

VCA legislative report and call to action for K12 funding

February 14, 2010

The budget and call to action on K12 funding

Last week marked the last full week prior to cross over on Tuesday, February 16, when the fate of bills in the “originating” house is determined. Wednesday, February 17, marks the first day when each house acts only on bills that originated in the other house. Conversations and speculation continue about the state of the budget, and from all accounts, deep cuts will be made in K12 education, on top of the cuts already proposed in the budget introduced by Governor Kaine in December. Rob Jones reports in his blog that the cuts could be as high as \$700 million for the first year of the biennium. Read Rob’s column by [clicking here](#). The blog contains hyperlinks to estimates of how much each school district stands to lose, if the budget cuts are made as well as phone numbers to the office of each Senator.

Please call your Senator’s office and ask that cuts to public education be spared as much as possible in the biennial budget. If you do not know who your senator is, [click here](#). From this link, you will be asked to enter your street address and zip code. The link will take you directly to contact information about your Delegate and Senator.

We are focusing on the Senate for this effort because we have our best chance to influence the budget process through the Senate. Please act now!

Bills we are watching

LPC legislation: This past week proved to be a good one for LPCs, with three bills expanding LPC responsibilities. These are [HB 257](#) (McClellan), [SB 528](#) (Puller), and [SB 529](#) (Puller). Each saw action this past week. Read on for more information.

HB 257 was designed to add LPCs and LCSWs to the list of health care professionals who can begin the process of certification of school-aged children for homebound instruction. The bill was originally tabled in the Students and Daycare Subcommittee of the House Education Committee. Del. McClellan worked with the various stakeholder groups, including school superintendents, school boards, social workers and VCA to come up with compromise language on which all could agree. The bill was brought up again in subcommittee where it received a unanimous vote to recommend reporting out from the full Education Committee. That committee met on February 8th and voted it out unanimously. This past week the bill was voted out of the House of Delegates and referred to the Senate Education and Health Committee. Since most of the work has already been done on finding compromise language, the bill will probably receive unequivocal support in the Senate.

HB 528 is a narrowly drawn bill that will permit the administrator of the Dept of Corrections’ sex offender treatment program to be any licensed mental health professional who is a certified sex offender treatment provider. This will include LPCs. The statute as previously written implied that the director of the program must be a psychiatrist or clinical psychologist. The bill was voted out of the Senate Rehab and Social Services Committee on Friday, February 12, and will receive its second reading in the Senate on Monday. We do not anticipate any problems with this bill.

Finally, SB 529 is a bill that will enable LPCs to conduct an initial screening of an incarcerated sex offender to determine if the prisoner meets the definition of a sexually violent predator. Such LPCs will have had to be certified by the Board of Psychology for this work. The bill was heard for the first time in the full Senate on Friday, February 12th.

School counselor legislation: This week we report on the disposition of the “65% instructional spending” bills all rolled into [HB 76](#) (D. Bell) and the SOQ personnel bill, [HB 558](#) (Tata).

HB 76 was re-worded through much work by the various education stakeholder groups. As it now stands, it would require each school board to allocate 65% of its operating budget to instructional spending. Any school division that fails to meet the 65% threshold must present a plan to the Board of Education to increase instructional spending by 0.5% in the following fiscal year. The Board of Education will promulgate regulations that define instructional spending. This last sentence is one which the education advocates will assist in the definition of what characterizes instructional spending. VCA’s issues with this sort of legislation in the past has revolved around a very narrow interpretation of the definition of instructional spending that fails to include counseling, library support, and many other areas involved with the education of students.

HB 558 contained the recommendations from the Board of Education on what should be included in the personnel standards for the SOQs. This came out of the extensive study this past year that included town hall hearings and so forth around who should be classified as direct instructional personnel (already included in the SOQs) and who is now classified as instructional support. Since the bill had a fiscal impact, it was referred to the House Appropriations Committee, where it was heard in the SOQ subcommittee. On February 10th, the subcommittee recommended no report for this bill; therefore, it died for the year. This is a great disappointment for all of the education advocates; however, given the current fiscal situation, it was not unexpected.

The bill list is attached below to this report. The three LPC bills are highlighted in **yellow**. The two school counselor bills are highlighted in **teal**.

Questions? Don’t hesitate to contact Becky Bowers-Lanier at becky@macbur.com.

Bills related to the practice of Licensed Professional Counselors

Bills	Committee	Last action	Date
HB 10 - Marshall, R.G. - Health Care Freedom Act; individual's right and power to participate in health care system, etc.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(S) Referred to Committee on Commerce and Labor	02/12/10
HB 248 - Kilgore - Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.	(H) Committee for Courts of Justice	(H) Read first time	02/12/10
notes: Consolidates all the children's mental health laws into one section of the Code. Very few substantive changes. Product of the Commission on Mental Health Reform.			
HB 257 - McClellan - Homebound instruction services; Board of Education shall review its regulations.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Referred to Committee on Education and Health	02/12/10
HB 345 - Marshall, R.G. - Medicaid; withdrawal upon passage of federal health reform.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	02/08/10
notes: Marshall has a number of bills with a libertarian bent in them. This one would have devastating consequences because we now receive a 50% match on federal funding (well, 58% during ARRA) for Medicaid. I think we should just watch it, no action required.			
HB 662 - Morrissey - Health professions; disciplinary actions.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(S) Assigned Education sub: Health Licensing	02/09/10
notes: This is a DHP bill that attempts to clean up administrative processes and increase efficiencies within the Dept of Health Professions. It allows for automatic surrender of license if the charges are a public safety threat. .			
HB 729 - Albo - Involuntary admission; court to enter an order for mandatory outpatient treatment following.	(H) Committee for Courts of Justice	(H) Reported from Courts of Justice with substitute (20-Y 0-N)	02/12/10
HJ 89 - O'Bannon - Children's mental health services; joint subcommittee to study option for improving & accessibility.	(H) Committee on Rules	(H) Subcommittee recommends laying on the table	01/28/10
notes: Initiative of the 1in5kids coalition to which VCA belongs. Makes sense to support this.			
HJ 94 - Kilgore - Health care and health care professionals; DHP to study access thereto in Southwest Virginia.	(H) Committee on Rules	(H) Incorporated by Rules (HJ124-Kilgore)	02/02/10
SB 63 - Lucas - Involuntary commitment order; reduces length of time a person can appeal to circuit court.	(S) Committee for Courts of Justice	(S) Assigned Courts sub: Civil	02/08/10
notes: Recommendation of the Commission on Mental Health Law Reform			

SB 65 - Lucas - Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.	(S) Committee for Courts of Justice	(S) Constitutional reading dispensed (37-Y 0-N)	02/12/10
<u>notes:</u> See HB 248			
SB 158 - Edwards - Mental health courts; establishes specialized court dockets within existing structure of system.	(S) Committee on Finance	(S) Reported from Finance (14-Y 0-N)	02/11/10
SB 260 - Lucas - Mental health and substance abuse providers; background checks.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(H) Referred to Committee on Health, Welfare and Institutions	02/03/10
SB 275 - Whipple - Advance medical directives; clarifies authority.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(H) Referred to Committee on Health, Welfare and Institutions	02/03/10
SB 360 - Barker - Involuntary admission; court to enter an order for mandatory outpatient treatment.	(S) Committee on Finance	(S) Reported from Finance (14-Y 0-N)	02/11/10
SB 389 - McDougle - Juveniles; offenses for which juvenile is subject to transfer and trial as an adult.	(S) Committee for Courts of Justice	(S) Continued to 2011 in Courts of Justice (14-Y 0-N)	01/27/10
<u>notes:</u> JustChildren bill.			
SB 423 - Herring - Health care practitioners; exempt from liability when rendering services to patients of clinics.	(S) Committee for Courts of Justice	(S) Read third time and passed Senate (40-Y 0-N)	02/11/10
SB 528 - Puller - Prisoners; licensed professional counselors to direct sex offender treatment programs.	(S) Committee on Rehabilitation and Social Services	(S) Committee substitute printed 10105058D-S1	02/12/10
SB 529 - Puller - Sexually violent predators; evaluation determining whether a prisoner meets definition thereof.	(S) Committee for Courts of Justice	(S) Constitutional reading dispensed (37-Y 0-N)	02/12/10
SB 706 - Houck - Health insurance; coverage for mental health and substance abuse services.	(S) Committee on Commerce and Labor	(S) Read third time and passed Senate (40-Y 0-N)	02/08/10
SJ 64 - Miller, J.C. - SOLs; DOE to study feasibility of adding curriculum relating to healthy lifestyle choices.	(S) Committee on Rules	(S) Passed by indefinitely in Rules	02/12/10

Bills Related to the Practice of School Counselors			
Bills	Committee	Last action	Date
HB 76 - Bell, Richard P. - Instructional spending; local school board to report expenditures annually.	(H) Committee on Education (S) Committee on Education and Health	(S) Referred to Committee on Education and Health	02/08/10
notes: 65% rule.			
HB 96 - Loupassi - Instructional spending; local school board to report expenditures annually.	(H) Committee on Education	(H) Incorporated by Education (HB76-Bell, Richard P.)	01/25/10
notes: 65% rule			
HB 248 - Kilgore - Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.	(H) Committee for Courts of Justice	(H) Read first time	02/12/10
notes: Consolidates all the children's mental health laws into one section of the Code. Very few substantive changes. Product of the Commission on Mental Health Reform.			
HB 257 - McClellan - Homebound instruction services; Board of Education shall review its regulations.	(H) Committee on Education (S) Committee on Education and Health	(S) Referred to Committee on Education and Health	02/12/10
HB 558 - Tata - Standards of Quality; changes in provisions.	(H) Committee on Appropriations	(H) Subcommittee failed to recommend reporting (2-Y 6-N)	02/10/10
notes: This bill contains all the proposed changes to Standard 2 of the SOQ. Because of its fiscal impact, it failed in subcommittee as listed above.			
HB 581 - Massie - Paraprofessional training; person seeking licensure to obtain certificate in autism disorders.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	02/10/10
HB 898 - Comstock - Instructional spending; local school board to report expenditures annually.	(H) Committee on Education	(H) Incorporated by Education (HB76-Bell, Richard P.)	01/25/10
notes: 65%			
HJ 30 - Purkey - Constitutional amendment; appointment of members of Board of Education (first reference).	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	01/05/10
notes: Part of Purkey's campaign for governors to be able to stand for a second term and at the same time to have less power while in office. Are school counselors interested in this?			
HJ 89 - O'Bannon - Children's mental health services; joint subcommittee to study option for improving & accessibility.	(H) Committee on Rules	(H) Subcommittee recommends laying on the table	01/28/10
notes: Initiative of the 1in5kids coalition to which VCA belongs. Makes sense to support this.			

SB 389 - McDougle - Juveniles; offenses for which juvenile is subject to transfer and trial as an adult.	(S) Committee for Courts of Justice	(S) Continued to 2011 in Courts of Justice (14-Y 0-N)	01/27/10
notes: JustChildren bill.			
SB 557 - Herring - Triennial census; eliminates three-year requirement, distribution of sales and use tax.	(S) Committee on Education and Health	(S) Incorporated by Education and Health (SB413-Vogel) (15-Y 0-N)	01/28/10