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HOUSE BILL NO. 245

Offered January 12, 2000

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, as it is currently in effect and as it may become effective, relating to elementary school guidance counselors.

Patrons—Dillard, Albo, Amundson, Barlow, Baskerville, Bennett, Blevins, Bloxom, Brink, Bryant, Callahan, Christian, Councill, Crittenden, Darner, Day, Deeds, Hall, Hamilton, Hull, Jackson, McEachin, Orrock, Plum, Pollard, Purkey, Rhodes, Tata, Van Landingham, Van Yahres and Watts; Senators: Couric, Edwards, Houck, Howell, Marye, Miller, Y.B., Puller, Saslaw and Trumbo

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia, as it is currently in effect and as it may become effective, is amended and reenacted as follows:

§ 22.1-253.13:3. (Effective until July 1, 2003) Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

In establishing course and credit requirements for a high school diploma, the Board shall provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning Testing, as necessary.

The Board shall include in the student outcome measures which are required by the Standards for Accreditation, end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and social studies.

In revising the standards for accreditation, the Board shall seek to set pupil/teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

The requirements for a standard or advanced studies high school diploma shall include one credit in fine, performing, or practical arts. The requirements for a standard high school diploma may include a concentration of courses selected from a variety of options. Such concentration may be planned to ensure the completion of a focused sequence of elective courses leading to further education or preparation for employment developed by the school division consistent with Board of Education guidelines and as approved by the local school board.

The Board's regulations on accrediting schools shall include in the minimum staffing requirements, according to the type of school and student enrollment, requirements for employment of (i) principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one full-time, to be employed on a twelve-month basis; (ii) assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; (iii) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1000 students; (iv) *guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof*; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high

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60 schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students
61 or major fraction thereof; (v) clerical personnel in elementary schools, part-time to 299 students, one
62 full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time
63 for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical
64 personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200
65 students and one full-time for the library at 750 students; and (vi) reading specialists in elementary
66 schools, one full-time in each elementary school at the discretion of the local school board. A combined
67 school, such as kindergarten through twelve, shall meet at all grade levels the staffing requirements for
68 the highest grade level in that school; this requirement shall apply to all staff, except for guidance
69 counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements
70 shall, however, be based on the enrollment at the various school organization levels, i.e., *elementary*,
71 middle, or high school. The Board of Education may grant waivers from these staffing levels upon
72 request from local school boards seeking to implement experimental or innovative programs that are not
73 consistent with these staffing levels.

74 C. The Board shall also establish requirements for certification of teachers, principals, supervisors
75 and other professional staff and determine eligibility for appointment as a local division superintendent.

76 D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve
77 criteria for determining and recognizing educational performance in the Commonwealth's public school
78 divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation
79 process and shall include student outcome measurements. One year following the approval by the Board
80 of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those
81 school divisions and schools that exceed or do not meet the approved criteria. Such identification shall
82 include an analysis of the strengths and weaknesses of public education programs in the various school
83 divisions in Virginia and recommendations to the General Assembly for further enhancing student
84 learning uniformly across the Commonwealth. In recognizing educational performance in the school
85 divisions, the Board shall include consideration of special school division accomplishments, such as
86 numbers of dual enrollments and students in Advanced Placement and International Baccalaureate
87 courses, and participation in academic year Governor's Schools.

88 The Superintendent of Public Instruction shall assist local school boards in the implementation of
89 action plans for increasing educational performance in those school divisions and schools that are
90 identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor
91 the implementation of and report to the Board of Education on the effectiveness of the corrective actions
92 taken to improve the educational performance in such school divisions and schools.

93 The Department of Education shall conduct technical assistance visits for local school divisions.
94 Schools accredited with a warning shall be given priority for such assistance, which shall include an
95 analysis of relevant school data and the development and implementation of improvement plans to assist
96 such schools in improving their accreditation status.

97 E. In order to assess the educational progress of students, the Board of Education shall also (i)
98 develop appropriate assessments, which may include criterion-referenced tests and alternative assessment
99 instruments which may be used by classroom teachers; (ii) prescribe and provide measures, which may
100 include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall
101 be used to identify students who score in the bottom quartile at selected grade levels; and (iii) prescribe
102 and provide literacy tests in reading, writing and mathematics which shall be administered to students in
103 grade six and to students who have not successfully passed them in grades seven and eight. The Board
104 of Education is authorized to pursue all available civil remedies for breaches in test security.

105 F. Each local school board shall maintain schools which meet the standards of accreditation as
106 prescribed by the Board of Education. The accreditation status of all schools in each local school
107 division shall be reviewed annually in public session. Within the time specified by the Board of
108 Education, each school board shall submit corrective action plans for any schools within its school
109 division that have been designated as not meeting the criteria for determining effectiveness as approved
110 by the Board.

111 G. Each local school board shall also provide teachers and principals with (i) periodic in-service
112 training in preparing tests and other assessment measures and (ii) methods for assessing the progress of
113 individual students, including Standards of Learning assessment materials or other criterion-referenced
114 tests which match locally developed objectives.

115 H. In order to assess the educational progress of students as individuals and as groups, each local
116 school board shall require the administration of appropriate assessments, which may include
117 criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the
118 Virginia State Assessment Program, the Virginia State Literacy Testing Program, the Standards of
119 Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment.
120 Each school board shall analyze and report annually, in compliance with any criteria which may be
121 established by the Board of Education, the results from the Virginia State Assessment Program, the

Standards of Learning Assessments, and the Virginia State Literacy Testing Program to the public.

I. To assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools, and from such funds as may be appropriated for such purpose, there shall be established within the Department of Education a unit to conduct evaluative studies and to provide the resources and technical assistance to increase the capacity of school divisions to deliver quality instruction. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than seventy percent passing rate on (i) all three Literacy Passport tests by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.

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In establishing course and credit requirements for a high school diploma, the Board shall provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning Testing, as necessary.

The Board shall include in the student outcome measures, which are required by the Standards for Accreditation, end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and social studies.

In revising the standards for accreditation, the Board shall seek to set pupil/teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

The requirements for a standard or advanced studies high school diploma shall include one credit in fine, performing, or practical arts. The requirements for a standard high school diploma shall, however, include at least two sequential electives and may include a concentration of courses selected from a variety of options. Such concentration may be planned to ensure the completion of a focused sequence of elective courses leading to further education or preparation for employment developed by the school division consistent with Board of Education guidelines and as approved by the local school board.

The Board's regulations on accrediting schools shall include in the minimum staffing requirements, according to the type of school and student enrollment, requirements for employment of (i) principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one full-time, to be employed on a twelve-month basis; (ii) assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; (iii) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1000 students; (iv) *guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof*; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; (v) clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time

for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; and (vi) reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. A combined school, such as kindergarten through twelve, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., *elementary*, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

C. The Board shall also establish requirements for certification of teachers, principals, supervisors and other professional staff and determine eligibility for appointment as a local division superintendent.

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

The Department of Education shall conduct technical assistance visits for local school divisions. Schools accredited with a warning shall be given priority for such assistance, which shall include an analysis of relevant school data and the development and implementation of improvement plans to assist such schools in improving their accreditation status.

E. In order to assess the educational progress of students, the Board of Education shall also (i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers and (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels. The Board of Education is authorized to pursue all available civil remedies for breaches in test security.

F. Each local school board shall maintain schools which meet the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.

G. Each local school board shall also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests which match locally developed objectives.

H. In order to assess the educational progress of students as individuals and as groups, each local school board shall require the administration of appropriate assessments, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Virginia State Assessment Program, the Virginia State Literacy Testing Program, the Standards of Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria which may be established by the Board of Education, the results from the Virginia State Assessment Program and the Standards of Learning Assessments to the public.

I. To assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools, and from such funds as may be appropriated for such purpose, there shall be established within the Department of Education a unit to conduct evaluative studies and to provide the resources and technical assistance to

245 increase the capacity of school divisions to deliver quality instruction. Such unit shall identify and
246 analyze effective instructional programs and practices and professional development initiatives; evaluate
247 the success of programs encouraging parental and family involvement; assess changes in student
248 outcomes prompted by family involvement; and collect and disseminate among school divisions
249 information regarding effective instructional programs and practices, initiatives promoting family and
250 community involvement, and potential funding and support sources. Such unit may also provide
251 resources supporting professional development for administrators and teachers. In providing such
252 information, resources, and other services to school divisions, the unit shall give priority to those
253 divisions demonstrating a less than seventy percent passing rate on (i) all three Literacy Passport tests
254 by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.