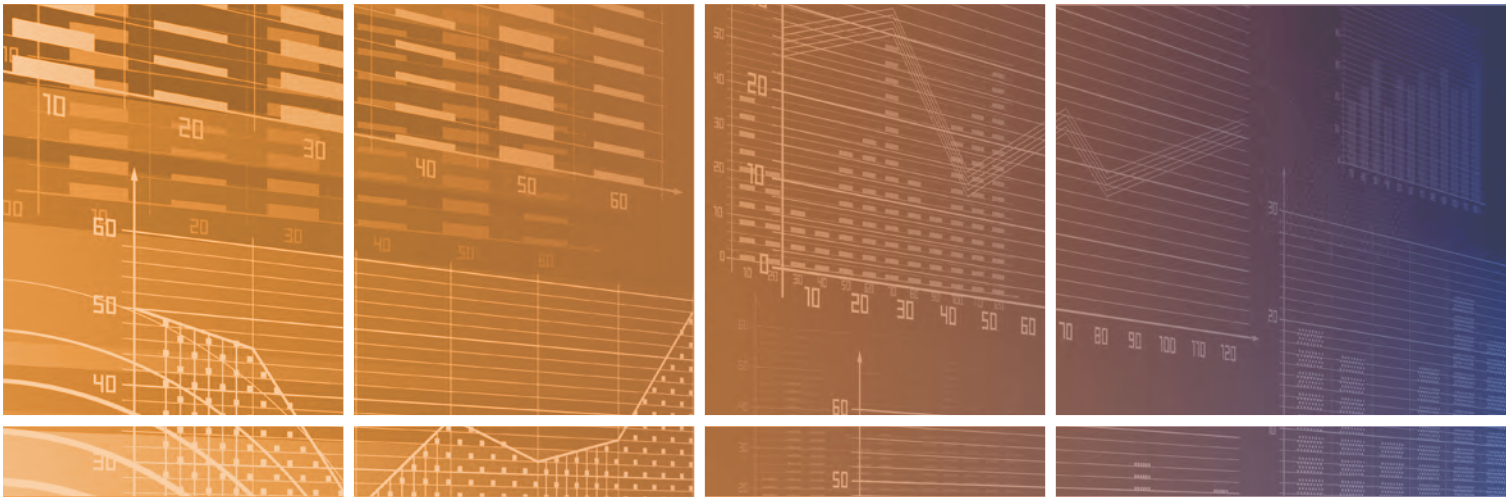


# Recommendations for Legislative Action

2014 to 2017



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## Recommendations for Legislative Action 2014 to 2017

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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 2017 reports are listed first. Recommendations from 2014 through 2016 are included only if they have not already been implemented through legislation.



# COMMUNITY COLLEGES

## *Operations and Performance of the Virginia Community College System, 2017*

**Dual enrollment** The General Assembly may wish to include language in the Appropriation Act to require the state's public four-year institutions of education to report, for dual enrollment students, (i) the total number of dual enrollment credits on students' transcripts, (ii) the total number of those credits that were accepted for credit by the institutions, and (iii) whether the credits were applied to elective requirements, program requirements, or other requirements. This information should be reported to the State Council of Higher Education for Virginia (SCHEV) and the Virginia Community College System (VCCS) at the end of the 2017-18 academic year and in subsequent years as necessary to help improve the quality of dual enrollment courses and the state's dual enrollment policies. VCCS and SCHEV should use this information to identify dual enrollment courses that are not routinely accepted for credit.

**Dual enrollment** The General Assembly may wish to consider creating a financial assistance grant program to help high school teachers obtain the necessary credentials to teach dual enrollment courses.

**Transfer to four-year schools** The General Assembly may wish to amend the Code of Virginia to require the State Council of Higher Education for Virginia to develop guidelines for the state's public two- and four-year higher education institutions to follow in developing program maps for transfer pathways. These guidelines should specify (i) the most commonly used transfer pathways for which program maps should be developed and (ii) standard content to be included in each program map.

**Transfer to four-year schools** The General Assembly may wish to amend the Code of Virginia to require that each public four-year institution in Virginia develop, in collaboration with the Virginia Community College System, program maps for transfer pathways. The program maps should be consistent with the recommended guidelines to be developed by the State Council of Higher Education for Virginia.

**Transfer to four-year schools** The General Assembly may wish to amend § 23.1-908 of the Code of Virginia as follows: (i) to require that the Virginia Community College System (VCCS) develop and maintain an online single repository for all agreements, course equivalency tools, and other informational resources related to transferring from a community college to a public four-year institution; (ii) to require the State Council of Higher Education for Virginia to send to VCCS all the transfer resources that it has collected; and (iii) to require all public four-year institutions to keep their transfer agreements updated and annually send to VCCS all new and revised transfer agreements and other transfer-related resources.

**Transfer to four-year schools** The General Assembly may wish to consider amending the Code of Virginia to require that the State Council of Higher Education for Virginia (SCHEV) annually identify the transfer pathways in which transfer students have poorer outcomes, as measured by lower completion rates, longer time to degree, more credits accumulated, and lower course grades. This information should be reported at the end of every academic year, beginning with the 2017-18 academic year, be shared with individual community colleges and four-year institutions, and be used to identify community college courses that are not routinely accepted for credit by the state's public four-year higher education institutions.

**Workforce Credentials Grant** The Virginia General Assembly may wish to amend the Code of Virginia to (i) clarify that Workforce Credentials Grant (WCG) funds be prioritized for, though not limited to, credentials for which there is a documented unmet employer demand; and (ii) permit colleges to use a portion of their WCG funds to address the infrastructure or personnel challenges associated with program development or expansion if these challenges cannot be financed through other resources.

## BIOSOLIDS

### *Land Application of Biosolids and Industrial Residuals, 2017*

**Epidemiological research** The General Assembly may wish to consider directing the Virginia Department of Health (VDH) to design and conduct a pilot epidemiological study of the human health effects of land application of biosolids. The General Assembly may wish to consider appropriating \$50,000 to fund the study. In designing and conducting the pilot study, VDH should contract with third parties, such as researchers at Virginia institutions of higher education, as needed. VDH should be assisted by the Virginia Department of Environmental Quality as needed. Following completion of the pilot study, VDH should submit its findings and a proposed design for a full-scale epidemiological study, if needed, to the Senate Finance, and Agriculture, Conservation, and Natural Resources Committees; and House Appropriations, and Agriculture, Chesapeake, and Natural Resources Committees.

**Pathogens testing** The General Assembly may wish to consider directing the Virginia Department of Health (VDH) to perform sample testing of Class B biosolids that are land applied in Virginia to determine their pathogen content. The General Assembly may wish to consider appropriating \$50,000 to fund sample testing over the course of one year. VDH should use test results to inform its epidemiological pilot study and assessment of aerosol infection risks.

## VIRGINIA 529

### *Prepaid529 Investment Management, 2017*

**Investment director position** The General Assembly may wish to consider amending Chapter 7 of Title 23.1 of the Code of Virginia to create an Investment Director position that would have investment management responsibility at Virginia529, including the Prepaid529 fund.

## STATE CONTRACTING

### *Development and Management of State Contracts in Virginia, 2016*

**High-risk contracts** The General Assembly may wish to consider amending the Code of Virginia to add a definition of high-risk contracts and require that, before execution, all contracts that meet the definition of high risk be reviewed and approved by the Office of the Attorney General (all contracts), the Department of General Services (contracts for goods and non-professional and professional services that are not for information technology or road construction or design), and the Virginia Information Technologies Agency (IT contracts).

**High-risk contracts** The General Assembly may wish to include language in the Appropriation Act directing the Department of General Services (DGS) and the Virginia Information Technologies Agency (VITA) to (i) develop a comprehensive training program on the effective administration of contracts and (ii) modify their statewide procurement policy manuals to require the training for all agency staff who have primary responsibility for administering contracts identified as high risk. The language should direct DGS and VITA to develop an estimate of the cost of administering the program.

**High-risk contracts** The General Assembly may wish to include language in the Appropriation Act to require the Department of General Services, the Virginia Information Technologies Agency, and the Office of the Attorney General to collaborate on the development of a central database to collect information about high-risk state contracts. The information aggregated should be quantifiable, objective, and applicable to all contracts, so that it can be used to track the performance of high-risk contracts. The system would also act as a repository of documentation related to the performance of all vendors. The departments should provide a report to the House Appropriations and the Senate Finance Committees no later than September 1, 2017, that includes recommendations for the design of the system, implementation considerations, and a description of the resources that will be necessary to develop and implement it.

## **WATER RESOURCES**

### ***Water Resource Planning and Management, 2016***

**Water withdrawal reporting** The General Assembly may wish to consider amending § 62.1-44.38 of the Code of Virginia to (i) clarify that reporting water withdrawal information would not alter the status of existing exemptions from permitting under the Virginia Water Protection program and (ii) authorize the State Water Control Board to impose a civil penalty for failure to report water withdrawal information (as required under § 62.1-44.38) on users of water from the river and stream segments at greatest risk of shortfall.

**Regional water planning** The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require the State Water Control Board to designate regional water planning areas based on (i) primary source of water, (ii) local jurisdictional boundaries, (iii) geographic proximity, (iv) existing regional groups that have already developed water resource plans, (v) existing regional entities, and (vi) other appropriate factors.

**Regional water planning** The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to direct the State Water Control Board to require regional water planning groups to (i) evaluate potential projects using standardized criteria developed by the Board; (ii) identify a workable and cost-effective water supply strategy; and (iii) decide on a course of action to address the region's water supply needs.

**Regional water planning** The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require that, when regional water plans are completed, the Virginia Department of Environmental Quality report to the State Water Commission on the extent to which each regional plan (i) identifies a workable and cost-effective water supply strategy and (ii) reflects adequate regional cooperation.

**State water plan** The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require the Virginia Department of Environmental Quality to use the state water plan to clearly articulate how the state will (i) facilitate regional planning and (ii) provide planning, policy, and technical assistance to each region, differentiated according to each region's sustainability problems, existing resources, and other factors.

**Regional water planning** The General Assembly may wish to include language in the Appropriation Act directing the Virginia Department of Environmental Quality to assess and report on additional resources needed to facilitate regional planning and provide differentiated regional assistance. The report should be submitted to the State Water Commission, House Appropriations, and Senate Finance Committees no later than July 1, 2017.

**Water permitting** The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to require that the State Water Control Board issue permits for groundwater withdrawals for non-human consumptive uses only after meeting permit requests for human consumptive needs.

**Water permitting** The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to require that the State Water Control Board reduce permitted withdrawal amounts for non-human consumptive use as necessary to provide permit capacity to meet human consumptive needs.

**Water permitting** The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to establish a limit on the proportion of overall permitted withdrawal capacity to be granted to an individual permit holder in the coastal aquifer.

**Water permitting** The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Control Board to create an advisory panel to recommend amendments to § 62.1-44.15:20 of the Code of Virginia that would clarify (i) the conditions under which grandfathered users of surface water would be required to obtain a Virginia Water Protection permit and (ii) the criteria to be used to determine the amount of surface water to be permitted to grandfathered users.

**Water permitting** The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Control Board to create an advisory panel to clarify whether and how the definition of safe yield should be changed in the Virginia Administrative Code.

**Regional water planning** The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Environmental Quality to develop a proposal for providing additional water planning assistance, to include (i) planning and policy guidance for projects with cross-jurisdictional impact and (ii) technical assistance for localities that lack technical resources and expertise in project identification, planning, and construction. The proposal, which should include an assessment of the feasibility of and resources needed to perform this new function, should be submitted to the State Water Commission and House Appropriations and Senate Finance Committees no later than July 1, 2017.

**Regional water planning** The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Commission to evaluate the establishment of a fund to provide (i) incentives for regional collaboration in water planning and (ii) financing for regional water projects.

**OPTION: Water permitting** The General Assembly could amend the Code of Virginia to establish statutory authority for a user fee for water withdrawn from the coastal aquifer.

**OPTION: Water permitting** The General Assembly could amend the Code of Virginia to establish statutory authority for a priority system to award groundwater withdrawal permits to industrial users likely to have the greatest economic benefit.



# VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

## *Management & Accountability of the Virginia Economic Development Partnership, 2016*

**State economic development board** The General Assembly may wish to consider amending the Code of Virginia to establish a Board of Economic Development, whose purpose is to provide ongoing and systematic planning, advice, and direction for the state's economic development system to improve coordination of activities and its efficiency and effectiveness. Membership of the Board of Economic Development should include a representative from each of the secretariats responsible for agencies with economic development programs, at least one member of the House of Delegates, at least one member of the Senate, one director of a local economic development organization, and one director of a regional economic development organization. The Board of Economic Development should be a policy board, as defined in § 2.2-2100, and have full-time, independent staff for the purposes of executing its responsibilities.

**State economic development board** The General Assembly may wish to consider including language in the Appropriation Act to fund a full-time, independent staff for the purposes of supporting the Board of Economic Development in fulfilling its responsibilities. The Department of Planning and Budget should assist in determining the number of staff necessary to provide this support.

**State economic development board** The General Assembly may wish to consider including language in the Appropriation Act to direct state agencies to collaborate with the Board of Economic Development to develop and define standard categories of economic development program activities to use when tracking economic development program expenditures and reporting these expenditures to the Board of Economic Development. The General Assembly may wish to consider amending the Code of Virginia to require state agencies and encourage regional and local entities to adopt these categories.

**State economic development board** The General Assembly may wish to consider amending the Code of Virginia to establish a State, Regional, and Local Advisory Team tasked with advising the Board of Economic Development on opportunities to improve the coordination, efficiency, and effectiveness of the state's economic development system. The State, Regional, and Local Advisory Team should provide advice to the Board of Economic Development on how to adapt economic development strategies to reflect changes in Virginia's regions and industries. The Advisory Team should be appointed by the Board of Economic Development and include the directors of state agencies engaged in economic development (minimum of 6), directors of regional economic development organizations (minimum of 4), directors of local economic development organizations (minimum of 4), and representatives of the business community (minimum of 4). One regional and one local director should also be appointed to the Board of Economic Development.

# HIGHER EDUCATION

## *Addressing the Cost of Public Higher Education in Virginia, 2014*

**Base adequacy model** 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 report, *Academic Spending and Workload at Virginia's Public Higher Education Institutions*.

**Mandatory fees** 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 no later than November 1, 2015. 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.

**Mandatory fees** 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.

**Mandatory fees** 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.

**Capital spending** 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.

**Capital spending** 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.

**Facilities maintenance** 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.

**Financial aid** 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.

## K-12 EDUCATION

### *Efficiency and Effectiveness of K-12 Spending, 2015*

**Facilities management** 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.

**Transportation management** 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.

**Teacher training and support – OPTION** The General Assembly could appropriate funds for the Virginia Department of Education to employ additional staff to provide teacher training and curriculum development support to the school divisions that would most benefit from state assistance.

### *Low Performing Schools in Urban High Poverty Communities, 2014*

**Teacher residency programs** 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.

## MEDICAID

### *Eligibility Determination in Virginia's Medicaid Program, 2015*

**Eligibility screening** The General Assembly may wish to consider including language in the Appropriation Act to direct the Departments of Medical Assistance Services and Social Services to implement a process for checking Virginia's new hire database for recent employment when data available from the Virginia Employment Commission at the time of Medicaid application or renewal does not identify wages. The Department of Medical Assistance Services should work with the Centers for Medicare and Medicaid Services to gain access to the National Directory of New Hires.

**Eligibility screening** The General Assembly may wish to consider including language in the Appropriation Act to direct the Departments of Medical Assistance Services and Social Services to implement a process for checking wage data from the Virginia Employment Commission six months after application or renewal, in cases where self-attestation was accepted at the time of application or renewal.

**Funding of local DSS offices** The General Assembly may wish to consider including language in the Appropriation Act to direct the Virginia Department of Social Services to develop an objective and data-driven formula for the allocation of state administrative funding to local departments of social services that reflects workload, ability to pay, and other factors that affect performance.

## WORKFORCE DEVELOPMENT

### *Virginia's Workforce Development Programs, 2014*

**Labor market resource** 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.

**Statewide workforce policy** 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.

## LOCAL GOVERNMENT CONSOLIDATION

### *Local Government and School Division Consolidation, 2014*

**Encouraging consolidation** 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.

**Encouraging consolidation** 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.

## VETERANS SERVICES

### *Operation and Performance of the Department of Veterans Services, 2015*

**Virginia Values Veterans program** The General Assembly may wish to consider including language in the Appropriation Act to direct the Department of Veterans Services to develop and submit a plan to make the Virginia Values Veterans program more effective and scalable, and less time-consuming for participants. The plan should identify (i) the measures that will be used to assess the program's impact on employer knowledge and hiring decisions and (ii) the specific value that the program provides over existing resources that are available to all companies online. The plan should be submitted to the House Appropriations and Senate Finance committees no later than November 1, 2016.

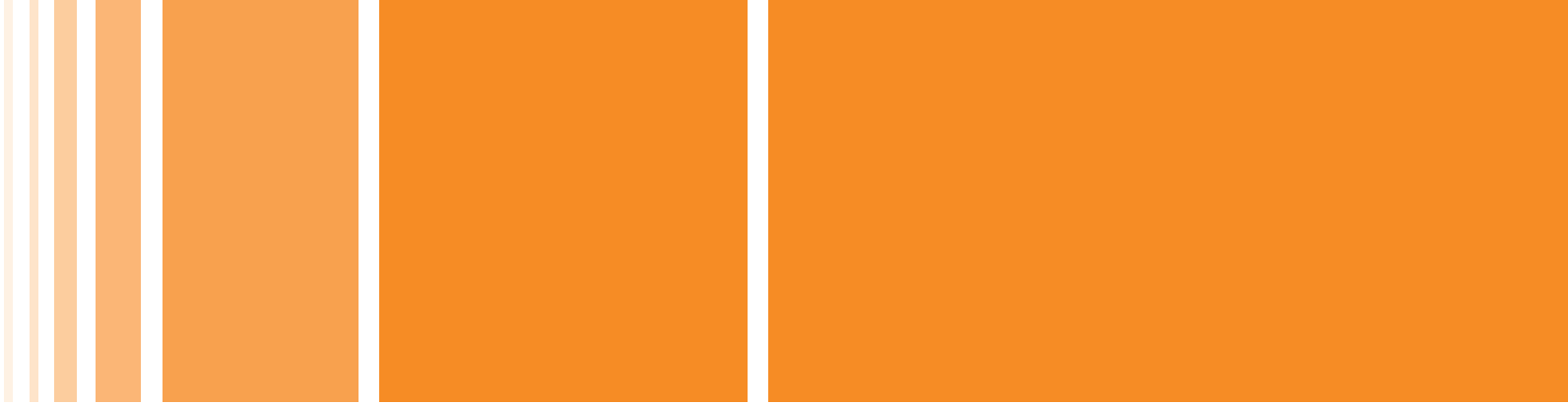
## DEPARTMENT OF MOTOR VEHICLES

### *Assessing the Performance of Virginia's DMV, 2015*

**Wait times** 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) installing 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.







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