary

Possible Solution:

Code: Code: 22.1-289.2

Comments Received

Organization: **DOE** **Information Only**

This section of the Code provides that "public school employees whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component has required their absence from their full-time employment in a school division shall receive supplemental pay as determined by and from the relevant local school division if the military compensation of such employee is less than the regular salary paid to such employee by the school division." It is not known how many local school divisions have had to make this supplemental payment and how much the payments have been in relation to the total budget.

E015 *Education* E015

Description: **School year after Labor Day - Requires a minority of school divisions that do not qualify for a waiver to start school after Labor Day**

Problem: It is an out-of-date law that needs to be repealed. Local school boards should have the flexibility to establish the calendar. An inequity exists in the amount of instructional time prior to administration of the SOL tests.

Possible Solution:

Code: Code: 22.1-79.1

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

E016 *Education* E016

Description: **Career plans - Required career plans for all eighth graders**

Problem: Laudable desire but no funding to implement with assessments, monitoring, and follow-through

Possible Solution:

Code: Code: 22.1-253.13:4

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the Academic and Career Plan. The Board of Education had approved the requirement for an Academic and Career Plan in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. The Department of Education offers resources to assist school divisions with the implementation of this initiative, including:1) the use of the Virginia Education Wizard (through the Virginia Community College System); 2) webinars on issues such as best practices for plan development; and 3) sample templates. Industry organizations have indicated support for the Academic and Career Plan.

E017 *Education* E017

Description: **School assessment and accreditation / ESOL students - The new required WIDA test was implemented for ESL students in 2008-2009. Application of federal Title III funding for purchase of required tests was eliminated in 2009-2010. Benchmarks for ESL sub-g**

Problem: Suspend until federal or state government can restore funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement under the Elementary and Secondary Education Act (ESEA). The U.S. Department of Education would have to waive this requirement in order for this recommendation to be implemented. The ACCESS for ELLs® test developed by the WIDA® Consortium was selected by the Virginia Board of Education because this test meets federal standards. School divisions may also develop local tests and submit these tests to the Board of Education for review and approval.

Organization: **Fairfax Co. Public Schools** **Information Only**

State funding should be provided for all Limited English Proficiency 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.

E018 *Education* E018

Description: **School assessment and accreditation - Pass rate for 3rd grade history and science tests increased from 50% to 70%.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the increase in test score benchmarks used to determine school accreditation status for state purposes. The Board of Education had approved the increase in the pass rate benchmarks in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. Beginning with ratings awarded in 2013-2014, the 50% test benchmark for grade 3 history/social science and science will increase from 50% to 70%. This increase has no impact on the number of students tested or the determination of grade level progress for these students.

E019 *Education* E019

Description: **School assessment and accreditation - Pass rates for grade 3-5 English increased from 70% to 75%.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the increase in test score benchmarks used to determine school accreditation status for state purposes. The Board of Education had approved the increase in the pass rate benchmarks in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. Beginning with ratings awarded in 2013-2014, the benchmark in English will increase from 70% to 75%. This increase has no impact on the number of students tested or the determination of grade level progress for these students.

E020 *Education* E020

Description: **Diploma requirements - Advanced Technical diplomas and Standard Technical diplomas will be implemented for 9th graders.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the Standard Technical and Advanced Technical diplomas. Beginning in the 2012-2013 school year, these diplomas must be offered. A school division is not required to offer any curriculum or scope of services for these diplomas beyond what it currently offers or plans to offer for the 2012-2013 school year.

E021 *Education* E021

Description: **"Master Schedule" report of all student achievement measures and teacher/principal evaluation outcomes - Link student performance measures with teacher and principal performance evaluations, and "warehouse" related data for the purpose of federal reportin**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level with particular emphasis on restoration of previous state funding for support staff and instructional technology resource (ITRT) positions.

Possible Solution:

Code: American Recovery and Reinvestment Act; E

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement tied to the receipt of funding for the State Fiscal Stabilization Fund (SFSF). To satisfy federal assurances for the SFSF, Virginia must include the reporting of student growth data to teachers of reading/language arts and mathematics.

Organization: **Fairfax Co. Public Schools** **Defer**

We understand that this data collection is in place to respond to a federal requirement for receipt of funds under the American Recovery and Reinvestment Act, but we strongly concur that the burden of the new reporting requirements is excessive. Perhaps this mandate could be addressed through Virginia's potential waiver request from components of the current federal Elementary and Secondary Education Act (No Child Left Behind).

E022 *Education* E022

Description: **Student growth percentile. - Creates additional measure for the determination of school accreditation.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level with particular emphasis on restoration of previous state funding for support staff and instructional technology resource (ITRT) positions.

Possible Solution:

Code: American Recovery and Reinvestment Act; E

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement tied to the receipt of funding for the State Fiscal Stabilization Fund (SFSF). To satisfy federal assurances for the SFSF, Virginia must include the reporting of student growth data to teachers of reading/language arts and mathematics. ITRT positions are funded through Standard 2 of the Standards of Quality at a ratio of 1 per 1,000 students.

E023 *Education* E023

Description: **School assessment and accreditation. - Benchmarks for AYP will rise to 91% in reading and 90% in math for the SOL tests taken in 2011-2012 that will determine AYP status for 2012-2013**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; Elementary

Comments Received

Organization: **DOE** **Information Only**

Flexibility offered by the U.S. Department of Education may permit Virginia to establish alternative testing benchmarks for federal reporting purposes. The Virginia Board of Education will submit a wavier request in early 2012 after receiving stakeholder input.

E024 *Education* E024

Description: **Requirements for standard and advanced diplomas. - All students entering 9th grade will be required to complete a course in personal finance and economics**

Problem: Suspend until associated FTEs may be included in SOQ funding formula.

Possible Solution:

Code: VAC 20-131-50

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools**

See Fairfax Co. Schools comment #E012

E025 *Education* E025

Description: **College and career readiness - All 7th graders must develop an academic and career plan. It must be completed by 8th grade, reviewed upon students' entrance into 9th grade and again at 11th grade.**

Problem: Suspend pending inclusion of additional middle school guidance FTEs may be included in SOQ funding formula.

Possible Solution:

Code: VAC 20-131-140

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the Academic and Career Plan. The Board of Education had approved the requirement for an Academic and Career Plan in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. The Department of Education offers resources to assist school divisions with the implementation of this initiative, including:1) the use of the Virginia Education Wizard (through the Virginia Community College System); 2) webinars on issues such as best practices for plan development; and 3) sample templates. Industry organizations have indicated support for the Academic and Career Plan.

E026 *Education* E026

Description: **Civil rights monitoring. - Civil rights data collection process, including an expansion of the number of classifications for student ethnicity from six to 32.**

Problem: No state level option available. This recent additional compliance standard underscores the need for restoration of state funding to 2009 level with emphasis on need to restore previous support staff funding level under SOQ formula.

Possible Solution:

Code: USDOE Office of Civil Rights Regulations.

Comments Received

Organization: **DOE** **Retain**

The mission of the federal Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. This office enforces a number of federal laws and regulations. The Virginia Department of Education collects federally-required data from school divisions in the most streamlined and efficient manner possible.

E027 *Education* E027

Description: **Standards of Learning. - New social studies standards were implemented and tested in 2010-2011.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. Full implementation of the 2008 History and Social Science Standards of Learning began in the fall of the 2010-2011 school year. Assessments developed using the revised standards were administered for the first time the 2010-2011 school year.

Organization: **Fairfax Co. Public Schools** **Information Only**

While no one questions the premise that Standards and assessments should change over time to ensure our students are held to high academic achievement standards, we also share the concern with the burdens these changes involve. School divisions would welcome any additional assistance with implementation, from extended timelines for classroom adoption to the provision to localities of actual sample test items to allow school divisions to adapt not only to the new Standards, but to the way in which those Standards will be assessed.

E028 *Education* E028

Description: **Student assessment and school accreditation. - Pass rate for English in grades 6-12 will increase from 70% to 75%**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; 20-131-280

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the increase in test score benchmarks used to determine school accreditation status for state purposes. The Board of Education had approved the increase in the pass rate benchmarks in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. Beginning with ratings awarded in 2013-2014, the benchmark in English will increase from 70% to 75%. This increase has no impact on the number of students tested or the determination of grade level progress for these students.

E029 *Education* E029

Description: **Standards of Learning. - New mathematics standards were implemented in 2010-2011 and are being tested in 2011-2012.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Retain**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. The revised mathematics standards were adopted by the Board of Education in 2009. The Board also adopted a supplement to the 2009 Mathematics Standards of Learning (SOL) Curriculum Framework to fully align Virginia's standards with the Common Core. Assessments developed using the new blueprints will be administered for the first time in the fall 2011 administration for only the end-of-course (EOC) mathematics tests (Algebra I, Geometry, and Algebra II). The remainder of the new blueprints for the grades 3 through 8 mathematics tests will be implemented in the spring 2012 test administration. In order to apply for a waiver from the U.S. Department of Education for Elementary and Secondary Education Act (ESEA) flexibility, a state must demonstrate that its has college and career ready standards and aligned, high-quality assessments.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E030 *Education* E030

Description: **Standards of Learning. - New course in Algebra Functions and Data Analysis (AFDA) was added during 2009-2010, but General Assembly directed Virginia Board of Education to drop the requirement that a related SOL assessment be added during the 2011-2012 sch**

Problem: Maintain current suspension until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Information Only**

There was no legislation passed by the General Assembly that directed the Board of Education to drop this requirement. The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay certain provisions of Board of Education regulations (Standards of Accreditation). One provision that was not delayed was the change in diploma requirements for the Standard and the Advanced Studies diplomas. The Algebra Functions and Data Analysis course may be used to satisfy one of the mathematics credit requirements for the Standard Diploma. The Board of Education adopted the Algebra, Functions, and Data Analysis Standards of Learning in 2007.

E031 *Education* E031

Description: **Graduation requirements and school accreditation. - A Virginia cohort graduation index of 85 points is required to achieve accreditation.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-300; VAC 20-13-280

Comments Received

Organization: **DOE** **Information Only**

Beginning with graduation rate data for the 2010-2011 school year, this index became a factor in the calculation of accreditation ratings for 2011-2012. Of the 308 high schools in Virginia, 266 are fully accredited and met this benchmark, 30 provisionally accredited high schools were within five points of the 85-point benchmark, ten of the 11 high schools accredited with warning were warned solely because their graduation and completion indices were below this year's 80-point benchmark for provisional accreditation, and one high school was a new school and thus was conditionally accredited. In collaboration with four Virginia school divisions, the Appalachia Regional Comprehensive Center, and the National High School Center, the Department developed the Virginia Early Warning System (VEWS). VEWS relies on readily available data – housed at the school – to predict which students are at risk for dropping out of high school; target resources at the school- and division-level to support students not on track to graduate while they are still in school and before they drop out; examine patterns and identify school climate issues that may contribute to disproportionate dropout rates. The Department developed VEWS to identify ninth-grade students who are at risk of not graduating. □□

E032 *Education* E032

Description: **Standards of Learning. - New English standards will be implemented in 2011-2012 and tested in 2012-2013.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Retain**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. School divisions are expected begin implementation of the 2010 English Standards of Learning by September 2011 and to fully implement the 2010 English Standards of Learning in the 2012-2013 academic year. In spring 2012, items measuring new content in the 2010 English Standards of Learning will be field tested. In spring 2013, all items on the English Standards of Learning assessments will be based on the 2010 English Standards of Learning. The 2010 standards are fully aligned with the Common Core. In order to apply for a waiver from the U.S. Department of Education for Elementary and Secondary Education Act (ESEA) flexibility, a state must demonstrate that its has college and career ready standards and aligned, high-quality assessments.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E033 *Education* E033

Description: **Student assessment and school accreditation. - New SOL writing test will require all students to compose their submissions on a computer.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level. Suspension also should be continued pending a review of the adequacy of state VPSA technology bond funding. Do we have the technology capacity for this expansion of on-line writing t

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280

Comments Received

Organization: **DOE** **Information Only**

The Standards of Learning (SOL) Technology Initiative provides technical and financial resources to Virginia's school divisions. This initiative was begun in 2000, and since that time, more than $643 million has been distributed to school divisions. The SOL Technology includes funding to achieve the following goals: 1) providing a ratio of one computer for every five students; 2) creating Internet-ready local area network capability in every school; 3) assuring high-speed, high-bandwidth capabilities for instructional, remedial and testing needs; and 4) supporting Virginia's nationally recognized online assessment system. All school divisions receive funding from proceeds issued from Virginian Public School Authority (VPSA) bonds. Proceeds from bonds issues in 2011 provide: 1) computer-based instructional and testing systems for the Standards of Learning; 2) high speed Internet capability at high schools, then middle schools, followed by elementary schools; and 3) for the administration of 100% of high school SOL tests online for fiscal year 2001, followed by 100% of middle schools by fiscal year 2012, followed by 100% of elementary schools by fiscal year 2013.

Organization: **Fairfax Co. Public Schools** **Information Only**

FCPS supports expansion of computer-based testing to all 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.

E034 *Education* E034

Description: **Standards of Learning. - New science standards will be implemented in 2011-2012 and tested in 2012-2013.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. School divisions are expected to begin implementation of the 2010 Science Standards of Learning by September 2011 and to fully implement the 2010 Science Standards of Learning in the 2012-2013 academic year. In spring 2012, items measuring new content in the 2010 Science Standards of Learning will be field tested. In spring 2013, all items on the Science Standards of Learning assessments will be based on the 2010 Science Standards of Learning.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E035 *Education* E035

Description: **State special education regulations that exceed federal requirements. - Students who test out of specialized educational services may not be dismissed unless and until parent/guardian gives written agreement.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; VAC 20-81-90.C

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

We understand that the Task Force has explicitly stated that it will not consider the complex mandates related to special education in the short term. However, it is important to note that while Virginia's special education regulations regularly exceed federal requirements, language in the federal Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) specifically asks 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. (20 USC 1407)
One general caution to leave the Task Force with is to be aware that certain listed mandates, particularly those on the education list related to the Standards of Quality and specific staffing requirements, do drive funding to local school divisions. While the adequacy of that funding may be up for debate, please be aware that ill-considered changes to those Standards could inadvertently have the effect of reducing funding to localities, which would be exactly the opposite of the relief sought by local school divisions.

E036 *Education* E036

Description: **State special education regulations that exceed federal requirements. - The Comprehensive Services Act (CSA) for students and families at risk no longer funds as many specific support services as previously.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; VAC 20-81-250.F; Va. Code 2

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E037 *Education* E037

Description: **State special education regulations that exceed federal requirements. - School divisions have no recourse with transfer students.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; VAC 20-81-120.2

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E038 *Education* E038

Description: **State special education regulations that exceed federal requirements. - Increased licensing requirements for interpreting services, hearing impaired teachers and vision impaired teachers.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; 20-81-40.E.3b

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E039 *Education* E039

Description: **College and career readiness; student assessment; and school accreditation - Increased credentialing requirements for Career and Technical education.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level. Suspension should be maintained until state determines true cost of ensuring CTE teachers are qualified to provide required training and to proctor required certification exams. Stat

Possible Solution:

Code: VAC 20-131-70

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality provide state funding, budgeted at $66 million in FY 2012, for career and technical education. State funding is provided to support career and technical education courses for students in grades 6-12. The funding supports the salary costs of instructional positions based on the class size maximums established in Board regulations. Each local school division must provide its local share of funds based upon its composite index of local ability-to-pay.

E040 *Education* E040

Description: **Graduation requirements. - The number of standard units of credit for an Advanced Studies Diploma will increase from 24 to 26.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level. Suspension should be maintained until state determines true cost of additional FTEs needed for provision of additional courses. State must pay its share of the additional cost.

Possible Solution:

Code: VAC 20-131-50

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay certain provisions of Board of Education regulations (Standards of Accreditation). One provision that was not delayed was the change in credit requirement for the Advanced Studies diploma. The Board initially approved this change in early 2009, after an extensive public comment process. The 26 credit diploma became effective with the ninth grade class of 2011-2012.

E041 *Education* E041

Description: **Achievement Records - A requirement has been made for teachers to complete achievement records for all students in grades K-3. This is duplicative**

Problem: This requirement will cost thousands of dollars to automate. The clerical costs and storage costs are unknown as the report is 14 pages long and goes into the permanent record.

Possible Solution:

Code: 8 VAC 20-131-80

Comments Received

Organization: **DOE** **Information Only**

These Board regulations (Standards of Accreditation) state the following: "In kindergarten through grade 3, reading, writing, spelling, and mathematics shall be the focus of the instructional program. Schools shall maintain an early skills and knowledge achievement record in reading and mathematics for each student in grades kindergarten through grade 3 to monitor student progress and to promote successful achievement on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school." The regulations do not specify the length of the report.

E042 *Education* E042

Description: **Career readiness certificates - Career readiness assessments are part of the requirement to provide for testing for career development certificates.**

Problem: The cost is passed to the locality even though we get discounts.

Possible Solution:

Code: Career readiness certificates (http://www.do

Comments Received

Organization: **DOE** **Information Only**

The Career Readiness Certificate (CRC) has been approved by the Board of Education as an industry recognized credential that may substitute for the student-selected verified credit toward graduation requirements. Reimbursement for the CRC assessments is a permissive use of state funds for the career and technical education student industry certifications. Item 132, Chapter 890, 2011 Acts of Assembly provides for funding for student acquisition of industry credentials.

E043 *Education* E043

Description: **GED Tests - GED Testing costs - division is required to provide adult education under the SOQs.**

Problem: The cost of these tests has risen significantly and is now passed on to us.

Possible Solution:

Code: Fee Increases for General Educational Develo

Comments Received

Organization: **DOE** **Information Only**

Fee increases were necessary because of vendor increased test-scoring costs. The Department has encouraged school divisions to reallocate funding from grant awards to provide relief.

E044 *Education* E044

Description: **Special Education Annual Plan - Requires the submission of an annual plan.**

Problem: Eliminate the annual plan in the existing format. The annual plan submission is essentially repetitive data submitted each year. It includes policies that rarely change and programs that are essentially ongoing from one year to the next. We recommend t

Possible Solution:

Code: Code of Virginia §§ 22.1-251; State BOE Reg

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E045 *Education* E045

Description: **Special Education Program Standards - Specialized criteria required for educational interpreters.**

Problem: The level of endorsement required for interpreters is too rigid. It is very difficult to find individuals with these qualifications and limits opportunities to utilize available interpretive assistance.

Possible Solution:

Code: Code of Virginia §§ 22.1-251; State BOE Reg

Comments Received

Organization: **DOE** **Information Only**

Special education requirement.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E046 *Education* E046

Description: **Career and Technical Advisory Council - Separate advisory councils (career and technical, special education, gifted).**

Problem: Eliminate all requirements for separate advisory councils at the LEA. Our School System works with a Comprehensive Plan Committee for development of the Annual Comprehensive Plan. This committee is composed of stakeholders from all areas and provides ad

Possible Solution:

Code: State BOE Reg 8 VAC 20-120-40, 50, and 70

Comments Received

Organization: **DOE** **Retain**

The federal Carl D. Perkins Act requires states to have a plan for Career and Technical Education that "actively involves parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs..." This committee is established in Virginia Board of Education Regulations (8 VAC 20-120-50). There is a similar requirement in the federal Individuals with Disabilities Education Act (IDEA) for special education. The requirement for a local gifted education advisory committee is found in Section 22.1-18.1 of the Code.

E047 *Education* E047

Description: **Mandated state reports - There are too many mandatory state reports.**

Problem: The Virginia Department of Education should be required to review every mandated state report and identify how and what the reported data is used for rather than expect the LEA to identify which ones should not be required. In some cases, there may be no

Possible Solution:

Code: Various

Comments Received

Organization: **DOE** **Information Only**

In 2009, the Department undertook an extensive review of its reporting requirements in response to a directive from the General Assembly. As a result of this review, eight reports were eliminated, 20 reports were consolidated, and 57 reports were retained because these reports were tied to state funding or to federal requirements.

Organization: **Fairfax Co. Public Schools** **Information Only**

We concur with the recommendation that the source of any mandated report should provide information to the Task Force about each report and why it is necessary. This could include information about the origin of the data collection requirement (whether it be federal code, federal regulation, state code, or state regulation) how the data is used, if the data is tied to the receipt of funding, and whether the data collected is potentially available from another source.

E048 *Education* E048

Description: **Home instruction - Requirement to report information on home school students.**

Problem: Why is the LEA required to report information on home schooled children? The LEA is not receiving funding for these students and is not providing educational services.

Possible Solution:

Code: Code of Virginia 22.1-254.1

Comments Received

Organization: **DOE** **Information Only**

Section 22.1-254.1 of the Code of Virginia requires that each division superintendent report the number of students in the school division receiving home instruction. This section of the Code also requires school divisions to: 1) receive notification from parents who intend to home school that they meet certain qualifications; 2) evaluate evidence of progress for home schooled students; 3) place parents on probation if evidence of progress is not demonstrated; and 4) notify parents of AP and PSAT examination information.

E049 *Education* E049

Description: **Title II-D State Report - Required to submit separate report when all information has already been submitted into the state grant system (Omega).**

Problem: We submit duplicate information to the state for this grant and others. Every reimbursement request is submitted through the state Omega system. Why is it then necessary to submit a separate report outlining how we spent the Title II-D funds when that i

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement. The Department of Education has streamlined reporting requirements in the OMEGA system to minimize local burden.

E050 *Education* E050

Description: **Minimum instructional personnel - One size fits all regulations on class sizes.**

Problem: School Systems are in the best position to know what program and staffing modifications are needed to accomplish their goals for student success. Generic class size calculations and minimum staffing levels do not guarantee student performance. The state

Possible Solution:

Code: Code of Virginia 22.1-253.13:2, 22.1-293 thro

Comments Received

Organization: **DOE** **Information Only**

Standard 2 of the Standards of Quality provides a minimum threshold for K-12 staffing. These minimum standards are used to calculate funding. For FY2012, state funding for the Standard 2 is budgeted at $4.9 billion. Each local school division must provide its local share of funds based upon its composite index of local ability-to-pay. Legislation passed by the 2011 General Assembly codified flexibility provisions in the Appropriation Act related to the use of data coordinators/instructional technology resource teachers, mathematics specialists, reading specialists, and services for English language learners. The legislation also provided for flexibility in the deployment of assistant principals. Furthermore, there is language in the Appropriation Act that provides some relief for class sizes to give flexibility to local school divisions. □□□□

E051 *Education* E051

Description: **State mandates in excess of federal mandates - Virginia imposes mandates in excess of the federal requirements.**

Problem: Virginia imposes an excessive amount of mandates above and beyond the federal requirements. The burden on LEA's to satisfy all of the federal and state mandates take valuable time away from the core mission of every school system to provide a full spect

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

In 2009, the Department undertook an extensive review of its reporting requirements in response to a directive from the General Assembly. As a result of this review, eight reports were eliminated, 20 reports were consolidated, and 57 reports were retained because these reports were tied to state funding or to federal requirements.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E052 *Education* E052

Description: **Administration of Stanford 9 - School divisions are required to administer Stanford 9 test.**

Problem: Delete the requirement for reporting of the Stanford 9. It is anachronistic with most divisions no longer administering the test.

Possible Solution:

Code: Code of Virginia 22.1-253.13:3, State BOE Re

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality (Standard 3) state: "Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public." The General Assembly added that language when it passed legislation in 2003 that eliminated the requirement to administer the Stanford 9,

E053 *Education* E053

Description: **Remediation programs evaluation - School divisions are required to annually evaluate these programs based on state criteria.**

Problem: Eliminate this requirement. Programs are so varied across the state that the data is likely meaningless, out of context, and not comparable from division to division. It would be impossible to use this data in any statistically meaningful way at the sta

Possible Solution:

Code: Code of Virginia 22.1-199.2, State BOE Regs 8

Comments Received

Organization: **DOE** **Information Only**

The 2010 General Assembly amended 22.1-199.2 to eliminate the specific evaluation criteria. The Board of Education revised its regulations and repealed 8 VAC 20-630-50, which had listed the criteria, effective March 21, 2011.

E054 *Education* E054

Description: **Outdated, redundant record-keeping - Requires maintaining a SOL Card to track student progress on the SOLs K-3.**

Problem: The advent of Standards-based computer gradebooks and 24/7 access for parents online reveal that technology has rendered this requirement as useful as the old Savings Account Bank Book

Possible Solution:

Code: Instructional Standards for K-12 (p. 103)

Comments Received

Organization: **DOE** **Other**

The Department collects all data electronically and supports any initiatives that streamline reporting and eliminate outdate recordkeeping. It is not clear to which document the school division is referring in this recommendation.

E055 *Education* E055

Description: **State Micromanagement of Local School Divisions - The proposed "65% rule"**

Problem: In an era of limited resources, the Commonwealth should focus its old and new efforts on helping schools in need and leaving the rest of us alone. Further, the state has no business telling a locality how it invests its resources beyond the Local Require

Possible Solution:

Code: SOQ

Comments Received

Organization: **DOE** **Information Only**

Legislation has been proposed over the last few years regarding a "65% rule," but thus far the legislation has not passed the General Assembly, and the "65% rule" is not in effect.

E056 *Education* E056

Description: **Requirement for personal finance class to be taught to every student - A class in personal finance must be taught**

Problem: Money should be allocated to pay for teachers for inclusion of this class

Possible Solution:

Code: Code of Virginia §§ 22.1-200.03, 22.1-208, 22

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement for the Advanced Studies, Standard, and the two technical diplomas. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was also supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E012

E057 *Education* E057

Description: **Requirement to teach character education - Requirement to teach character education**

Problem: Money should be allocated to pay for services of staff and to purchase resources for this mandate

Possible Solution:

Code: Code of Virginia §§ 22.1-200.03, 22.1-208, 22

Comments Received

Organization: **DOE** **Information Only**

Section 22.1-208.01 states: "Each school board shall establish, within its existing programs, a character education program in its schools." Funding for the staffing ratios contained within the Standards of Quality (Section 22.1-253.13:2 of the Code) and other personal and nonpersonal support. For FY 2011-2012, the state share of Basic Aid is budgeted at $4.9 billion. Each local school division is required to fund its local share based on the composite index of local ability-to-day. Basic Aid funding is used to support teachers in all subject areas, including character education.

E058 *Education* E058

Description: **Requirement for professional development - School Divisions are required to provide a program of high quality professional development as prescribed by the Standards of Quality**

Problem: There is no line item of revenue for PD from the state even though there is continuous training necessary to address new initiatives

Possible Solution:

Code: SOE.DOE117 SOE.DOE027

Comments Received

Organization: **DOE** **Information Only**

Funding within the Standards of Quality, Section 22.1-253.13:2 of the Code, includes funding professional development for local school division teachers and administrators. For FY 2011-2012, there is $20 million in funding in the state's share of Basic Aid for professional development.

E059 *Education* E059

Description: **Family Life Education - Family Life Education must be taught**

Problem: Money should be appropriated for resources and staff to meet this requirement

Possible Solution:

Code: SOE.DOE081

Comments Received

Organization: **DOE** **Information Only**

There is no mandate for public schools to teach Family Life Education. Board of Education Regulations (Standards of Accreditation) state the following in 8 VAC 20-131-170: "Each school may implement the Standards of Learning for the Family Life Education program promulgated by the Board of Education or a Family Life Education program consistent with the guidelines developed by the board, which shall have the goals of reducing the incidence of pregnancy and sexually-transmitted diseases and substance abuse among teenagers."

E060 *Education* E060

Description: **Testing requirements - School divisions are required to administer appropriate assessments**

Problem: NCLB requirements (increased requirements for state and federal accountability) have led to increased testing without commensurate external funding. Examples include: the need to extend student records collection which requires a full time position, the n

Possible Solution:

Code: SOE.DOE059

Comments Received

Organization: **DOE** **Other**

The U.S. Department of Education is permitting states to apply for flexibility waivers related to the Elementary and Secondary Education Act (ESEA). The administration of assessments under ESEA will continue to be required but states receiving waivers may benefit from: 1) the determination of adequate yearly progress (AYP); 2) school improvement implementation flexibility; and 3) flexibility regarding highly qualified teacher (HQT) improvement plans. Virginia will submit it request for flexibility in early 2012. The state has no authority to provide flexibility regarding ESEA without federal approval.

E061 *Education* E061

Description: **K-3 English and Mathematics Achievement Records - Requires teachers to complete achievement records for all students in grades K-3. Requires extensive work to automate and store as permanent records.**

Problem: Teachers review student's mastery of SOL skills daily and meet periodically to review data. LEA can monitor and assess student growth without a state report and mandate.

Possible Solution:

Code: Code of VA 22.1-253.13:1(D)(1); Reg 8 VAC 2

Comments Received

Organization: **DOE** **Information Only**

These Board regulations (8 VAC 20-131-80 - Standards of Accreditation) state the following: "In kindergarten through grade 3, reading, writing, spelling, and mathematics shall be the focus of the instructional program. Schools shall maintain an early skills and knowledge achievement record in reading and mathematics for each student in grades kindergarten through grade 3 to monitor student progress and to promote successful achievement on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school." Superintendent's Memorandum 264-11 was issued to provide school divisions with sample English and Mathematics Achievement Records that "may be used as models as school divisions develop their own achievement records." There is no requirement that school divisions use these sample records developed by the Department.

E062 *Education* E062

Description: **Special Educational Plan - Required to submit special education plan for following year.**

Problem: Plan is a prescribed format with repetitive information to meet a reporting requirement. Format should be updated or replaced with assurance statement that LEA complies with federal and state laws.

Possible Solution:

Code: Code of VA 22.1-215: Reg 8 VAC 20-80-10

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E063 *Education* E063

Description: **Special Education Program Standards for Interpreters. - Required endorsement standards for interpreters is too rigid and difficult to hire and pay within resources.**

Problem: Revise the standard.

Possible Solution:

Code: Reg. 8 VAC 20-80-10

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E064 *Education* E064

Description: **Home Instruction - Requires LEA to monitor and report on home school students.**

Problem: Funds are not received in ADM for these students and positions are not recognized to support home school students.

Possible Solution:

Code: Code of VA 22.1-254.1

Comments Received

Organization: **DOE** **Information Only**

Section 22.1-254.1 of the Code of Virginia requires that each division superintendent report the number of students in the school division receiving home instruction. This section of the Code also requires school divisions to: 1) receive notification from parents who intend to home school that they meet certain qualifications; 2) evaluate evidence of progress for home schooled students; 3) place parents on probation if evidence of progress is not demonstrated; and 4) notify parents of AP and PSAT examination information.

E065 *Education* E065

Description: **Superintendent Certifications - Superintendent required to sign multiple certification documents that LEA meets State standards.**

Problem: Superintendent should be able to certify by oath and duties of position in one document that LEA will comply with standards.

Possible Solution:

Code: Code of VA 22.1-64

Comments Received

Organization: **DOE** **Other**

The Board of Education approved final regulations that would eliminate this requirement on March 18, 2010. These regulations are currently in the Governor's Office undergoing executive review.

E066 *Education* E066

Description: **Remediation Programs Evaluation - Requires LEA to annually evaluate remediation program based on criteria from State BOE.**

Problem: Eliminate since programs are so varied for each LEA that report is likely meaningless.

Possible Solution:

Code: Code of VA 22.1-199.2; Reg 8 VAC 20-630-10

Comments Received

Organization: **DOE** **Other**

The 2010 General Assembly amended 22.1-199.2 to eliminate the specific evaluation criteria. The Board of Education revised its regulations and repealed 8 VAC 20-630-50, which had listed the criteria, effective March 21, 2011.

E067 *Education* E067

Description: **State Mandates that Exceed Federal Requirements - State has mandates that exceed Federal requirements, ie, State serves identified 2 year olds in special education while Federal requirement is age 3.**

Problem: Extra work and expenditures to comply with Federal and extra State requirements.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E068 *Education* E068

Description: **State Reports - State DOE and agencies should be required to review State reports that are not needed rather than depend on LEA.**

Problem: LEA is not in a position to determine how reports are used at State level and which ones just meet a reporting requirement with no action.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

In 2009, the Department undertook an extensive review of its reporting requirements in response to a directive from the General Assembly. As a result of this review, eight reports were eliminated, 20 reports were consolidated, and 57 reports were retained because these reports were tied to state funding or to federal requirements.

E069 *Education* E069

Description: **Home Instruction - Requires school divisions to notify parents of home school students of the availability of Advanced Placement and PSAT exams, and provide instruction of low income.**

Problem: The division does not presently budget for assistance for our public school students; therefore, the same benefit should not be allotted to students not enrolled in our public schools.

Possible Solution:

Code: SOE.DOE094

Comments Received

Organization: **DOE** **Information Only**

Section 22.1-254.1 states: "School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction." This legislation was passed by the 2005 General Assembly as HB1767. .

E070 *Education* E070

Description: **Remediation Program Evaluation - Requires a report that specifies achievement and demographic information describing students enrolled in remediation programs.**

Problem: Because the division does not have a student information system, this report from the 30 schools requires hundred of hours to complete at both the school and central levels. Since the Virginia Department of Education has state-wide access to SOL student

Possible Solution:

Code: SOE.DOE107

Comments Received

Organization: **DOE** **Other**

The 2010 General Assembly amended 22.1-199.2 to eliminate the specific evaluation criteria. The Board of Education revised its regulations and repealed 8 VAC 20-630-50, which had listed the criteria, effective March 21, 2011.

E071 *Education* E071

Description: **School Year to Begin After Labor Day - The requirements for history of severe weather should be removed.**

Problem: The start date for school divisions should be a local decision.

Possible Solution:

Code: SOE.DOE132

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

E072 *Education* E072

Description: **On-Line Writing Assessment - Requires elementary students to take on-line SOL writing assessments.**

Problem: Presents curriculum, scheduling, and financial burdens. The elementary curriculum does not include instruction in keyboarding. To properly prepare students, the state should provide SOQ staffing for keyboard instruction. The scheduling of computer labs

Possible Solution:

Code: Superintendent's Memo #278-11

Comments Received

Organization: **DOE** **Information Only**

The Standards of Learning (SOL) Technology Initiative provides technical and financial resources to Virginia's school divisions. This initiative was begun in 2000, and since that time, more than $643 million has been distributed to school divisions. The SOL Technology includes funding to achieve the following goals: 1) providing a ratio of one computer for every five students; 2) creating Internet-ready local area network capability in every school; 3) assuring high-speed, high-bandwidth capabilities for instructional, remedial and testing needs; and 4) supporting Virginia's nationally recognized online assessment system. All school divisions receive funding from proceeds issued from Virginian Public School Authority (VPSA) bonds. Proceeds from bonds issues in 2011 provide: 1) computer-based instructional and testing systems for the Standards of Learning; 2) high speed Internet capability at high schools, then middle schools, followed by elementary schools; and 3) for the administration of 100% of high school SOL tests online for fiscal year 2001, followed by 100% of middle schools by fiscal year 2012, followed by 100% of elementary schools by fiscal year 2013. □

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E033

E073 *Education* E073

Description: **Economics and Finance Course Graduation Requirements for Students Entering 9th Grade in Fall 2011 -**

Problem: Requirement places a burden on the school division since additional staff will need to be hired and additional resources used to purchase the textbooks and materials.

Possible Solution:

Code: 8VAC20-131-50. Requirements for graduatio

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement for the Advanced Studies, Standard, and the two technical diplomas. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was also supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E012

E074 *Education* E074

Description: **Highly Qualified Requirement for Teachers in Title 1 Schools -**

Problem: In a school division that hires many out-of-state teachers, we are limited at our Title 1 schools because these teachers do not have the Virginia certification; therefore, they are deemed to be not highly qualified. This is an unfunded mandate because it

Possible Solution:

Code: NCLB 2001 places major emphasis upon HQ

Comments Received

Organization: **DOE** **Other**

The U.S. Department of Education is permitting states to apply for flexibility waivers related to the Elementary and Secondary Education Act (ESEA). The administration of assessments under ESEA will continue to be required but states receiving waivers may benefit from: 1) the determination of adequate yearly progress (AYP); 2) school improvement implementation flexibility; and 3) flexibility regarding highly qualified teacher (HQT) improvement plans. Virginia will submit it request for flexibility in early 2012. The state has no authority to provide flexibility regarding ESEA without federal approval.

E075 *Education* E075

Description: **Civic Course Requirement for License Renewal - Starting next year, any teacher license renewal for elementary school, middle school, and social studies certification will require the teacher to take a civics and or government course.**

Problem: This is an unfunded mandate that places an undue financial burden on teachers.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

The Department is in the process of designing an online program that teachers could use to satisfy this requirement. The process will be accessible to all teachers needing this certification not later than June 30, 2012, at no cost to the teachers or school divisions..

E076 *Education* E076

Description: **Accreditation..and evaluation - Assessment methods to determine achievement of the SOL's**

Problem: 2010-2011 - New math standards - will be tested in 2011-2012. The new standards and embedded rigor requires significant staff development and resources. Significant resources will have to be spent if new benchmark scores are not met in the first year.

Possible Solution:

Code: Code of Virginia 22.1-253.13:3

Comments Received

Organization: **DOE** **Retain**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. The revised mathematics standards were adopted by the Board of Education in 2009. The Board also adopted a supplement to the 2009 Mathematics Standards of Learning (SOL) Curriculum Framework to fully align Virginia's standards with the Common Core. Assessments developed using the new blueprints will be administered for the first time in the fall 2011 administration for only the end-of-course (EOC) mathematics tests (Algebra I, Geometry, and Algebra II). The remainder of the new blueprints for the grades 3 through 8 mathematics tests will be implemented in the spring 2012 test administration. In order to apply for a waiver from the U.S. Department of Education for Elementary and Secondary Education Act (ESEA) flexibility, a state must demonstrate that its has college and career ready standards and aligned, high-quality assessments.

E077 *Education* E077

Description: **Annual School Report - Requirement to submit statistical information**

Problem: Staff resources are being spent on a state function. In addition, support staff has been cut.

Possible Solution:

Code: Code of Virginia 22.1-81,22.1-259, 22.1-260

Comments Received

Organization: **DOE** **Retain**

Required by Section 22.1-81 of the Code of Virginia. This Information is needed for budget calculations and for federal reporting (Impact Aid, Title I, Census), and is used for the re-benchmarking of the Standards of Quality.

E078 *Education* E078

Description: **WIDA test - Requires that all ELL students are tested**

Problem: While WIDA is very valuable, the costs can no longer be paid by Title III; therefore, local funds must support the costs associated with the testing

Possible Solution:

Code: NCLB Testing requirement

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement under the Elementary and Secondary Education Act (ESEA). The U.S. Department of Education would have to waive this requirement in order for this recommendation to be implemented. The ACCESS for ELLs® test developed by the WIDA® Consortium was selected by the Virginia Board of Education because this test meets federal standards. School divisions may also develop local tests and submit these tests to the Board of Education for review and approval.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E017

E079 *Education* E079

Description: **Master Schedule Collection Process - Requires that school districts upload detailed information about courses teachers teach, course numbers, student achievement data, etc.**

Problem: This effort requires an inordinate amount of staff time. The calculation noted here reflects a portion of staff time but can in no way reflect the magnitude of what is required -- ideally two additional positions.

Possible Solution:

Code: American Recovery and Restoration Act

Comments Received

Organization: **DOE** **Retain**

The Master Schedule Collection (MSC) of data is required to satisfy federal assurances for Indicators (b)(1), (b)(2), and (b)(3) of the State Fiscal Stabilization Fund (SFSF).

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E021

E080 *Education* E080

Description: **Financial Literacy Graduation Requirement - Requires that students complete a financial literacy course**

Problem: FCPS has decided to offer four options for students to complete the requirements; three of the options are already in the high school schedule reducing the need to add a large number of teachers, but it appears that at least an additional teacher in CTE o

Possible Solution:

Code: HB 1554 and SB 810

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement for the Advanced Studies, Standard, and the two technical diplomas. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was also supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E012

E081 *Education* E081

Description: **Title 1 Sanctions associated with Title 1 Schools in Improvement - Requires intensive staff time to meet reporting, bookkeeping, and meeting requirements**

Problem: While aspects of the requirements are useful and valuable, several requirements emerging from the state's Office of School Improvement are negatively impacting staff time which would be better spent in supporting teaching and learning efforts (observation

Possible Solution:

Code: NCLB Sanctions

Comments Received

Organization: **DOE** **Other**

The U.S. Department of Education is permitting states to apply for flexibility waivers related to the Elementary and Secondary Education Act (ESEA). The administration of assessments under ESEA will continue to be required but states receiving waivers may benefit from: 1) the determination of adequate yearly progress (AYP); 2) school improvement implementation flexibility; and 3) flexibility regarding highly qualified teacher (HQT) improvement plans. Virginia will submit it request for flexibility in early 2012. The state has no authority to provide flexibility regarding ESEA without federal approval.

E082 *Education* E082

Description: **Licensing and Credentialing Requirements - Requires licensing or credentialing for various staff personnel**

Problem: Requirements extend to interpreting services, hearing & vision impaired teachers & CTE teachers restricting capacity to hire teachers and increasing time and costs for assisting teachers with licensing requirements; cost represents 5%-10% of a staff membe

Possible Solution:

Code: HB 566 and SB 630

Comments Received

Organization: **DOE** **Information Only**

House Bill 566 and SB 630 (from the 2010 General Assembly) required each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills (WRS) assessments passed and the number of national occupational competency assessments passed. Using existing data collection systems, the Department is now posting information about the WRS on its Web site as part of the school report care. In 2008, the Department of Education, on behalf of the Board, undertook a review of Virginia's WRS assessment to determine if further revisions were needed as the economy continues to change and skill requirements continue to evolve. Several organizations, such as the Weldon Cooper Center, the Career and Technical Education Consortium of States (CTECS), the Virginia CTE Resource Center, and the National Occupational Competency Testing Institute (NOCTI) were involved in this review. In 2009-2010, the Department commissioned the Weldon Cooper Center to conduct further research. The Center surveyed 300 business and industry representatives in Virginia. Employers across the Commonwealth reinforced the research findings and validated new workplace readiness skills. As a result of this review, a new WRS was developed and approved by the Board. The Department has provided extensive technical assistance to school divisions. The new WRS test has a lower cost than the prior assessment, which consisted of two tests. The Standards of Quality provide state funding, budgeted at $66 million in FY 2012, for career and technical education. State funding is provided to support career and technical education courses for students in grades 6-12. The funding supports the salary costs of instructional positions based on the class size maximums established in Board regulations. Each local school division must provide its local share of funds based upon its composite index of local ability-to-pay.

E083 *Education* E083

Description: **Administration of Assessment Instruments - School divisions are required to administer appropriate assessments which may include criterion-referenced tests, teacher-made tests, and alternative assessment instruments, and shall include the Standards of Lea**

Problem: JLARC has recommended reduction in the # of tests at the 3rd grade level to the General Assembly. We must continue to fund positions with testing responsibility, which is an increased burden due to reduction in SOQ funding for such positions.

Possible Solution:

Code: Code of Virginia § 22.1-253.13:3; State Board

Comments Received

Organization: **DOE** **Other**

In 2009, the Department proposed to eliminate the grade 3 Standards of Learning History assessment. The Superintendent's Leadership Advisory Group, which consists of the eight regional chairs and officers of the Virginia Association of School Superintendents (VASS), and other educators had encouraged the Board and the Department to look for ways to relieve educators of administrative testing burdens. The proposal did not move forward because of the opposition by the General Assembly and public comment in opposition to this proposal. Regarding the testing of student with disabilities, Virginia must meet both state and federal standards in terms of the types of assessments administered to these students.

E084 *Education* E084

Description: **School Year to Begin after Labor Day - Local school boards shall set the school calendar so that the first day for students is after Labor Day. This requirement may be waived by the Board of Education if excessive closures due to severe weather or emergen**

Problem: Annual staff time to document the requirements for a pre-Labor Day opening is an unfunded mandate.

Possible Solution:

Code: Code of Virginia § 22.1-79.1

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

E085 *Education* E085

Description: **Evaluation of Superintendent, Teachers, and Administrators - School divisions must evaluate the division superintendent, teachers, and administrators annually consistent with the performance objectives set out in the guidelines for Criteria for Teachers,**

Problem: The staff time required for School Divisions to align local performance appraisals with new performance objectives represent an unfunded mandate.

Possible Solution:

Code: Code of Virginia §§ 22.1-60.1 and 22.1-253.1

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement under the State Fiscal Stabilization Fund (SFSF). Under SFSF, information must be provided regarding how teacher and principal performance is evaluated and the distribution of performance evaluation ratings or levels among teachers and principals. To comply with federal SFSF requirements, school divisions must submit course data linking teachers to students and courses taught and course-enrollment data linking courses taught to teacher qualifications.

E086 *Education* E086

Description: **Virginia Public School Educational Technology Grants Program - School divisions receiving grants from the Virginia Public School Educational Technology Trust Fund must provide a 20% local match based on the composite index of ability to pay, and must meet**

Problem: These grants must be funded to support state on-line testing requirements, hence the 20% match is an unfunded mandate.

Possible Solution:

Code: Code of Virginia §§ 22.1-175.6 through 22.1-

Comments Received

Organization: **DOE** **Information Only**

Proceeds from bonds issues in 2011 provide: 1) computer-based instructional and testing systems for the Standards of Learning; 2) high speed Internet capability at high schools, then middle schools, followed by elementary schools; and 3) for the administration of 100% of high school SOL tests online for fiscal year 2001, followed by 100% of middle schools by fiscal year 2012, followed by 100% of elementary schools by fiscal year 2013. Since the start of this program in 2000, more than $643 million has been distributed to school divisions. The 20% match has been in place since this program was implemented.

E087 *Education* E087

Description: **Student Achievement and Graduation Requirements - School divisions are required to have procedures for locally awarded verified units of credit, and to award diplomas to all secondary school students who earn the until of credit prescribed by the Board of**

Problem: Requesting flexibility in the number of clock hours to earn a unit of credit.

Possible Solution:

Code: Code of Virginia §§ 22.1-207.5 and 22.1-253.

Comments Received

Organization: **DOE** **Other**

Virginia Board of Education Regulations (Standards of Accreditation) already provide this flexibility. The regulations, in 8 VAC 20-131-110, state: "If a school division elects to award credit on a basis other than the 140 clock hours of instruction required for a standard unit of credit defined in this subsection, the local school division shall develop a written policy approved by the superintendent and school board which ensures: 1) That the content of the course for which credit is awarded is comparable to 140 clock hours of instruction; and 2) That upon completion, the student will have met the aims and objectives of the course." This flexibility has been in the regulations since 2000.

E088 *Education* E088

Description: **Elementary and Secondary Education Act Regulations - School divisions receiving funds from the Elementary and Secondary Act of 1965, reauthorized by the No Child Left Behind Act of 2001, must follow certain federal laws and achievement, accountability, te**

Problem: Due to onerous testing and reporting requirements that consume significant annual staff time, we support regulatory relief.

Possible Solution:

Code: P.L. 107-110 (No Child Left Behind Act of 200

Comments Received

Organization: **DOE** **Other**

The U.S. Department of Education is permitting states to apply for flexibility waivers related to the Elementary and Secondary Education Act (ESEA). The administration of assessments under ESEA will continue to be required but states receiving waivers may benefit from: 1) the determination of adequate yearly progress (AYP); 2) school improvement implementation flexibility; and 3) flexibility regarding highly qualified teacher (HQT) improvement plans. Virginia will submit it request for flexibility in early 2012. The state has no authority to provide flexibility regarding ESEA without federal approval.

E089 *Education* E089

Description: **Felony Child Abuse Certification / Mandate 6: School Background Checks for Employees and Contractors - These mandates have a very important intent in protecting our students. However, the cost of the background checks for employees, as well as the staf**

Problem: While these mandates have positive intentions, they are still unfunded/under funded mandates that divert needed funds from localities. We are very thankful to share the opportunity to share this information with you because the impacts of the mandates ar

Possible Solution:

Code: Mandate 3

Comments Received

Organization: **DOE** **Information Only**

The purpose of these mandate is to protect children in public schools from sexual predators, drug dealers, other convicted felons, and child abusers. It also provides school divisions with the legal basis that allows consequences for individuals who make false statements on applications for employment and for contractors and their staff who do not provide truthful information regarding these issues. This mandate helps to ensure the safety and well-being of students and staff in public schools.

E090 *Education* E090

Description: **Required Local Funding Effort for School Division - It is certainly important to provide this information to the public. However, it should be noted that providing the information required in print and on the internet requires significant staff time and**

Problem: Unfunded

Possible Solution:

Code: Mandate 3

Comments Received

Organization: **DOE** **Information Only**

The Code of Virginia, 22.1-93, states the following: "...the governing body of a county shall prepare and approve an annual budget for educational purposes ....Upon approval, each local school division shall publish the approved annual budget, including the estimated required local match, on the division's website, and the document shall also be made available in hard copy as needed to citizens for inspection." Local governing bodies must appropriate funds for the operation of local school divisions at a level not less than that apportioned in compliance with the Code of Virginia for meeting the Standards of Quality in local educational programs. School boards shall submit a report of all expenditures to the governing body annually at a specified time, using a template prescribed by the state Department of Education. School divisions shall annually publish their approved budgets, including local match, and expenditure reports, on the school division website and make the approved budget available in hard copy as needed to the public for inspection. □□

Description: **Planning Time for Elementary School Teachers - The impact statement implies that all staffing standards have remained constant. Students must be monitored by staff members other than classroom teachers during the planning time. Provision of planning ti**

Problem: Unfunded

Possible Solution:

Code: Mandate 95

Comments Received

Organization: **DOE** **Information Only**

Legislation passed by the 2009 General Assembly, as HB 2474, states the following: "Each local school board shall ensure that all elementary school teachers in its employment are provided at least an average of 30 minutes per day during the students' school week as planning time." The Virginia Education Association supported HB 2474. A fiscal impact statement prepared by the Department of Planning and Budget for HB 2474 cited an analysis of a similar bill (from 2008) that was undertaken by the Joint Legislative Audit and Review Commission (JLARC). This analysis stated: "... JLARC staff contacted school divisions via e-mail and phone with questions regarding their existing planning time for elementary teachers and how that planning time is made available. JLARC received a response from 36 school divisions. These school divisions overwhelmingly indicated that they do provide their teachers with planning time. The divisions also overwhelmingly indicated this time occurs when students are with resource teachers or in the library. Further, they mentioned, they are generally able to find planning time for special education teachers and for their resource teachers. Based on JLARC's prior analysis, the current resource teacher and librarian standards funded in the Standards of Quality (SOQ) appear to be sufficient to provide all elementary teachers with an average of 30 minutes per day. Therefore, it is anticipated this bill will not have a state or local impact. However, if the current SOQ standards for resource teachers and librarians are not sufficient to provide all elementary teachers with the specified planning time, it is assumed the additional cost will be supported with local funds."

Description: **Planning Time for Elementary School Teachers - The impact statement implies that all staffing standards have remained constant. Students must be monitored by staff members other than classroom teachers during the planning time. Provision of planning ti**

Problem: Unfunded

Possible Solution:

Code: Mandate 127

Comments Received

Organization: **DOE** **Information Only**

Legislation passed by the 2009 General Assembly, as HB 2474, states the following: "Each local school board shall ensure that all elementary school teachers in its employment are provided at least an average of 30 minutes per day during the students' school week as planning time." The Virginia Education Association supported HB 2474. A fiscal impact statement prepared by the Department of Planning and Budget for HB 2474 cited an analysis of a similar bill (from 2008) that was undertaken by the Joint Legislative Audit and Review Commission (JLARC). This analysis stated: "... JLARC staff contacted school divisions via e-mail and phone with questions regarding their existing planning time for elementary teachers and how that planning time is made available. JLARC received a response from 36 school divisions. These school divisions overwhelmingly indicated that they do provide their teachers with planning time. The divisions also overwhelmingly indicated this time occurs when students are with resource teachers or in the library. Further, they mentioned, they are generally able to find planning time for special education teachers and for their resource teachers. Based on JLARC's prior analysis, the current resource teacher and librarian standards funded in the Standards of Quality (SOQ) appear to be sufficient to provide all elementary teachers with an average of 30 minutes per day. Therefore, it is anticipated this bill will not have a state or local impact. However, if the current SOQ standards for resource teachers and librarians are not sufficient to provide all elementary teachers with the specified planning time, it is assumed the additional cost will be supported with local funds."

E093 *Education* E093

Description: **School Performance Report Card - Requires schools to provide parents with information regarding learning objectives, a copy of the division promotion, retention, and remediation policies, all applicable SOL requirements, and requirements for all diploma**

Problem: This information could be posted on school division web sites with hard copies available upon request

Possible Solution:

Code: Code of Virginia § 22.1-253.13:3; 8 VAC 20-1

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality (Standard 3, § 22.1-253.13:3, Code of Virginia), states: "The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment." Standard 4 (§ 22.1-253.13:7) states: "Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation." The method of notification is not specified in the Code. Standard 7 of the Standards of Quality (§ 22.1-253.13:7) states: "A current copy of the school division policies, required by this section, including the Student Conduct Policy, shall be posted on the division's website and shall be available to employees and to the public. School boards shall ensure that printed copies of such policies are available as needed to citizens who do not have online access."

E094 *Education* E094

Description: **School Year to Begin after Labor Day - Requires that, except in certain circumstances, local school boards may not set the school board calendar so that the first day of school for students is before Labor Day.**

Problem: Elimination of this mandate would grant more flexibility and local control of the school calendar.

Possible Solution:

Code: Code of Virginia Section 22.1-79.1

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

E095 *Education* E095

Description: **Personal Academic and Career Plan - Beginning with the 2012-13 academic year, all schools shall begin development of a personal academic and career plan for each seventh grade student with completion by the end of the eighth grade year**

Problem: NNPS does not object to the mandate as long as it is funded. This is currently an unfunded mandate.

Possible Solution:

Code: SOE.DOE138

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay certain provisions of Board of Education regulations (standards of accreditation). One provision which has been delayed until the 2012-2013 school year is the implementation of the Academic and Career Plan, which was approved by the Board in 2009 after extensive public comment. The Department of Education, on behalf of the Board, offers numerous resources to assist school divisions with the implementation of this initiative, including: 1) the use of the Virginia Education Wizard (through the Virginia Community College System); 2) webinars on issues such as best practices for plan development; and 3) sample templates. Industry organizations have indicated that there is support for the Academic and Career Plan.

E096 *Education* E096

Description: **Economics and Personal Finance Course - Beginning with the 2011-12 academic year high school students are required to take and pass a new course on Economics and Personal Finance.**

Problem: NNPS does not object to the mandate as long as it is funded. This is currently an unfunded mandate.

Possible Solution:

Code: Chapter 391, Acts of the 2011 General Assem

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement for the Advanced Studies, Standard, and the two technical diplomas. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was also supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement at no cost to school divisions.

Organization: **Fairfax Co. Public Schools** **Defer**

See Fairfax Co. Schools comment #E012

E097 *Education* E097

Description: **State assessments in science and social studies for third graders - Virginia mandates that all students in grades 3 be tested in math, science, reading and social studies.**

Problem: A report by the Joint Legislative Audit and Review Commission shows that most states do NOT require 3rd grade testing in science and social studies and asserts that students in grade three would be better served by being tested only in reading and math.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

In 2009, the Department proposed to eliminate the grade 3 Standards of Learning History assessment. The Superintendent's Leadership Advisory Group, which consists of the eight regional chairs and officers of the Virginia Association of School Superintendents (VASS), and other educators had encouraged the Board and the Department to look for ways to relieve educators of administrative testing burdens. The proposal did not move forward because of the opposition by the General Assembly and public comment in opposition to this proposal. Regarding the testing of student with disabilities, Virginia must meet both state and federal standards in terms of the types of assessments administered to these students.

E098 *Education* E098

Description: **New teacher eval system for June 2012 - All teachers**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

The evaluation system for teachers, principals, and superintendents is a requirement of state law, in Section 22.1-253.13:5 of the Code of Virginia, It is also a federal requirement tied to the receipt of funding for the State Fiscal Stabilization Fund (SFSF). To satisfy federal assurances for the SFSF, Virginia must include the reporting of student growth data to teachers of reading/language arts and mathematics.

E099 *Education* E099

Description: **SPED testing - All SPED students**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

E100 *Education* E100

Description: **Paperwork to DOE for waivers - Early start of school**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

E101 *Education* E101

Description: **Gifted Services - All gifted students**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality (in Standard 2) provide funding for gifted education. For FY 2012, $31 million has been budgeted the state share and local school divisions must provide local funding based upon the composite index of local ability-to-day. (This funding does not include fringe benefits which are also funded by the state and matched by the composite index.) Funding from the Standards of Quality supports Governor's schools.

E102 *Education* E102

Description: **SOL testing - Grades 3-8, EOC**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Annual state assessments in English and mathematics in grades 3-8 are a federal requirement under the Elementary and Secondary Education Act (ESEA). ESEA also requires that students be tested in science once in elementary school. Assessments in English, mathematics, science, and history/social science are a requirement for state accreditation. If ESEA requirements are not met, then federal funding may not be available.

E103 *Education* E103

Description: **IDEA Services - Only funded about 22% by Feds**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

E104 *Education* E104

Description: **LEP testing - All LEP students**

Problem: -

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement under the Elementary and Secondary Education Act (ESEA). The U.S. Department of Education would have to waive this requirement in order for this recommendation to be implemented. The ACCESS for ELLs® test developed by the WIDA® Consortium was selected by the Virginia Board of Education because this test meets federal standards. School divisions may also develop local tests and submit these tests to the Board of Education for review and approval.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E017

E105 *Education* E105

Description: **School assessment and accreditation / ESOL students - The new required WIDA test was implemented for ESL students in 2008-2009. Appli-cation of federal Title III funding for purchase of required tests was eliminated in 2009-2010. Bench-marks for ESL sub**

Problem: Suspend until federal or state government can restore funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement under the Elementary and Secondary Education Act (ESEA). The U.S. Department of Education would have to waive this requirement in order for this recommendation to be implemented. The ACCESS for ELLs® test developed by the WIDA® Consortium was selected by the Virginia Board of Education because this test meets federal standards. School divisions may also develop local tests and submit these tests to the Board of Education for review and approval.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E017

E106 *Education* E106

Description: **School assessment and accreditation - Pass rate for 3rd grade history and science tests increased from 50% to 70%.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the increase in test score benchmarks used to determine school accreditation status for state purposes. The Board of Education had approved the increase in the pass rate benchmarks in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. Beginning with ratings awarded in 2013-2014, the 50% test benchmark for grade 3 history/social science and science will increase from 50% to 70%. This increase has no impact on the number of students tested or the determination of grade level progress for these students.

E107 *Education* E107

Description: **School assessment and accreditation - Pass rates for grade 3-5 English increased from 70% to 75%.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; USDOE inte

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay the implementation of the increase in test score benchmarks used to determine school accreditation status for state purposes. The Board of Education had approved the increase in the pass rate benchmarks in its 2009 revisions to the Standards of Accreditation, 8 VAC 20-131, after extensive public comment. Beginning with ratings awarded in 2013-2014, the benchmark in English will increase from 70% to 75%. This increase has no impact on the number of students tested or the determination of grade level progress for these students.

E108 *Education* E108

Description: **Diploma requirements - Advanced Technical diplomas and Standard Technical diplomas will be implemented for 9th graders.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay certain provisions of Board of Education regulations (Standards of Accreditation). One provision which has been delayed is the implementation of the Standard Technical and Advanced Technical diplomas. Beginning in the 2012-2013 school year, these diplomas must be offered. A school division is not required to offer any curriculum or scope of services for these diplomas beyond what it currently offers or plans to offer for the 2012-2013 school year.

E109 *Education* E109

Description: **"Master Schedule" report of all student achievement measures and teacher/ principal evaluation outcomes - Link student performance measures with teacher and principal performance evaluations, and "warehouse" related data for the purpose of federal reporti**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level with particular emphasis on restoration of previous state funding for support staff and instructional technology resource (ITRT) positions.

Possible Solution:

Code: American Recovery and Reinvestment Act; E

Comments Received

Organization: **DOE** **Retain**

The Master Schedule Collection (MSC) of data is required to satisfy federal assurances for Indicators (b)(1), (b)(2), and (b)(3) of the State Fiscal Stabilization Fund (SFSF).

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E021

E110 *Education* E110

Description: **Student growth percentile. - Creates additional measure for the determination of school accreditation.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level with particular emphasis on restoration of previous state funding for support staff and instructional technology resource (ITRT) positions.

Possible Solution:

Code: American Recovery and Reinvestment Act; E

Comments Received

Organization: **DOE** **Retain**

This is a federal requirement tied to the receipt of funding for the State Fiscal Stabilization Fund (SFSF). To satisfy federal assurances for the SFSF, Virginia must include the reporting of student growth data to teachers of reading/language arts and mathematics. ITRT positions are funded through Standard 2 of the Standards of Quality at a ratio of 1 per 1,000 students.

E111 *Education* E111

Description: **School assessment and accreditation. - Benchmarks for AYP will rise to 91% in reading and 90% in math for the SOL tests taken in 2011-2012 that will determine AYP status for 2012-2013**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280; Elementary

Comments Received

Organization: **DOE** **Other**

Flexibility offered by the U.S. Department of Education may permit Virginia to establish alternative testing benchmarks for federal reporting purposes. The Virginia Board of Education will submit a wavier request in early 2012 after receiving stakeholder input.

E112 *Education* E112

Description: **Require-ments for standard and advanced diplomas. - All students entering 9th grade will be required to complete a course in personal finance and economics**

Problem: Suspend until associated FTEs may be included in SOQ fundng formula.

Possible Solution:

Code: VAC 20-131-50

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which provided for the inclusion of one credit in economics and personal finance as a graduation requirement for the Advanced Studies, Standard, and the two technical diplomas. The action taken by the General Assembly implemented a Board initiative that had been delayed for several years. The economics and personal finance initiative was also supported by the Governor and by a number of outside entities. In January of 2012, the state's virtual program, Virtual Virginia, will offer an online course to satisfy this graduation requirement.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E012

E113 *Education* E113

Description: **Civil rights monitoring. - Civil rights data collection process, including an expansion of the number of classifications for student ethnicity from six to 32.**

Problem: No state level option available. This recent additional compliance standard underscores the need for restoration of state funding to 2009 level with emphasis on need to restore previous support staff funding level under SOQ formula.

Possible Solution:

Code: USDOE Office of Civil Rights Regulations.

Comments Received

Organization: **DOE** **Retain**

The mission of the federal Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. This office enforces a number of federal laws and regulations. The Virginia Department of Education collects federally-required data from school divisions in the most streamlined and efficient manner possible.

E114 *Education* E114

Description: **Standards of Learning. - New social studies standards were implemented and tested in 2010-2011.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. Full implementation of the 2008 History and Social Science Standards of Learning began in the fall of the 2010-2011 school year. Assessments developed using the revised standards were administered for the first time the 2010-2011 school year.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E115 *Education* E115

Description: **Standards of Learning. - New mathematics standards were implemented in 2010-2011 and are being tested in 2011-2012.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Retain**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. The revised mathematics standards were adopted by the Board of Education in 2009. The Board also adopted a supplement to the 2009 Mathematics Standards of Learning (SOL) Curriculum Framework to fully align Virginia's standards with the Common Core. Assessments developed using the new blueprints will be administered for the first time in the fall 2011 administration for only the end-of-course (EOC) mathematics tests (Algebra I, Geometry, and Algebra II). The remainder of the new blueprints for the grades 3 through 8 mathematics tests will be implemented in the spring 2012 test administration. In order to apply for a waiver from the U.S. Department of Education for Elementary and Secondary Education Act (ESEA) flexibility, a state must demonstrate that its has college and career ready standards and aligned, high-quality assessments.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E116 *Education* E116

Description: **Graduation requirements and school accreditation. - A Virginia cohort graduation index of 85 points is required to achieve accreditation.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-300; VAC 20-13-280

Comments Received

Organization: **DOE** **Information Only**

Beginning with graduation rate data for the 2010-2011 school year, this index became a factor in the calculation of accreditation ratings for 2011-2012. Of the 308 high schools in Virginia, 266 are fully accredited and met this benchmark, 30 provisionally accredited high schools were within five points of the 85-point benchmark, ten of the 11 high schools accredited with warning were warned solely because their graduation and completion indices were below this year's 80-point benchmark for provisional accreditation, and one high school was a new school and thus was conditionally accredited. In collaboration with four Virginia school divisions, the Appalachia Regional Comprehensive Center, and the National High School Center, the Department developed the Virginia Early Warning System (VEWS). VEWS relies on readily available data – housed at the school – to predict which students are at risk for dropping out of high school; target resources at the school- and division-level to support students not on track to graduate while they are still in school and before they drop out; examine patterns and identify school climate issues that may contribute to disproportionate dropout rates. The Department developed VEWS to identify ninth-grade students who are at risk of not graduating.

E117 *Education* E117

Description: **Standards of Learning. - New English standards will be implemented in 2011-2012 and tested in 2012-2013.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Retain**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. School divisions are expected begin implementation of the 2010 English Standards of Learning by September 2011 and to fully implement the 2010 English Standards of Learning in the 2012-2013 academic year. In spring 2012, items measuring new content in the 2010 English Standards of Learning will be field tested. In spring 2013, all items on the English Standards of Learning assessments will be based on the 2010 English Standards of Learning. The 2010 standards are fully aligned with the Common Core. In order to apply for a waiver from the U.S. Department of Education for Elementary and Secondary Education Act (ESEA) flexibility, a state must demonstrate that its has college and career ready standards and aligned, high-quality assessments.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E118 *Education* E118

Description: **Student assessment and school accreditation. - New SOL writing test will require all students to compose their submissions on a computer.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level. Suspension also should be continued pending a review of the adequacy of state VPSA technology bond funding. Do we have the technology capacity for this expansion of on-line writing t

Possible Solution:

Code: VAC 20-131-30; VAC 20-131-280

Comments Received

Organization: **DOE** **Information Only**

The Standards of Learning (SOL) Technology Initiative provides technical and financial resources to Virginia's school divisions. This initiative was begun in 2000, and since that time, more than $643 million has been distributed to school divisions. The SOL Technology includes funding to achieve the following goals: 1) providing a ratio of one computer for every five students; 2) creating Internet-ready local area network capability in every school; 3) assuring high-speed, high-bandwidth capabilities for instructional, remedial and testing needs; and 4) supporting Virginia's nationally recognized online assessment system. All school divisions receive funding from proceeds issued from Virginian Public School Authority (VPSA) bonds. Proceeds from bonds issues in 2011 provide: 1) computer-based instructional and testing systems for the Standards of Learning; 2) high speed Internet capability at high schools, then middle schools, followed by elementary schools; and 3) for the administration of 100% of high school SOL tests online for fiscal year 2001, followed by 100% of middle schools by fiscal year 2012, followed by 100% of elementary schools by fiscal year 2013.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E033

E119 *Education* E119

Description: **Standards of Learning. - New science standards will be implemented in 2011-2012 and tested in 2012-2013.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level.

Possible Solution:

Code: VAC 20-131-30

Comments Received

Organization: **DOE** **Information Only**

The Standards of Quality, in Section 22.1-253.13:1, require the Board of Education to review and revise as necessary the Standards of Learning every seven years. School divisions are expected to begin implementation of the 2010 Science Standards of Learning by September 2011 and to fully implement the 2010 Science Standards of Learning in the 2012-2013 academic year. In spring 2012, items measuring new content in the 2010 Science Standards of Learning will be field tested. In spring 2013, all items on the Science Standards of Learning assessments will be based on the 2010 Science Standards of Learning.

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E027

E120 *Education* E120

Description: **State special education regulations that exceed federal requirements. - Students who test out of specialized educational services may not be dismissed unless and until parent/guardian gives written agreement.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; VAC 20-81-90.C

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E121 *Education* E121

Description: **State special education regulations that exceed federal requirements. - The Comprehensive Services Act (CSA) for students and families at risk no longer funds as many specific support services as previously.**

Problem: Amend to ensure that state requirement does not exceed federal requirement.

Possible Solution:

Code: VAC 20-131-70; VAC 20-81-250.F; Va. Code 2

Comments Received

Organization: **DOE** **Information Only**

Special education requirement

Organization: **Fairfax Co. Public Schools** **Information Only**

See Fairfax Co. Schools comment #E035

E122 *Education* E122

Description: **Graduation requirements. - The number of standard units of credit for an Advanced Studies Diploma will increase from 24 to 26.**

Problem: Suspend until Commonwealth can restore state funding to FY 2009 level. Suspension should be maintained until state determines true cost of additional FTEs needed for provision of additional courses. State must pay its share of the additional cost.

Possible Solution:

Code: VAC 20-131-50

Comments Received

Organization: **DOE** **Information Only**

The 2011 General Assembly passed Senate Bill 810 and House Bill 1554, which continued to delay certain provisions of Board of Education regulations (Standards of Accreditation). One provision that was not delayed was the change in credit requirement for the Advanced Studies diploma. The Board initially approved this change in early 2009, after an extensive public comment process. The 26 credit diploma became effective with the ninth grade class of 2011-2012.

E123 *Education* E123

Description: **Cooperative procurement - Restricts school divisions from seeking best possible contract pricing by placing artificial limiting conditions on cooperative procurement.**

Problem: School divisions should be able to pursue best possible pricing under cooperative procurement.

Possible Solution:

Code: Code of Virginia § 2.2-4304A, particularly sub

Comments Received

Organization: **DOE** **Information Only**

This is a requirement of the Virginia Public Procurement Act, and not a K-12 public education requirement.

Organization: **Fairfax Co. Public Schools** **Other**

We appreciate your consideration of our earlier recommendations in these areas.

E124 *Education* E124

Description: **Required public notice - School divisions are required to post various public notices in "newspapers of general circulation" in their jurisdiction**

Problem: 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.

Possible Solution:

Code: EXAMPLES: Code of Virginia § 22.1-79 and 2

Comments Received

Organization: **DOE** **Other**

This issue is addressed in HB 1935 (Ware, O). Although the bill was not passed by the 2011 General Assembly, it was referred to the FOIA Advisory Council, which in turn requested that an ad hoc joint committee of the Senate Committee on Local Government and the House Committee on Counties Cities and Towns. See http://foiacouncil.dls.virginia.gov/sm071811.pdf

Organization: **Fairfax Co. Public Schools** **Other**

We appreciate your consideration of our earlier recommendations in these areas.

E125 *Education* E125

Description: **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**

Problem: 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 re

Possible Solution:

Code: Code of Virginia §8.01-390.1

Comments Received

Organization: **DOE** **Other**

This is a judicial matter, and not a K-12 public education requirement.

Organization: **Fairfax Co. Public Schools** **Other**

We appreciate your consideration of our earlier recommendations in these areas.

E126 *Education* E126

Description: **School calendar - School divisions, unless eligible for waivers enumerated in Code, must start school after Labor Day**

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

Possible Solution:

Code: Code of Virginia §22.1-79.1

Comments Received

Organization: **DOE** **Information Only**

There has been considerable interest in modifying or repealing this law, and in recent years there have been a number of bills considered by the General Assembly. These bills are supported by education organizations and opposed by tourism. For the 2011-2012 school year, 77 of the 132 school divisions opened prior to Labor Day under one of the conditions permitted in the Code. Of these 77 divisions, 57 had waivers because of severe weather or other emergency conditions, as specified in the Code.

Organization: **Fairfax Co. Public Schools** **Other**

We appreciate your consideration of our earlier recommendations in these areas.

ER01 *Education - Reporting* ER01

Description: **Adult Basic Education, English Literacy, & Adult Secondary Programs Accountability Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Workforce Investment Act (WIA).

ER02 *Education - Reporting* ER02

Description: **English Literacy/Civics Education Program Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Workforce Investment Act (WIA).

ER03 *Education - Reporting* ER03

Description: **Race to GED Program Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes.

ER04 *Education - Reporting* ER04

Description: **Virginia GAE Diploma Programs Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes.

ER05 *Education - Reporting* ER05

Description: **Individual Student Alternative Education Plan Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Requirement related to distribution of state funding ($2.25 million per year.)

ER06 *Education - Reporting* ER06

Description: **Remedial Summer School Enrollment**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Requirement related to distribution of state funding ($21.5 million budgeted in FY 2012.)

ER07 *Education - Reporting* ER07

Description: **Foster Care Enrollment**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Requirement related to distribution of state funding ($11.3 million budgeted in FY 2012.)

ER08 *Education - Reporting* ER08

Description: **Annual School Report - Financial Section**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Required by Section 22.1-81 of the Code of Virginia. Information also needed for budget calculations and for federal reporting (Impact Aid, Title I, Census). Data also used for the re-benchmarking of the Standards of Quality.

ER09 *Education - Reporting* ER09

Description: **Certification of Adequate Funds Budgeted to Meet Required Local Effort for the Standards of Quality and Local Match Requirements for Certain State Funds**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-97 of the Code of Virginia, Item 132, B8a, Chapter 890, 2011 Acts of Assembly.

ER10 *Education - Reporting* ER10

Description: **Career and Technical Education Financial Report (CTEFR) for SY 2010-2011**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Need for state funding purposes (state categorical entitlements for occupational prep and adult education.)

ER11 *Education - Reporting* ER11

Description: **Secondary Enrollment Demographic Form (SEDF) Fall Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act) - Report has been consolidated with another data collection (Student Record Collection).

ER12 *Education - Reporting* ER12

Description: **CTE Industry Certification Reimbursement Requests (Exams given from June 1, 2011-June 30, 2011)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purposes. Item 132, Chapter 890, 2011 Acts of Assembly provides for funding for student acquisition of industry credentials.

ER13 *Education - Reporting* ER13

Description: **Secondary Enrollment Demographic Form Spring Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act) - Report has been consolidated with another data collection (Student Record Collection).

ER14 *Education - Reporting* ER14

Description: **Secondary Student Career Clusters Enrollment Report (SSCCER)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act).

ER15 *Education - Reporting* ER15

Description: **CTE Local Plan & Budget Application for Federal Perkins Funding**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act) -

ER16 *Education - Reporting* ER16

Description: **Career and Technical Education Self-Assessment**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal and state program monitoring (Carl D. Perkins Act); the federal Individuals with Disabilities Education Act (IDEA); the Workforce Investment Act (WIA); Title I; and the Code of Virginia.

ER17 *Education - Reporting* ER17

Description: **Annual Wage and Hour Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for Career and Technical Education Financial Report and for documentation in accordance with Board regulations.

ER18 *Education - Reporting* ER18

Description: **Career & Technical Education Industry Certification Reimbursement Reports (July 1, 2011-May 31, 2012)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Needed for state funding purposes. Item 132, Chapter 890, 2011 Acts of Assembly provides for funding for student acquisition of industry credentials.

ER19 *Education - Reporting* ER19

Description: **Career and Technical Education State Equipment Reimbursement Request for SY 2011-2012**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Needed for state funding purposes. Item 132, Chapter 890, 2011 Acts of Assembly provides for funding for approximately $1.8 million in equipment funding.

ER20 *Education - Reporting* ER20

Description: **Career and Technical Education Completer Follow-up Survey**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Carl D. Perkins Act (to identify the status of individuals who completed a CTE program including their current employment information and continuing education).

ER21 *Education - Reporting* ER21

Description: **Completer Demographics Collection**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act) - Report is has been consolidated with the Student Record Collection.

ER22 *Education - Reporting* ER22

Description: **CTE Credentialing Collection (CTECC)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting (Carl D. Perkins Act).

ER23 *Education - Reporting* ER23

Description: **Student Record Data Collection - Spring (SPR)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state and federal reporting purposes and for budget calculations (average daily membership).

ER24 *Education - Reporting* ER24

Description: **Student Record Data Collection - End of Year (EOY)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state and federal reporting purposes and for budget calculations.

ER25 *Education - Reporting* ER25

Description: **Educational Registry Application (School ID, Div. Supt., Designated Contacts, and Central Office Staff Updates)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for administrative procedures/internal controls and for federal reporting.

ER26 *Education - Reporting* ER26

Description: **Student Record Data Collection -Summer**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state and federal reporting purposes and for budget calculations.

ER27 *Education - Reporting* ER27

Description: **Other Academic Indicator**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting and compliance with the Elementary and Secondary Education Act (ESEA). Report consolidated in the Educational Registry Application.

ER28 *Education - Reporting* ER28

Description: **Substitute Tests**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state and federal reporting purposes - state Accreditation and federal Adequate Yearly Progress (AYP).

ER29 *Education - Reporting* ER29

Description: **Master Schedule Data Collection**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

The Master Schedule Collection (MSC) of data is required to satisfy federal assurances for Indicators (b)(1), (b)(2), and (b)(3) of the State Fiscal Stabilization Fund (SFSF).

ER30 *Education - Reporting* ER30

Description: **Master Schedule Data Collection/ Instructional Personnel (MSC - IPAL)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

The Master Schedule Collection (MSC-IPAL) of data is required to satisfy federal assurances for Indicators (b)(1), (b)(2), and (b)(3) of the State Fiscal Stabilization Fund (SFSF).

ER31 *Education - Reporting* ER31

Description: **Student Record Data Collection - Fall**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state and federal reporting purposes and for budget calculations (average daily membership).

ER32 *Education - Reporting* ER32

Description: **On-Time Graduation Rate (OGR)/Federal Graduation Indicator (FGI)/Graduation and Completion Index (GCI)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting and for state accreditation purposes. Section 22.1-253.13:4 of the Code of Virginia provides that the Board of Education "collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

ER33 *Education - Reporting* ER33

Description: **ARRA Jobs Reporting**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes and a required assurance to receive ARRA funds..

ER34 *Education - Reporting* ER34

Description: **Virginia Preschool Initiative Application**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state reporting purposes (Item 132 C13, Chapter 890, 2011 Acts of Assembly).

ER35 *Education - Reporting* ER35

Description: **Virginia Preschool Initiative Interim Report (Required in Appropriation Act)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state reporting purposes (Item 132 C13, Chapter 890, 2011 Acts of Assembly).

ER36 *Education - Reporting* ER36

Description: **Early Intervention Reading Initiative - EIRI (Certification for Screening Instrument)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purposes. Item 132,Chapter 890, 2011 Acts of Assembly, provides for $13.4 million in state funding for FY2012 for this initiative. This certification has been folded into another data collect (SOQ Compliance) to reduce reporting burden on school divisions.

ER37 *Education - Reporting* ER37

Description: **Annual Report - Programs for the Gifted**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Virginia Board of Education Regulations.

ER38 *Education - Reporting* ER38

Description: **Application for School Program Approval for Driver Education (Submission via attachment to Superintendent's Memorandum)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-205 of the Code of Virginia.

ER39 *Education - Reporting* ER39

Description: **Driver Education Status Questionnaire (Submission via attachment to Superintendent's Memorandum)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-205 of the Code of Virginia.

ER40 *Education - Reporting* ER40

Description: **Wellness Related Fitness Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state reporting purposes, Section 22.1-16.4, Code of Virginia.

ER41 *Education - Reporting* ER41

Description: **Notification Process Concerning Driver Education Teachers Who Receive Traffic Citations (Submission via attachment to Superintendent's Memorandum) - Code of Virginia § 46.2-240**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 46.2-340 of the Code of Virginia.

ER42 *Education - Reporting* ER42

Description: **Annual Request for Waivers for Pre-Labor Day Opening**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-79.1 of the Code of Virginia. This report has now been consolidated into another data collection (SOQ Compliance and Other Reporting Requirements) to relieve local reporting burden.

ER43 *Education - Reporting* ER43

Description: **2009-2010 Title I, Part A, Comparability Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to the federal Title I program.

ER44 *Education - Reporting* ER44

Description: **Advanced Placement Fee Payment Program**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Federal requirement - necessary for reimbursement of expenditures.

ER45 *Education - Reporting* ER45

Description: **Charter School Evaluation Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-212.15 of the Code of Virginia. This report has been consolidated into the Annual Report of the Board of Education and data collection has also been consolidated into an existing collection (SOQ Compliance) to alleviate local reporting burden.

ER46 *Education - Reporting* ER46

Description: **Regional Alternative Education Program Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Elementary and Secondary Education Act (ESEA).

ER47 *Education - Reporting* ER47

Description: **NCLB Applications (consolidated and individual)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Title I program.

ER48 *Education - Reporting* ER48

Description: **Title I, Part D, Subpart 2, Count of Children Who Are Neglected or Delinquent (N or D)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Title I program.

ER49 *Education - Reporting* ER49

Description: **Crash/Incident Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Virginia Board of Education Regulations.

ER50 *Education - Reporting* ER50

Description: **Certification of School Bus Insurance & Certification of Self Insurance**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Sections 22.1-188 through 22.1-198, 46.2-472, 38.2-2206 of the Code of Virginia.

ER51 *Education - Reporting* ER51

Description: **Pupil Transportation Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for state funding purposes (Standard of Quality) and for federal reporting (U.S. Department of Transportation).

ER52 *Education - Reporting* ER52

Description: **Certification of Pre-Accreditation Eligibility (Accrediting Standards)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Virginia Board of Education Regulations (Standards of Accreditation).

ER53 *Education - Reporting* ER53

Description: **Claims Reimbursement Request for School Lunch, School Breakfast and After School Snacks**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture) and to process federal school meal reimbursement claims.

ER54 *Education - Reporting* ER54

Description: **Report of Verification of Free/Reduced Meal Applications**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture).

ER55 *Education - Reporting* ER55

Description: **School Nutrition Programs Local Accountability Review for School Lunch and After School Snack (local)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture).

ER56 *Education - Reporting* ER56

Description: **School Nutrition Programs Semi-Annual Financial Report for July-December**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture).

ER57 *Education - Reporting* ER57

Description: **Local Wellness Policy Status Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes. Report consolidated into School Health Advisory Board Progress Report.

ER58 *Education - Reporting* ER58

Description: **School Nutrition Programs Annual Agreement**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture).

ER59 *Education - Reporting* ER59

Description: **School Nutrition Programs Annual Financial Report for July -June**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (U.S. Department of Agriculture).

ER60 *Education - Reporting* ER60

Description: **Special Education Regional Tuition Reimbursement**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Other**

Needed for state funding purposes, per Item 132, Chapter 890, 2011 Acts of Assembly. (Approximately $76 million is budgeted in FY2012 to reimburse school divisions for the placement of students in a regional program.)

ER61 *Education - Reporting* ER61

Description: **Special Education Annual Plan/Part B Flow-Through Application**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Individuals with Disabilities Education Act (IDEA).

ER62 *Education - Reporting* ER62

Description: **School Health Advisory Board Annual Report (Incl. Local Wellness Policy Status Report)**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes and for state reporting (Section 22.1-275.1, Code of Virginia.)

ER63 *Education - Reporting* ER63

Description: **Special Education State Performance Report Indicator Data**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Individuals with Disabilities Education Act (IDEA).

ER64 *Education - Reporting* ER64

Description: **Annual Report for Discipline, Crime and Violence**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Required by Section 22.1-279.3:1 of the Code of Virginia and a federal requirement related to the Elementary and Secondary Education Act (ESEA).

ER65 *Education - Reporting* ER65

Description: **Transfer of Funds**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to federal Individuals with Disabilities Education Act (IDEA).

ER66 *Education - Reporting* ER66

Description: **Homebound Student Services Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purpose per Item 132, Chapter 289, 2011 Acts of Assembly. Approximately $5.3 million is budgeted in state funding for FY2012.

ER67 *Education - Reporting* ER67

Description: **Special Education Child Count**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (IDEA) and for state funding purposes (Standards of Quality).

ER68 *Education - Reporting* ER68

Description: **2010-2011 Teacher and Principal Evaluation Collection Verification Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Needed for federal reporting purposes (State Fiscal Stabilization Fund).

ER69 *Education - Reporting* ER69

Description: **Instructional Personnel (IPAL) Verification Report & Survey Data Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to the federal Elementary and Secondary Education Act (ESEA).

ER70 *Education - Reporting* ER70

Description: **Supply and Demand Report for School Personnel**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Required by Section 22.1-23 of the Code of Virginia. Report consolidated into Instruction Personnel Data Report to relieve local reporting burden.

ER71 *Education - Reporting* ER71

Description: **Mentor Teacher Program Evaluation Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purposes - Item 132 C.21., Chapter 890, 2011 Acts of Assembly.

ER72 *Education - Reporting* ER72

Description: **Mentor Teacher Hard-to-Staff Program Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purposes - Item 132 C.21., Chapter 890, 2011 Acts of Assembly.

ER73 *Education - Reporting* ER73

Description: **New Teachers Program Verification Report**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Information Only**

Needed for state funding purposes - Item 132 C.21., Chapter 890, 2011 Acts of Assembly.

ER74 *Education - Reporting* ER74

Description: **Student Data Collection for Homeless Children & Youth For Subgrantees**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **DOE** **Retain**

Requirement related to the federal McKinney-Vento Act.

X9998 *Other Comments, not attached to any particular item* X9998

Description:

Problem:

Possible Solution:

Code:

Comments Received

Organization: **County Administrator, Frederick County** **Litter Control and Recycling Advisory Board**

3.We oppose the elimination of the Litter Control and Recycling Advisory Board. Last year, $1.5 million was disbursed to 306 localities statewide in the form of noncompetitive grants, supporting recycling and litter control programs. Localities in turn matched grants from the state with over $11 million in contributions and in-kind services, a 730 percent return on investment.

Frederick County's $13,932 grant offset all operational costs incurred in the litter control program which collected 57 tons of roadside litter. Labor was provided by the regional jail's Community Inmate Workforce, an in-kind match of $55,000.

Localities across the Commonwealth accomplish much with a relatively small investment collected through the litter tax. A litter-free community supports tourism and business investment, boosts community pride and deters crime. Each year since 2002, the state has attempted to withhold taxes paid by private businesses to support recycling and litter programs and instead use monies to help balance the state budget. During 2010, program managers and volunteers, working closely with the Fund Board, derailed a bill (SB 525) which would have sent all litter tax revenue to the state Tourism Authority. Without the Fund Board to lead the charge on the ground in Richmond, there is a growing fear among program managers that this critical source of funding would be lost.

The elimination of the Fund Board would save the state nothing in either streamlining government or reducing costs, as there are no compensation or travel reimbursements for members. Legislation currently provides for the Virginia Department of Environmental Quality to receive five percent of all litter tax proceeds each year for administrative costs.

Elimination of the Fund Board would result in no savings for the state, but would ultimately undermine Frederick County's efforts to maintain a clean, viable community which is attractive not only to residents, but visitors and potential businesses.

Organization: **Town Manager, Colonial Beach** **Line of Duty Act**

Line of Duty Act benefit payments administration by non-participating employers should be allowed.

Organization: **Town Manager, Colonial Beach** **Information Only**

Opportunity for local governments to piggyback on state contracts for services (economies of scale).

Organization: **Stafford County** **Etc.**

Stafford County supports the other initiatives on the list for consideration.

Stafford County Schools is reviewing the school reporting requirements and will provide any comments under separate cover.

Organization: **Fluvanna County Public Schools** **VSBA/VASS Survey**

Fluvanna County Public Schools strongly supports the items contained on pages 20 – 31 provided by VSBA and VASS. In addition, Fluvanna requests that the models used to determine funding for positions under the Standards of Quality be realistically determined, rather than creating a large unfunded gap between the funding provided and the actual cost to fill the required positions – this costs Fluvanna an estimated $1,809,400 in local funding to satisfy this gap on mandated positions

Organization: **Hanover County** **Line of Duty Act**

2.Line of Duty: Should be local option.

Organization: **Hanover County** **VRS, Mandated use of**

3.Defined Contribution: Anticipating future mandate requiring use of VRS to administer, local option in selecting vendor is preference (VRS welcome to bid on services including 457 services as vendors already used)

Organization: **Hanover County** **County/City/Town equalization**

County Treated Like Cities and Towns: This differential requires Counties to act in additional cumbersome manners or impeded in other areas, same playing field for both is more efficient and effective for all local governments

Organization: **Hanover County** **Fees for State Agency Services**

5.State-Related Entities: All operational costs should be borne by the State in them administering to their desired level of service locally or regionally (including Health Dept, SWCD, Extension Service, Courts).

Organization: **Hanover County** **SCC - Assessment of Cell Towers**

SCC Assessments: Cell tower assessments should be done 100% by SCC or County, not hybrid that exists now

Organization: **Hanover County** **Board of Equalization**

7.BOE: Additional 45 days for citizen review will result in abatement process as tax bills are sent prior to this 45 day expiration period

Organization: **Hanover County** **Public Meeting Times**

8.Bd Mtg Date-Time Change: Enable Bd chair to change date and time w/ proper notice rather than having to convene board for such change (enables bd mtgs to be cancelled if nothing on agenda, rather than having meeting simply to adjourn)

Organization: **Hanover County** **Building Inspections Fees**

9.Amusement Inspection Fee: Lift cap so costs can be recovered via fee

Organization: **Hanover County** **Rabies**

10.Rabies Clinics: Remove Bd authorization to hold clinics

Organization: **Hanover County** **Mandates - Local Veto**

11.Local Veto: Enable 2/3 local govt vote to overturn any state mandate to local government

Organization: **Hanover County** **Governor's Opportunity Fund**

12.GOF: Expand to non-manufacturing eligibility

Organization: **Hanover County** **Elections - Primaries**

13.Primaries: Recover cost of primaries from political parties wanting a primary if the State doesn't reimburse 100%

X9999 *No Comments on Any Mandates* X9999

Description: **Agencies that responded "No Comment" are listed below.**

Problem:

Possible Solution:

Code:

Comments Received

Organization: **SCC**

Organization: **DOF**

Organization: **VEDP**

Organization: **VDA**

Organization: **DHR**

Thank you for the opportunity to review the local government mandate relief recommendations. None of the recommendations pertain directly to the Department of Historic Resources. (All of our "mandates" on local governments are actually conditions for grants or programs for which the participation is voluntary and most are driven by federal requirements.)

Having said that, I note that several of the transportation and local planning mandates recommended for elimination or modification could have an impact on historic resources and would appreciate being kept in the loop in those discussions.

Organization: **DCR**

Will be present at 12/9/11 meeting to present comments.

Organization: **DMV**

81 *Libraries* 81

Description: **Reductions in State Aid to Libraries**

Problem: As a condition of state funding, local operating expenditures of libraries shall not fall below that of the previous year. In cases where the budgets of all departments of the local government are reduced below those of the previous year, the library's s

Possible Solution:

Code: 17 VAC 15-110-10

Comments Received

Organization: **LVA** **Information Only**

The Library Board has set several requirements that local libraries must meet in order to qualify to receive a state grant-in-aid. These standards are set under the authority granted to the Board by the Code of Virginia §§ 42.1-52, which states that the Library Board "shall establish standards under which library systems and libraries shall be eligible for state aid and may require reports on the operation of all libraries receiving state aid."
The standard cited by the City of Alexandria (above) is intended to ensure that local governments show maintenance of effort in supporting their library systems. This requirement has worked well since its adoption in 1991 and has helped to keep Virginia's public library vibrant and responsive to citizen needs. When this standard was approved, no one could have anticipated the situation we are now in – the worst economy since the Great Depression with serious fiscal challenges at all levels of government. Since the state aid appropriation for libraries has been reduced in recent years, now funded at only 56 percent of what the formula allows, it is completely understandable that localities would be upset at having to meet the maintenance of effort requirement when the state has not met its full financial obligation under the state aid formula.
The Library Board has provided a remedy for this, however, and it applied that remedy this past year. Number 9 in the regulations contained in 17 VAC15-110-10 state that: "The Library Board may, at its discretion, make exceptions for a specified period of time to any single requirement listed above. The exception will be made only if the library can show that a real effort has been made to meet the requirement and that significant progress has been made toward meeting this requirement."
This past year, 11 library systems (among them the City of Alexandria) failed to meet the maintenance of effort requirement, due to the current economic situation. The Library Board asked each locality to provide information about its budget reductions, mainly to ascertain that libraries had not been singled out for substantially larger budget cuts than other local departments. After reviewing the information, Library staff recommended that the Board grant all 11 local libraries waivers from the maintenance of effort requirement, and the Board unanimously voted to do so. All 11 libraries received their full state aid grant. Library staff anticipate that the Board will continue to waive the maintenance of effort requirements when there are across-the-board reductions in local expenditures that affect local library budgets.

82 *Housing* 82

Description: **Licensing Local Government Loan Originators**

Problem: The Federal SAFE Act places training and licensing requirements on mortgage loan originators. The state has interpreted the requirements to cover local government employees working with federal, state, and locally funded home purchase and rehab assistanc

Possible Solution:

Code: Fed Register, Vol. 76, No. 126, page 38466,