



SREB

Legislative Report

Governors' legislative and budget proposals

North Carolina (<https://www.osbm.nc.gov/>)

The governor's biennial budget proposal promotes his vision of a better educated and healthier state in which residents lead abundant and purposeful lives. He also highlighted his proposal to direct substantial funding to state reserve and contingency accounts. Prioritizing education, economic development and health care, he proposed a statewide general fund of \$27.3 billion for 2021-22, up 11.6% from the authorized 2020-21 total and \$28.7 billion for 2022-23, up 5.2%, without raising taxes.

For 2021-22, general funds to the Department of Public Instruction would rise 11.5% to \$11.1 billion, community college funding would rise 16.5% to \$1.4 billion, and funds to state universities would rise 11.4% to \$3.5 billion. For 2022-23, DPI would receive \$11.7 billion (up 4.7%), community colleges would receive \$1.4 billion (down 0.9%), and universities would receive \$3.7 billion (up 5.2%).

The governor proposes \$289 million in the first year and \$478 million in the second year of the biennium to raise teacher pay by an average of 10% and to increase the minimum wage for all non-certified school personnel to \$15 per hour. Public school teachers, principals, non-certified employees, state-funded university and community college educators and employees would receive a one-time bonus of \$2,000 in May of the current fiscal year, as well as a \$1,000 bonus in each year of the forthcoming biennium. He also recommends \$52 million to recruit, retain and support North Carolina's diverse educator workforce; \$24 million for Science of Reading training and other professional development for teachers and school leaders to improve student outcomes; and \$30 million for additional teacher assistants to support early grades math and literacy.

The proposal ensures equitable opportunities for all students by dedicating \$200 million to improve student outcomes by expanding resources for disadvantaged students, students with disabilities,

limited English proficient students, and low-performing and high-poverty school districts. It provides more than \$78 million toward early education and child development, increasing the child care subsidy for children from low-income families to receive high-quality care; \$22.7 million and \$27.5 million in the first and second year of the biennium, respectively, from lottery receipts to increase NC Pre-K reimbursement rates and the number of slots; and over \$10 million for individualized early intervention services and supports to families with children with developmental delays, from birth to age three.

The governor proposes \$40 million to create the NC GROW Completion Incentive and Aid for Students Seeking Industry Credentials Program to incentivize enrollment in high-demand degree or certificate programs or non-credit, short-term workforce training programs leading to industry credentials in fields with employer demand and competitive wages. All resident students would be eligible for a \$1,000 completion incentive when they finish a degree on time in certain high-demand programs. The proposal includes an additional \$20 million over the biennium to support the NC Promise Program (which provides \$500 per semester in-state undergraduate tuition at certain state universities) and an additional \$30 million each year in need-based financial aid for North Carolina students to attend public and private state colleges and universities.

Final legislative and budget actions

Georgia (<https://www.legis.ga.gov/>)

Having approved an amended 2020-21 budget measure in February, legislators adjourned the regular session on the last day of March after completing action on a nearly \$23.3 billion statewide general fund budget for 2021-22. That amount is up 2.6% from the amended 2020-21 total and 5.1% above the original appropriation. Despite the increase, this is still below the statewide general fund total of \$23.7 billion for the 2019-20 fiscal year, which ended before the full impact of the pandemic on the state's revenues and economy had been determined.

At \$10.2 billion, general funds for K-12 education in 2021-22 are up 6% over the original 2020-21 amount but down 0.3% from the amended amount. Similarly, Quality Basic Education formula funding to school districts is, at just under \$9 billion, up 5.8% from the original amount but down 0.6% from the amended.

General funds to the University System of Georgia rise 3.5% over the amended and 6.8% over the original to just under \$2.5 billion. The Technical College System of Georgia receives \$343.9 million, 0.3% over the amended and 3.1% over the original. General funds to the Georgia Student Finance Commission remain essentially level with the amended prior-year amount, at \$119.1 million, but that is a 5.4% decline from the original. The decrease is largely due to a 7.8% reduction, from the original to the amended budget, to \$82.8 million for the Dual Enrollment Program due to reduced program demand; that amount remains level in 2021-22.

Lottery funds to GSFC rise 1.5% to \$936.6 million in 2021-22, including \$760.3 million (up 1%) for HOPE Scholarships at public universities, \$68.9 million (up 0.9%) for HOPE Scholarships at private colleges and universities, and \$71.9 million (up 8.4%) for the HOPE Grant to certificate and diploma seeking students at public colleges and universities. Lottery funds to the Department of Early Care and Learning for the Bright from the Start statewide prekindergarten program remain unchanged at \$378.7 billion.

With revenue collections running higher than was projected prior to the start of the 2020-21 fiscal year (and early in the pandemic), legislators were able to approve an amended budget that restored funding in several areas. Statewide, legislators were able to provide nearly \$22.7 billion in general funds, up 2.5% over the original appropriation. This permitted a 6.5% increase for QBE formula funding, to \$9 billion. General funds to USG rose 3.3% to nearly \$2.4 billion, while TCSG received \$343.1 million, up 2.8%.

House Bill 32 establishes a teacher recruitment and retention program to encourage teachers to accept employment in high-need subject areas at rural schools and the lowest-performing 5% of schools statewide. A participating teacher may receive a tax credit of up to \$3,000 per year for five years. While the credit is not refundable, any amount that exceeds a teacher's tax liability may be applied to subsequent tax years.

With disruptions to schooling caused by the pandemic, some parents have elected to place their children into a learning pod — a voluntary grouping of students who gather, under adult supervision, to continue learning outside of the traditional school or classroom settings. Senate Bill 246, the Learning Pod Protection Act, renders learning pods exempt from all statutes and regulations regarding elementary and secondary education or operation of a day care or childcare center, as well as from any state or local building or fire codes applicable to educational and child care facilities. The bill further prohibits site inspections or investigations of learning pods by public employees, prohibits a school district from discriminating against students who participate in learning pods, and prohibits any government entity from requiring learning pods to register with or report to that entity.

With the passage of Senate Bill 47, legislators extended eligibility for the Georgia Special Needs Scholarship program from students with individualized education plans under the federal Individuals with Disabilities Education Act to students with diagnosed conditions that make them eligible for accommodations or services under Section 504 of the federal Rehabilitation Act of 1973. (In 2019-20, there were approximately 54,000 such students in Georgia.) Additionally, a special needs student adopted from foster care is eligible upon adoption to participate, and the legislation specifies that school fees covered by a scholarship include fees for assessments, uniforms, therapy, transportation, meals, summer programs and tutoring.

To study alternative education and education funding models focused on dropout prevention, high school credit recovery, and providing education services for adults and incarcerated individuals, legislators approved Senate Bill 153. The legislation requires the state board of education and state department of education to establish a process for designating alternative charter schools (authorized by one or more local school systems) designed to increase graduation opportunities for high school students, decrease local dropout rates and provide credit recovery. System-collaborative charter schools (which were authorized by the State Charter Schools Commission and provide dropout or high school credit recovery programs) are required to become state-chartered special schools by July 1, 2021 unless they transition into an alternative charter school; a system-collaborative charter school that does not transition will be ineligible to continue receiving QBE-equivalent formula funding from the state. In addition, the legislation specifies that an officer, member or employee of a local board of education may not serve on the governing board of a school authorized by the State Charter Schools Commission.

Senate Bill 59 provides to local charter schools the supplemental QBE funding that is provided to charter systems based on full-time equivalent student counts. The legislation also specifies that a charter school may not be excluded in its charter agreement from state requirements to provide an early intervention program for students in kindergarten through grade five who are at risk of not meeting academic requirements.

Under Senate Bill 204, the Technical College System of Georgia is required to include, in its program of literacy, career, occupational and technical education for adults and out-of-school youth, opportunities for individuals age 16 or older to earn their high school diploma simultaneously with the completion of a postsecondary technical program. To assess the feasibility of enacting such a program statewide, the bill also establishes a pilot Dual Achievement Program at one technical college that will enroll students who have dropped out of high school and permit them to simultaneously earn their high school diploma and a technical college associate degree, diploma or certificate in certain career pathways.

Senate Bill 42 establishes the Dexter Mosely Act, which makes a home school student in grades six through 12 eligible to participate in extracurricular and interscholastic activities at the student's local public school. However, a student who withdraws from public school for a home school program is not eligible to participate in such activities for 12 months. The legislation also requires the Governor's Office of Student Achievement to include information on student discipline in its annual report on elementary and secondary data and requires each school district to post to its website the required annual report on student disciplinary and placement actions in the prior year.

In 2019 the NCAA repealed its policies prohibiting collegiate athletes from earning compensation for use of their name, image or likeness; several states have since updated their laws in response. House Bill 617 specifies that a student athlete at a college or university in the state may earn compensation for the use of their name, image or likeness and that their athletic scholarship may not be revoked nor their scholarship eligibility adversely impacted as a result of earning such compensation.

Other legislation

HB 146 provides up to 120 hours of parental leave in a 12-month period for every state or local school board employee, including teachers; an employee must complete six continuous months of employment to be eligible for the benefit.

HB 287 requires the state board of education to prescribe a course of study in human trafficking awareness as part of the health and physical education curriculum for students in grades six through 12.

HB 606 includes, for purposes of graduating students being eligible for HOPE awards, private secondary schools accredited by the Georgia Independent School Association.

SB 66 permits the Georgia Foundation for Public Education to incorporate a nonprofit organization to award grants — from tax-creditable donations by individual taxpayers to the Public Education Innovation Fund — for schools to implement academic and organizational innovations to improve student achievement. The organization is required to give priority to awards to schools that performed in the lowest 5% of all schools statewide. It also provides for the dissolution, at the end of 2021, of the Public Innovation Fund Foundation administered by GOSA.

SB 81 requires TCSG to collaborate with the Workforce Development Board and the state Department of Economic Development to demonstrate the preparation of skilled and ready-to-work high school graduates and thereby support college and career academies and their local partners in recruiting new industries and expanding existing ones.

SB 85 requires each institution of higher education to establish, by July 1, 2021, policies to facilitate the reporting, investigation, provision of due process and administrative adjudication of alleged incidents of hazing involving students and student organizations.

SB 107 requires TCSG to waive all tuition and fees not covered by student aid for an individual under the age of 28 who is or was a foster or adopted child through the state Division of Family and Children Services.

SB 159 permits a local board of education to use small vehicles (holding 8 or fewer occupants) to transport students receiving special education services or homeless students to and from school activities.

SB 187 permits an undergraduate student with a disability who is receiving a HOPE Scholarship to apply for a waiver that provides additional time for the student to complete an undergraduate degree while remaining HOPE-eligible.

Kentucky (<https://legislature.ky.gov/>)

Kentucky legislators completed their regular session at the end of March having passed a budget for the second year of the biennium. The appropriations measure, House Bill 192, largely sustains spending for 2021-22 at 2020-21 levels while preventing the governor from allocating \$2.4 billion in American Rescue Plan federal funds without authorization of the General Assembly.

The bill appropriates statewide general funds of \$11.9 billion for 2021-22, a 7.2% increase from the revised 2020-21 total including \$125.8 million for the school facilities construction commission, up 3.3%, and \$715.3 million for the teacher's retirement system, down 8.5%.

Statewide K-12 education funding totals nearly \$4.1 billion, up 3.1%, including SEEK formula funding to schools totaling \$2.9 billion, up 3.7%. The latter amount includes \$1.9 billion for the base allotment, up 5.7%, and \$435.1 million for the teacher's retirement system employer match, up 2.2%. Student transportation funding and salary supplements for National Board Certified teachers remain at \$214.8 million and \$2.8 million, respectively.

Postsecondary education receives \$1.2 billion (up 5.9%) including: \$714.5 million for state universities, up 7.5%; \$175.4 million for the Kentucky Community and Technical College System, up 4.9%; and \$291.7 million for the Kentucky Higher Education Assistance Authority, up 1.1%.

While funding for Kentucky Educational Excellence Scholarships and the Work Ready Scholarship Program rises to \$116.1 million (up 2.1%) and \$7.8 million (up 6.8%), respectively, funding for the College Assessment Program decreases 0.8% to \$95.8 million. The Kentucky Tuition Grant Program and Dual Credit Scholarship Program remain level at \$44.1 million and \$13.2 million, respectively.

Legislators passed Senate Bill 128 allowing public high school students currently enrolled in kindergarten through grade 12 to request using the 2021-22 school year as a supplemental school year to retake or supplement coursework already completed. Students must submit their request to their

local board of education; local boards are required to either approve or deny all requests rather than on an individual basis. Kentucky nonpublic schools may also implement supplemental school years, and the legislation specifies that a high school student utilizing a supplemental school year is eligible to participate in interscholastic athletics.

House Bill 208 permits districts with approved nontraditional instruction plans to request — for the 2020-21 school year only and for reasons due to the COVID-19 public health emergency — additional nontraditional student attendance days beyond the 10 days the commissioner of education is otherwise permitted to grant. A district seeking approval for a nontraditional instruction plan for the 2021-22 school year was required to submit that plan along with its Comprehensive District Improvement Plan by May 1, 2021. Districts operating under an approved nontraditional instruction plan due to COVID-19 are required to measure daily student participation as indicated by student-teacher interactions in the nontraditional instructional environment. The legislation also permits districts to provide teachers and employees with COVID-19 emergency leave and specifies that the calculation of SEEK and other state funding to districts will be based on 2018-19 school year attendance data.

House Bill 563 establishes the Education Opportunity Account program to provide more flexibility and choices in education to Kentucky residents and to address disparities in educational options available to students. Eligibility is restricted to students from families whose income is 175% or less of the threshold to be eligible for reduced-price lunch; accounts are administered by account-granting organizations which receive tax-deductible donations to fund the accounts. Funds may be used for nonpublic school tuition and other educational service expenses, such as fees for online learning programs, tutoring services, assessment fees, career and technical or dual credit tuition, instructional materials, and digital devices, services and software. Beginning with the 2022-23 school year, the legislation also includes nonresident pupils in a district's average daily attendance and requires each local board of education to adopt, by that date, a nonresident student policy. A school district is forbidden from discriminating among nonresident students. A student who transfers to a nonresident district is ineligible to participate in interscholastic athletics for one year.

House Bill 258 adds a new tier to Teachers' Retirement System benefits that applies to all teachers hired on or after January 1, 2022 and provides a lower level of retirement benefits than those hired before 2022. This is projected to reduce the required TRS benefit payouts over the next 30 years by nearly \$3.6 billion.

If a local board of education assumes management of a state-operated vocational education and technology center, Senate Bill 101 provides that the center receives in the first year under local operation all the funding it received under state operation and 75% of the funding it received thereafter. The remaining 25% will be allocated to locally operated secondary area centers and vocational departments that have not previously received state supplemental funds or direct state appropriations.

Senate Bill 135 revises the postsecondary education performance fund that legislators established in 2017. The legislation establishes a funding floor at each institution's 2020-21 general fund appropriation amount and requires the postsecondary education funding formula to include, for 2021-22 and beyond, a hold-harmless provision so that an institution's funding is not reduced based solely on the formula calculation, as well as a stop-loss provision limiting the reduction in funding to any institution to 0% of that institution's formula base amount.

Other legislation

SB 129 repeals the National Technical Advisory Panel on Assessment and Accountability (whose members were appointed by the Legislative Research Commission) and replaces the panel — including its role of providing advice and recommendations to the Kentucky Department of Education regarding the statewide educational accountability system — with KDE’s technical advisory committee.

SB 270 permits the Education Professional Standards Board to approve a teacher preparation program at a college or university with regional accreditation or national accreditation recognized by the federal Department of Education if the institution is eligible to receive federal funding under the Strengthening Historically Black Colleges and Universities program.

SR 21 urges the Department of Education to provide guidance to Kentucky school districts on how to implement the CDC’s coronavirus guidance, including recommendations for hand hygiene, and to adopt hand hygiene plans that meet or exceed CDC recommendations.

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

While legislators had originally intended to complete an abbreviated regular session in February, they instead extended the regular session into a special session to complete work on amendments to the biennial budget and other matters. After adjourning at the beginning of March, the General Assembly reconvened in early April to consider recommended gubernatorial amendments to approved measures.

The overall general fund budget for 2020-21 remained essentially level at \$22.7 billion. However, with economic conditions improved and the economic recovery expected to continue as pandemic restrictions are eased, legislators provided nearly \$25.3 billion in general funds statewide for 2021-22 — 8.1% more than was originally appropriated and 11.2% above the amended prior-year amount. While legislators reduced the 2020-21 direct aid to public education appropriation 1.2% below the original amount to under \$6.9 billion (in part because of pandemic-related declines in student enrollment counts), in 2021-22 that amount rises 6.6% to \$7.3 billion, 1.3% more than legislators originally appropriated.

To ensure that no school district receives less state funding than they were provided in the appropriations measure for 2020-2022 that was approved in 2020, legislators designated in each year of the biennium general funds of \$242.6 million and \$124.3 million, respectively, along with \$36 million and \$40 million from the state COVID-19 relief fund, in no-loss funding to districts as a part of direct aid to education. Also included in direct aid is \$233.7 million in general funds for a 5% salary increase to teachers and instructional assistants, effective July 1, 2021.

Amended funding to state colleges and universities in 2020-21 is down 2.5% from the original amount to \$1.5 billion, but up 1.3% over the original in 2021-22 to nearly \$1.6 billion (a 3.9% year-over-year increase). Virginia Community College System saw general funds reduced 8.8% from the original amount in the first year, to \$474.4 million, and again reduced from the original in the second year, by 0.8%, to \$511.2 million — though the latter is an annual increase of 7.8%.

The State Council of Higher Education for Virginia received an amended first-year total of \$109.7 million, down 5.1%, and a second-year total of \$120.1 million, down 0.1% but up 9.5% over 2020-21. SCHEV’s statewide student financial assistance program was reduced 5.2% from its original general fund appropriation in 2020-21 to \$92.3 million. While the 2021-22 amount is effectively unchanged at \$101.2 million, that is 9.6% more than the amended prior-year amount.

While previous versions of the budget included general funds for in-state undergraduate tuition moderation, the amended measure provides no funding for that initiative. However, it retains the \$60 million in 2020-21 that was allocated to maintain affordable access for students to public colleges and universities and allocates an additional \$133.5 million in 2021-22 for that purpose (originally funds were provided only for the first year).

With the reopening of schools occurring in an uneven manner across Virginia, legislators approved Senate Bill 1303 to require all school districts to offer in-person instruction to all early childhood, elementary and secondary students. School districts were permitted to transition to entirely remote virtual instruction for any school which was determined to have a high COVID-19 transmission rate. The state department of education was required to establish benchmarks for successful remote learning and guidelines for districts to provide intervention services to students who do not meet those benchmarks. Additionally, the legislation required local health districts to provide access to COVID-19 vaccines to all teachers and school staff.

In the aftermath of the pandemic, legislators approved Senate Joint Resolution 308 to require the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students and school employees, and to publish its findings by the first day of the 2022 regular legislative session. Relative to remote instruction, House Bill 1790 and Senate Bill 1132 permit a school district to declare an unscheduled remote learning day if an emergency closes the district to in-person instruction; a district may only claim 10 such days per school year unless granted an extension by the Superintendent of Public Instruction.

Due to pandemic-related disruptions, legislators with the passage of House Bill 1776 provided a two-year extension of any teaching license that expires June 30, 2021 for additional time for teachers to complete licensure renewal requirements. House Bill 1904 and Senate Bill 1196 require all teachers seeking initial licensure or license renewal to complete cultural competency training, make local boards of education require all teachers and other licensed employees to complete cultural competency training every two years, and require that any teacher seeking an initial or renewed license with an endorsement in history and social sciences complete instruction in African American history.

Several pieces of legislation relate to education for students with disabilities. House Bill 2299 and Senate Bill 1288 require VDOE to: provide school districts with training and guidance on how to develop high-quality Individualized Educational Plans for children with disabilities; develop training modules for staff involved in Individual Education Plan development; annually review a sample of IEPs to determine compliance with federal and state laws; and establish a statewide plan for improving both state oversight of school district services to children with disabilities and state technical assistance and guidance for postsecondary transition planning for students with disabilities. House Bill 2316 requires VDOE to update and clarify its special education eligibility worksheets, provide districts with guidance on eligibility determinations, and amend its educator preparation regulations to ensure that all K-12 general education teacher candidates demonstrate proficiency on the role of such teachers on an IEP team.

House Bill 2238 requires that a private school for students with disabilities licensed by the state board of education obtain accreditation from an agency recognized by the Virginia Council for Private Education within three years of obtaining its license from the state board.

House Bill 1865 specifies that the early reading intervention services school districts are required to provide for students in kindergarten through grade three who demonstrate reading deficiencies

on standardized or diagnostic reading tests must be evidence-based and include components of effective reading instruction and explicit, systematic, sequential and cumulative instruction. House Bill 2027 and Senate Bill 1357 establish, in lieu of one-time end-of-year assessments, a system of assessments that measure individual student growth in reading and mathematics over the course of the school year for students in grades three through eight.

To reckon with the history of the state, address its long legacy of slavery and acknowledge that the success of several of its public institutions of higher education is based on the labor of enslaved individuals, legislators approved House Bill 1980, establishing the Enslaved Ancestors College Access Scholarship and Memorial Program at Longwood University, the University of Virginia, Virginia Commonwealth University, Virginia Military Institute and the College of William and Mary. In addition to identifying and memorializing all enslaved individuals who labored on the property of those institutions, the program will provide a tangible benefit (such as college scholarships or community-based economic development) for individuals and communities with a historic connection to slavery.

Legislators approved House Bill 2204 and Senate Bill 1405, identified as a priority of the governor, to establish the Get Skilled, Get a Job, Give Back initiative at the Virginia Community College System. The program will provide last-dollar financial assistance for students from low- and middle-income families to complete educational programs that lead to occupation in high-demand fields. Legislators funded the initiative within the overall appropriation to VCCS, providing general funds of \$34.5 million in 2021-22.

Other legislation

HB 1885 requires the state department of education to review the ongoing implementation of computer science standards and the alignment of middle grades and secondary computer science courses with course pathways.

HB 1909 permits a school district to declare as a gun-free zone any building or property outside of a school zone which the district owns or uses and at which its employees work.

HB 1930 prohibits state colleges or universities from inquiring on their admissions application regarding an applicant's criminal history, nor may they deny an application due to information regarding their criminal history on a third-party application form. However, an institution may, prior to enrollment, inquire as to the criminal history of an admittee and may, if that individual's criminal history poses a threat to the institution's community, withdraw an offer of admission.

HB 1940 and SB 1439 require local boards of education to provide each middle grades or high school student one day of excused absence per school year to engage in a civic event; a board is permitted to grant a student additional days of excused absence for the same purpose.

HB 1986 and SB 1204 grants George Mason University additional operational autonomy under the state's Restructured Higher Education Financial and Administrative Operations Act for having met the required policy goals and performance measures.

HB 1998 reduces from two to one the number of lock-down drills every public school is required to hold during the first 20 days of a school session.

HB 2013 prohibits a school district from filing a lawsuit against a student or parent due to a school meal debt.

HB 2058 establishes the Virginia Science, Technology, Engineering, and Mathematics Advisory Board to advise the governor, the governor's cabinet and the General Assembly on strategies to align STEM education efforts and report on the challenges to and goals and successes of STEM education in the state.

HB 2105 specifies that publicly funded early childhood education providers may participate in the statewide quality rating and improvement system (established legislatively in 2020) in the 2021-22 school year and are required to do so in the subsequent school year. The initial quality ratings will be published in the fall of 2024 (previously, 2023).

HB 2123 and SB 1387 confer in-state tuition status on students who otherwise meet residency requirements regardless of their citizenship or immigration status and require the state to provide those students with the same educational benefits afforded other students, including access to state financial assistance programs.

HB 2176 requires each local board of education to adopt a policy prohibiting its employees from engaging in abusive conduct or creating an abusive work environment.

SB 1225 permits a local school board to promote and publicize the availability of private broadband services for educational purposes, including affordability or sponsored programs, and to engage in agreements with private broadband providers to reduce or eliminate the cost of such services.

SB 1257 requires each district to provide at least three specialized student support personnel, such as social workers, school psychologists, behavioral analysts or school nurses, for every 1,000 students.

SB 1314 establishes under the Virginia Economic Development Partnership Authority the Office of Education and Labor Market Alignment to provide higher education and labor market alignment resources to SCHEV, state colleges and universities, VDOE, the Virginia Employment Commission and others.

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

Before the end of the 60-day regular session in early April, the legislature passed a nearly \$4.5 billion statewide general fund budget. This is 1.7% lower than the prior-year budget and 1.6% lower than the zero-growth budget proposed by the governor in February, and it includes funding reductions to West Virginia University and Marshall University.

Overall K-12 education receives nearly \$2 billion, down 3.6%, including \$117.7 million for the state department of education, up 23.6%. While funding for increased enrollment and assessment programs increases to \$22.8 million (up 347.9%) and \$3.9 million (up 188.6%), respectively, funding for safe schools is \$4.6 million (down 10.9%), for communities in schools \$4.9 million (down 9.9%), and for 21st century learners \$1.8 million (down 65.5%).

State-funded colleges and universities receive \$252.7 million, down 10.4%; the decrease is mostly due to funding cuts to West Virginia University (down 16.3% to \$92.7 million) and Marshall University (down 20.3% to \$39.3 million). Community and Technical Colleges receive \$79.1 million (down 1.1%) whereas funding for the Higher Education Policy Commission rises slightly (0.1%) to \$74.1 million. Need-based student financial aid through the higher education grant program remains level-funded at \$40.6 million.

House Bill 2013 establishes the Hope Scholarship Program to provide the option for a parent to enroll a child in a private school that better meets the individual education needs of the child; the legislation requires the program to be operational no later than July 1, 2022. All applicants who meet eligibility requirements will be provided a personal education savings account that can be used to pay qualifying education expenses such as tuition and fees for private schools, online learning programs, alternative education programs or workforce credentials, tutoring services, fees for standardized assessments, after-school or summer education programs, educational services and therapies, and transportation. The amount of a Hope Scholarship is the prior school year's average per-pupil state aid amount. Beginning in fiscal year 2023 the governor must include in each budget bill submitted to the legislature an appropriation to fund the program.

Senate Bill 375 allows inter-county open enrollment and prohibits a county board of education from refusing a transfer or giving enrollment preference to a student from a private, parochial, church or religious school. A transfer application may only be denied due to lack of grade-level capacity or if the nonresident student failed to fill out or submit the application correctly.

State institutions of higher education are prohibited by House Bill 2529 from requiring a student who obtained a diploma or other appropriate secondary credential from private, nonpublic, or home schooling, and who has acceptable results on an assessment recognized by the institution for admission, to submit alternate testing as a condition of admission. Also, it prohibits an institution from rejecting such students based solely on the fact that their secondary education was not accredited by the state board of education or any other accrediting agency approved by the board.

Legislators concerned themselves with free speech on state colleges and universities, approving Senate Bill 657, which specifies that legally protected expressive activities on college campuses include any lawful verbal speech or nonverbal expression, including peaceful assembly, protests, speeches, guest speakers, distribution of literature, carrying signs, and circulating petitions. An institution may not limit speech with the creation of free speech zones, and may only set restrictions on the time, place or manner of speech if they are neutral and narrowly tailored. Institutions must provide the same benefits and privileges to all student organizations, including those which are religious, political and ideologically-based.

House Bill 2785 moves the compulsory school attendance age from 16 to 17 and the initial enrollment date cutoff from September 1 to July 1. It allows parents to apply for a Hope Scholarship prior to their child's enrollment in a publicly supported kindergarten and allows a student who successfully completes a publicly or privately supported, state-approved kindergarten program, Montessori kindergarten program, homeschool kindergarten program, or private, parochial, or church kindergarten program to be placed into first grade without further placement testing. It also requires school districts to enroll students who transfer from another state in the same grade level and to accept transcripts or credentials as records of the student's previous performance for placement and credit assignment.

House Bill 2852 requires the state superintendent of schools to distribute each school district's share of state aid appropriations by December 31 of each year. The superintendent may, at a school district's request, advance a partial distribution of up to 60 percent of the district's estimated share.

In addition to the traditional and alternative teacher licensure pathways, Senate Bill 14 establishes a third pathway under which an individual who holds a bachelor's degree must successfully complete a pedagogical training, course or series of courses and pass the same subject matter and competency

examinations required for other applicants. The legislation specifies that teaching certificates granted under this pathway are equivalent to certificates granted under the traditional and alternative pathways.

House Bill 2971 requires a county board of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school at no cost beyond those charged to public school students.

Other legislation

SB 636 imposes additional content requirements for required history and civics elementary and secondary courses and requires the state board of education to provide an approved list of instructional resources and assessment instruments for the courses.

SB 307 allows the nonresident members of a reserve unit and current members of the United States armed forces who reside in West Virginia to qualify as residents for purposes of in-state tuition at state institutions of higher education.

SB 435 permits a county superintendent to authorize another person to grant work permits to children 14 or 15 years of age.

Notes from other SREB states

The Mississippi Legislature concluded its session on the first day of April while Maryland legislators completed their 90-day session in mid-April. Legislators in Florida completed their regular 2021 legislative session as scheduled on the last day of April with legislators in Arkansas having adjourned a few days prior; the Tennessee General Assembly adjourned Sine Die the first week of May.

At the time of this writing, the Alabama Legislature is approaching the conclusion of their 2021 regular session and legislatures in Oklahoma, South Carolina and Texas are all scheduled or anticipated to adjourn before the end of May.

Look for summaries of final actions in these states and more in forthcoming editions of *Legislative Report*.

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