

Recommendations for Legislative Action

2012 to 2015



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Recommendations for Legislative Action 2012 to 2015

JLARC is the oversight agency of the Virginia General Assembly, established to evaluate the operations and performance of state agencies and programs.

When mandating a new study, the General Assembly routinely directs JLARC staff to incorporate recommendations in its reports to the Commission. Recommendations are sometimes directed to the General Assembly, when legislative action may improve the efficiency or effectiveness of a program.

Before each legislative session, JLARC staff review the reports from the past four years and present a list of recommendations to Commission members, for the purpose of assisting them as they prepare legislation.

New legislative recommendations from 2015 reports are listed first. Recommendations from 2012 through 2014 are included only if they have not already been implemented through legislation.

RECOMMENDATIONS 2015

Efficiency and Effectiveness of K-12 Spending

RECOMMENDATION. The General Assembly may wish to consider amending § 22.1-23 of the Code of Virginia to require the Superintendent of Public Instruction to track teacher turnover and report annually to the General Assembly and governor the numbers of and most common reasons for teacher turnover.

RECOMMENDATION. The General Assembly may wish to consider appropriating funds for the Virginia Department of Education to employ up to three additional staff to provide guidance and assist school divisions in sharing information about facilities management best practices.

RECOMMENDATION. The General Assembly may wish to consider appropriating funds for the Virginia Department of Education to employ up to three additional staff to provide guidance and assist school divisions in sharing information about transportation management best practices.

Assessing the Performance of Virginia's DMV

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to require the Department of Motor Vehicles to develop a proposal to reduce wait times at high volume customer service centers. In developing this proposal, the Department of Motor Vehicles should estimate the costs and benefits associated with options such as (i) closing or regionalizing customer service centers with low customer volume and short wait times that are located near other customer service centers and reallocating resources; (ii) building additional capacity by expanding existing customer service centers, building new ones, or adding DMV Select locations; (iii) using self-service kiosks; and (iv) expanding the types of transactions for which customers can receive discounts for using alternative services. The Department of Motor Vehicles should submit its proposal to the House and Senate Transportation Committees, the House Appropriations Committee, and the Senate Finance Committee by November 1, 2016.

RECOMMENDATIONS 2014

Low Performing Schools in Urban High Poverty Communities

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to give the Board of Education express legal authority to enter into mandatory memoranda of understanding (MOU) with individual school districts when necessary. The language of the MOUs should be formulated to give the state authority to make overriding budgetary, personnel, and instructional decisions in local school divisions that meet specific criteria for low performance. The General Assembly may also wish to consider amending the Constitution of Virginia to provide such authority, subject to the approval of a majority of qualified voters in Virginia.

RECOMMENDATION. The General Assembly may wish to consider requiring teacher residency programs receiving state funds to report annually to the House Appropriations and Senate Finance committees on the impact of their programs on student achievement in K-12 public schools.

Local Government and School Division Consolidation

RECOMMENDATION. The General Assembly may wish to consider providing grants through the Appropriation Act to localities to assess whether consolidation is feasible, and the likelihood of improving fiscal sustainability and local services, and achieving state or local savings.

RECOMMENDATION. The General Assembly may wish to amend the Code of Virginia to direct the Commission on Local Government to prepare and submit proposals through the governor's budget for additional state funding for localities that wish to consolidate. The amount of additional funding requested should be based primarily on the projected cost of the specific consolidation being proposed.

Virginia's IT Governance Structure

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to adopt the legislative changes developed by the technical working group for reorganizing, clarifying, and codifying VITA's existing responsibilities.

Virginia's Workforce Development Programs

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to direct state agencies to collaborate with the Board of Workforce Development to develop and define standard categories of workforce development program activities to use when tracking workforce development program expenditures and reporting these expenditures to the board. The General Assembly may also wish to consider amending the Code of Virginia to require state agencies to adopt these categories. These agencies should include the Department of Aging and Rehabilitative Services, the Department for the Blind and Vision Impaired, the Department of Education, the Department of Labor and Industry, the Department of Social Services, the Virginia Community College System, the Virginia Employment Commission, and the Virginia Economic Development Partnership.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to direct state agencies that receive general funds for the administration of workforce development programs to collect data on the total amount of general funds spent by local entities, to distinguish between administrative and program-related expenditures, and to report data in the greatest possible detail.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to require the employment services division of the Virginia Employment Commission to serve as a labor market analysis resource and to actively assist state and local workforce development entities in targeting their resources to programs that reflect the state's labor market.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to designate the Virginia Community College System (VCCS) as the single state agency responsible for administering all aspects of the registered apprenticeship program, and to transfer these responsibilities to VCCS from the Virginia Department of Labor and Industry.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to delegate several responsibilities of the Board of Workforce Development to other state agencies, such as the Virginia Employment Commission and the Virginia Community College System. These responsibilities include those related to identifying the current and future workforce needs of employers and associated training requirements, reviewing and recommending industry credentials, developing Workforce Investment Act incentive grant applications, and administering the Career Readiness Certificate Program.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to establish the Career Pathways Workgroup as a formal advisory council to the Board of Workforce Development and direct it to develop and recommend (i) new training strategies, (ii) strategies to match trained workers with jobs, (iii) cross-agency performance measures in coordination with other agencies, and (iv) workforce development strategies for veterans.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to give the Board of Workforce Development responsibility for developing new policies related to the following aspects of workforce development for those state agencies that are responsible for administering workforce programs: (i) engagement with the business community, (ii) alignment of education and workforce training opportunities with the needs of the business community, (iii) coordination and collaboration between workforce programs intended to improve the efficiency and effectiveness of workforce programs, and (iv) accountability for and transparency of the expenditures of public funds for workforce programs and programs' performance. These policies should be developed in consultation with the governor and the governing boards of those state agencies and, when appropriate, should be implemented by promulgation of regulations through those boards to ensure that these policies do not conflict with federal or state requirements specific to those state agencies and their programs. When the promulgation of regulations is unnecessary, state agencies' boards should approve the Board of Workforce Development's policies before they are adopted.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to require the Chief Workforce Development Advisor to appoint to an advisory council to the board (i) representatives of the Department of Education, Virginia Employment Commission, Virginia Community College System, State Council for Higher Education in Virginia, Virginia Economic Development Partnership, Department of Aging and Rehabilitative Services, Department for the Blind and Vision Impaired, and the Department of Social Services and (ii) representatives from local entities, including staff of one or more local workforce investment boards, one or more community colleges, one or more school divisions, and one or more local economic development representatives.

Addressing the Cost of Public Higher Education in Virginia

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to direct the State Council of Higher Education for Virginia (SCHEV) to update the underlying data for the base adequacy model and make additional modifications to the formula as warranted. SCHEV should ensure that future updates or revisions to base adequacy occur every six years as part of the state's strategic planning process. The update and modification to the base adequacy model should be completed in coordination with the re-basing of appropriated and actual salary averages, as recommended in JLARC's 2013 *Review of Academic Spending and Workload at Virginia's Public Higher Education Institutions*.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to require public four-year institutions to evaluate the non-athletic services and activities funded by mandatory non-E&G fees. Institutions should be required to report the results of the evaluation to the House Appropriations and Senate Finance Committees. The report should include an inventory of each service and activity and proposed reductions in spending through improved efficiency or cutbacks in service levels, or through elimination of services or activities tangential to the academic mission.

RECOMMENDATION. The General Assembly may wish to consider amending the Appropriation Act to remove all exemptions from the annual five percent cap on mandatory non-E&G fee growth and modify the cap to a limit of the lesser of (i) five percent or (ii) the median dollar increase in the fee across all public four-year institutions from the prior academic year.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to require that an institution may only exceed the annual growth cap on mandatory non-E&G fees if expressly authorized through the Act.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to direct the State Council of Higher Education for Virginia to modify its current capital prioritization process by 2016 to (i) ensure objective analysis of institutions' capital requests and (ii) provide a statewide prioritization of higher education capital requests that may be used to determine which projects should be recommended to receive funding. It should provide the Six-Year Capital Outlay Plan Advisory Committee with a draft of the revised prioritization process for feedback and approval.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to direct the State Council of Higher Education for Virginia to identify metrics on capital spending, debt, and other data of value to the capital review process and annually publish a report on how each of the 15 public four-year institutions compares across the metrics. The report should include (i) comparisons to national and regional levels of capital spending and (ii) information on the value of institutions' physical plants relative to their Carnegie classifications.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to direct public institutions to submit long-term deferred maintenance plans to the Department of General Services and the Department of Planning and Budget at the start of each biennium. The plans should contain (i) a list of deferred maintenance projects ranked by relative priority, funding availability, and timeframe, and (ii) estimates of project funding levels and sources.

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act to allocate all Virginia Student Financial Assistance Program funds across institutions such that an equal percentage of financial need recognized by the state's Partnership Model is met at each of Virginia's public four-year institutions.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to restrict the Virginia Student Financial Assistance Program to low- and middle-income students when program appropriations are not sufficient to fully meet these students' financial need recognized by the Partnership Model.

Support Costs and Staffing at Virginia's Higher Education Institutions

RECOMMENDATION. The General Assembly may wish to consider including language in the Appropriation Act and appropriating funding for a review of cooperative procurement. The review should be performed by a consultant and involve the Auditor of Public Accounts, Department of General Services, Department of Planning and Budget, State Council of Higher Education for Virginia, and Virginia Information Technologies Agency. The review should determine (i) the categories of goods and services for which cooperative procurement would enable higher education institutions to achieve savings; (ii) for each category of goods and services, to what extent institutions would realize greater savings by using the Department of General Services or Virginia Information Technologies Agency, or a higher education cooperative; and (iii) for each category of goods and services, to what extent state agencies would pay higher costs if institutions used a higher education cooperative instead of the Department of General Services or Virginia Information Technologies Agency. Findings from the review should be reported to the Chairs of the House Appropriations and Senate Finance Committees and the House and Senate General Laws Committees by September 1, 2016.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia, as appropriate, based on the findings of the consultant review of higher education procurement, to direct all higher education institutions in Virginia to participate fully in joint procurement through higher education cooperatives or state contracts negotiated by the Department of General Services and the Virginia Information Technologies Agency.

RECOMMENDATIONS 2013

Review of Academic Spending and Workload at Virginia's Public Higher Education Institutions

RECOMMENDATION. The General Assembly may wish to consider regularly re-basing appropriated and actual average faculty salaries.

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to direct the State Council of Higher Education for Virginia to track State funding for higher education research from all sources and develop a process for institutions to report on the progress of State-supported research projects.

Review of the Virginia Port Authority's Competitiveness, Funding, and Governance

RECOMMENDATION. The General Assembly may wish to consider amending the Code of Virginia to limit the Governor's authority to remove members of the Virginia Port Authority Board of Commissioners to instances of malfeasance, misfeasance, or gross neglect of duty.

Review of the Impact of Medicaid Rates on Access to Health Care in Virginia

RECOMMENDATION. The General Assembly may wish to consider requiring the Department of Medical Assistance Services to issue an annual report on access to care for Medicaid enrollees to the Health and Human Resources Subcommittees of the House Appropriations and Senate Finance Committees, the Medicaid Innovation and Reform Commission, the Joint Commission on Health Care, and the Secretary of Health and Human Resources. The assessment should include measures of provider participation, enrollee utilization, and enrollee feedback. The report should cover a subset of Medicaid services, and every service should be reviewed at least every five years. The assessment should show trends over time and differences across geographic regions, and include a summary assessment of any services and areas where access may be relatively limited.

RECOMMENDATIONS 2012

Review of Employee Misclassification in Virginia

RECOMMENDATION. The General Assembly may wish to amend the Code of Virginia to make misclassification of employees illegal, and to specify financial penalties for employers who misclassify workers.

RECOMMENDATION. The General Assembly may wish to amend the Code of Virginia to authorize a stop work order to be issued to employers working on State contracts who are found to be misclassifying workers. Additional penalties could include disbarment of the employer from bidding on any future State or local contracts for a specified period of time.

Encouraging Local Collaboration Through State Incentives

RECOMMENDATION. The General Assembly may wish to provide financial incentives in the form of planning grants, additional operating funds, or capital assistance, to encourage local governments, including school divisions, to voluntarily pursue collaboration opportunities that have demonstrated the potential to yield state benefits. Incentives could be used to encourage two or more localities to develop new, or expand existing, regional special education programs; foster care recruitment and support programs; pretrial services programs; career and technical education centers; science, technology, engineering, and math academies; and radio communications systems.

RECOMMENDATION. If the General Assembly wishes to encourage two or more local governments, including school divisions to voluntarily collaborate on capital projects or operating services, it may wish to require that the State agencies tasked with administering the incentives perform three key functions. Each State agency should be responsible for and have the skills and resources necessary to (1) provide technical assistance to local governments, including school divisions, (2) monitor the implementation of collaborative projects, and (3) evaluate the impact of the collaborative project on the quality and availability of State and local services and on the levels of State and local spending.

Technical Report: Cost of Competing Adjustment for School Divisions in Northern Virginia

RECOMMENDATION. The General Assembly may wish to consider recognizing the cost of competing in two groupings of school divisions. The first group should be comprised of Alexandria, Arlington, Fairfax, Fairfax City, and Falls Church. This first grouping should have the highest cost of competing recognized. The second group should be comprised of Prince William, Loudoun, Stafford, Fauquier, Manassas, and Manassas Park. This second grouping should also have a cost of competing recognized, but one that is less than the first grouping of divisions.

RECOMMENDATION. The General Assembly may wish to discontinue using the differential in State salaries as the basis for the cost of competing. It may wish to instead calculate the cost of competing using more direct measures of the labor market for school division employees in Northern Virginia.



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