



VIRGINIA COUNSELORS ASSOCIATION

March 2018

End of Legislative Session Update

The big issue for those of us who live and breathe General Assembly matters involves the status of the budget. Last week the House and Senate named members to serve as conferees. These members are working together through the budget conference process to create the final 2018-2020 biennium budget.

The House's budget conferees include 4 new members*: Jones, Peace*, Knight*, Garrett*, Torian, and Sickles*. Delegate Landes, the vice chairman of House Appropriations, was not reappointed as a conferee as he voted against the House budget because it included Medicaid Expansion. The Senate conferees remain the same: Norment, Hanger, Ruff, Newman, Wagner, Saslaw, and Howell. Senator George Barker has unofficially joined the conference committee as a "health" expert.

With a \$600M difference between the House and Senate budgets, the conferees will work to negotiate the final budget. The biggest difference is the inclusion of Medicaid in the House budget, which frees up dollars for other vital services like raises for state employees, teachers and law enforcement. The Senate has remained opposed to Medicaid expansion so it is unclear if the final budget will include the initiative. Last Friday, Governor Northam announced that he will [send down an amendment](#) if the final conference budget does not include Medicaid expansion.

Until Thursday, March 8, the optimistic thinking was that the General Assembly would adjourn sine die on March 10th and will reconvene on April 18th to address the Governor's amendments to the budget. On March 8th, Delegate Chris Jones announced that the House and Senate conferees will not be able to complete their work on the budget and that the General Assembly would either (1) postpone adjournment or (2) adjourn to reconvene at a later date to complete their work on the budget. What we do know is that Virginia jurisdictions begin to get nervous when the General Assembly is unable to

complete their budget on time because localities need reassurances on how much money they will be receiving from the state for their budgetary needs.

As a point of interest for school employees, the current House version of the budget includes a 4% raise set for July 2019. The Senate version does not.

On [March 13](#), Governor Northam set April 11 as the date for a special session on the state budget. The conventional wisdom at the writing is that the Governor will introduce a bill similar to the original bill introduced by Governor McAuliffe in December 2017. This budget has Medicaid expansion integrated into the budget, similar to the version that the House of Delegates accepted in its budget negotiations. The wild card is how the Senate Republicans will respond to the latest push for Medicaid expansion.

Legislative Priorities

VA Alliance for School Counseling and VA Career Development Association

School calendar changes: As with other years, legislators attempted to pass bills that would permit local school divisions to establish pre-Labor Day openings so that children would be able to more adequately prepare for their SOLs (among other reasons). [HB 36](#), [HB 38](#), [HB 354](#), [HB 372](#), [HB 1020](#), [SB 300](#), and [SB 914](#) were all defeated. The major opposition to these efforts comes from tourism.

Home schooling: Del. Rob Bell (Albemarle) has for years attempted to pass legislation authorizing interscholastic participation in public school programs by home schoolers. He had two bills this year—[HB 496](#) and [497](#). Both failed.

SOQ changes for school counselors: Del. E. Guzman (Prince Wm) introduced [HB 252](#) related to “mental health” counselors in schools. The term “mental health” was amended to “school” counselors, but Del. Guzman, who is a freshman delegate, became entangled in the nuances of presenting and amending bills. In the end, her intention failed to advance in the House. The measure would have increased the numbers of school counselors who could be employed in high schools by revising the SOQ for school counseling.

School discipline: VCA is a member of two coalitions designed to keep children in school and reduce the school to prison pipeline: Educate Every Child and RISE for Youth: In past

years VCA has been more actively involved in advocating for measures. This year was more subtle as the chief advocate at the Legal Aid Justice Center in Charlottesville worked more closely with the suspension and expulsion measure opponents (school superintendents and school boards) to craft compromise language. Del. Jeff Bourne's bill, [HB 1600](#), would reduce the maximum length of a long-term suspension from 364 calendar days to 45 school days. [SB 170](#) (Senator Bill Stanley) would prohibit, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three school days or expelled from attendance at school. Both bills give discretion to school administrators and/or school boards to modify the provisions for egregious behavior that is associated with harm to self or others. These bills both passed out of the General Assembly and are awaiting action by the Governor.

School lunch shaming: [HB 50](#) and [SB 840](#) each would require local school boards to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp. These bills passed out of the General Assembly and are awaiting the Governor's signature.

Dual enrollment: [HB 3](#) (Landes) strengthens career and technical education in both high school and community colleges. This bill passed and is awaiting the Governor's signature.

Work-based learning: [HB 399](#) included provisions for work-based learning and passed out of the House and Senate. [SB 936](#) and [HB 1530](#) both encourage local school divisions to employ strategies to reduce the stigma associated with CTE. Both bills passed out of the General Assembly.

Budget language: Finally, the House has included in its budget version [Item 136 #15h](#) which would amend the budget to include "hiring additional school guidance counselors" to the section on expanding the use of at-risk add-on program allocations.

VA Clinical Counselors Alliance and VA Association for Counselor Education and Supervision

Changes in licensure requirements: [HB 697](#). Delegate Miyares proposed a bill that would limit the number of hours necessary for licensure of professional counselors. The

bill proposed capping the requirement at 2,400 hours but was stricken by the patron after hearing concerns from the counseling community. We believe that any proposed changes in regulatory matters should be addressed by the Board of Counseling, and we were pleased that this bill failed to advance!

Barrier crimes as impediments to hiring for MH and SUD peer recovery specialists

Currently in Virginia, many crimes prohibit an individual from becoming a licensed substance abuse or mental health treatment provider with the Department of Behavioral Health and Developmental Services. Last year, 35 people applied to become providers with DBHDS and were unable to be screened due to a prior burglary charge. [SB 555](#) will add burglary to a list of crimes that are screenable for DBHDS direct consumer care providers. The bill passed both houses is currently being considered by the Governor with a deadline for gubernatorial action set for April 9th.

Association for Lesbian, Gay, Bisexual, and Transgender Issues in Counseling and Virginia's Association for Spiritual, Ethical, and Religious Values in Counseling, and VA Association for Multicultural Counseling and Development

Grand Larceny

For several years legislators submitted bills to increase the grand larceny threshold from \$200. The \$200 limit for individuals to be charged with a felony for stealing has been in effect since about 1980. Today, \$200 is a very low bar for felony conviction. This year, the General Assembly [announced a bipartisan compromise](#) to raise the threshold to \$500. Even at \$500, Virginia will still rank among the minority of states that have not increased their felony threshold to at a minimum \$1000.

There was widespread support for this initiative with 12 bills introduced in the House and 8 in the Senate. The following two bills will increase the grand larceny threshold from \$200 to \$500. [HB 1550](#) and [SB 105](#) were the two bills that finally passed through both houses. The Governor's action is expected before April 9th.

Driver Identification for Immigrants:

Several bills ([HB 12](#) , [HB 93](#), [HB 580](#) , [HB 1318](#) , [SB 621](#)) and were introduced to provide special identification cards to aliens granted "withholding of removal" immigration status. Unfortunately, all of the following bills were left in the Committee on Transportation:

TANF

Temporary Assistance for Needy Families is an important federal program for families with limited income. Currently, felons with drug related felonies who have paid their penalties are barred from receiving TANF. [HB 945](#) and [SB 204](#) would have permitted individuals with such felonies to receive funds if they are in a substance abuse treatment program (HB 945) or participate in periodic drug testing. Neither bill passed. On the opposite end of the philosophical spectrum, [HB 1242](#) would have required local departments of social services to screen each TANF recipient to determine whether probable cause exists to believe the participant is using illegal drugs. This bill also failed.

Sanctuary Cities

[HB 1257](#) is a bill introduced by Del. Ben Cline that would prohibit localities from adopting ordinances, procedures or policy that restricts the enforcement of federal immigration laws. This bill aims to eliminate the prospect of sanctuary cities in the Commonwealth. There are currently no sanctuary cities in Virginia. This bill has passed in earlier Republican-led General Assembly sessions, only to be vetoed by Gov. McAuliffe. The bill passed both houses, and Gov. Northam has indicated that he will veto the bill. His decision deadline is April 9th.

ERA

The Equal Rights Amendment was proposed as an amendment to the United States Constitution in 1972. [HJ 4](#) and [SJ 4](#) would have expressed the resolve on the General Assembly to ratify this constitutional amendment. The resolutions failed in their respective houses.

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