

006059264

## SENATE BILL NO. 83

Offered January 12, 2000

*A BILL to amend and reenact §§ 22.1-253.13:1 and 22.1-253.13:3, as they are currently effective and as they may become effective, and §§ 22.1-253.13:5 and 22.1-253.13:6 of the Code of Virginia, relating to educational technology.*

Patrons—Howell and Ticer; Delegates: Bennett, Diamonstein and Plum

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:1 and 22.1-253.13:3, as they are currently effective and as they may become effective, and §§ 22.1-253.13:5 and 22.1-253.13:6 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-253.13:1. (Effective until July 1, 2000) Standard 1. Basic skills, selected programs, and instructional personnel.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school and preparation for life, and find that the quality of education is dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to ensure the availability of high quality instructional personnel and adequate commitment of other resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise these educational objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving and, decision making, and proficiency in the use of computers and related technology and the skills to manage personal finances and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for vocational education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Occupational vocational programs shall be aligned with industry and professional standard certifications, where they exist.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning.

School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives utilized by the school division at appropriate age or grade levels.

With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board, with the assistance of independent testing experts, shall conduct a regular analysis and validation process for these assessments.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to,

INTRODUCED

SB83

the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, ~~technological~~ proficiency *in the use of computers and related technology*, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning. School boards shall strive to employ licensed instructional personnel qualified in the relevant subject areas, including qualified teachers, licensed through the Board of Education's provisional licensure procedures, who have professional expertise in the relevant subject areas.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, who do not pass the literacy tests prescribed by the Board of Education, or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight. Such programs may include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01. The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent. Students required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the local school division. Based on the number of students attending and the Commonwealth's share of the per pupil costs, additional state funds shall be provided for summer and other remediation programs as set forth in the appropriation act.

Any student who does not pass the literacy tests or all Standards of Learning assessments in grades three, five, and eight shall be required to attend a summer school program or participate in another form of remediation. Such summer school program or other form of remediation shall be chosen by the school division to be appropriate to the academic needs of the student. State funds shall be provided, as set forth in the appropriation act, for the attendance in remediation programs conducted by local school divisions for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year and for students who do not pass all Standards of Learning assessments in grades three, five, and eight beginning with the 1998-1999 fiscal year.

To ensure consistency in program quality, each school board may establish a remediation program standards committee which may include, but need not be limited to, the superintendent or his designee, a teacher, a parent, and one representative of the community at large. The remediation program standards committee shall recommend the program components for the remediation programs and shall evaluate the success of the programs. Such program components may include transition mechanisms for children to ensure the smooth movement between remediation programs and regular programs, pupil/teacher ratios, objectives, and time, site, and duration of the various programs.

Such remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failure of the literacy tests or the Standards of Learning assessments in grades three, five, and eight. The identified students shall be provided appropriate remediation activities.

The Board of Education shall establish standards for full funding of summer remedial programs which shall include, but not be limited to, the minimum number of instructional hours or the equivalent

thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or retrieval designed to increase the number of students who earn a high school diploma or general education development (GED) certificate. As provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support programs grounded in sound educational policy to reduce the number of students who drop out of school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to hold all local school divisions harmless by providing no-loss funding which maintains the level of each school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of funding for such school division's drop-out prevention programs would be less than its level of funding for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall develop and implement a funding mechanism to ensure that no school board is penalized in its state funding for drop-out prevention programs for reducing the drop-out rate in its school division.

3. Career education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based vocational education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subsection.

5. Academic and vocational preparation for students who plan to continue their education beyond secondary school or who plan to enter employment.

6. Early identification of handicapped students and enrollment of such students in appropriate instructional programs consistent with state and federal law.

7. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

8. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

9. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

10. A plan to make achievements for students who are educationally at risk a divisionwide priority which shall include procedures for measuring the progress of such students.

11. A plan to notify students and their parents of the availability of advanced placement classes, the International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations.

E. Each local school board shall employ with state and local basic, special education, gifted, and vocational education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total kindergarten average daily memberships, as provided in the appropriation act.

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board.

182 State funding for remedial programs provided pursuant to this subsection and the appropriation act may  
183 be used to support programs for educationally at-risk students as identified by the local school boards.  
184 The Board of Education shall establish criteria for identification of educationally at-risk students, which  
185 shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may,  
186 from time to time, revise these identification criteria. In order to provide appropriate opportunity for  
187 input from the general public, teachers, and local school boards, the Board of Education shall conduct  
188 public hearings prior to establishing or revising such identification criteria. Thirty days prior to  
189 conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the  
190 hearings to all local school boards and any other persons requesting to be notified of the hearings and  
191 publish notice of its intention to establish or revise such identification criteria in the Virginia Register of  
192 Regulations. Interested parties shall be given reasonable opportunity to be heard and present information  
193 prior to final adoption of any such identification criteria or revisions thereto.

194 G. Licensed instructional personnel shall be assigned by each school board in a manner that produces  
195 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,  
196 excluding special education teachers, principals, assistant principals, counselors, and librarians, that are  
197 not greater than the following ratios: (i) twenty-five to one in kindergarten with no class being larger  
198 than thirty students; if the average daily membership in any kindergarten class exceeds twenty-five  
199 pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with  
200 no class being larger than thirty students; (iii) twenty-five to one in grades two and three with no class  
201 being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being  
202 larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through  
203 twelve.

204 Further, pursuant to the appropriation act, school boards ~~may~~:

205 1. *May* implement in kindergarten through third grade, within certain schools, lower ratios of students  
206 in average daily membership to full-time equivalent teaching positions by assigning instructional  
207 personnel in a manner that produces ratios of students in average daily membership to full-time  
208 equivalent teaching positions, excluding special education teachers, principals, assistant principals,  
209 counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students,  
210 eighteen to one and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For  
211 the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools  
212 having moderate concentrations of at-risk students" shall be as defined in the appropriation act.

213 ~~In addition, instructional personnel shall be assigned by each school board~~2. *Shall assign*  
214 *instructional personnel* in a manner that produces schoolwide ratios of students in average daily  
215 memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high  
216 schools.

217 ~~School boards shall~~ 3. *Shall hire technology resource assistants to serve every school in the school*  
218 *division.*

219 4. *Shall*, however, annually, on or before January 1, report to the public the actual pupil/teacher  
220 ratios in elementary school classrooms by school for the current school year. Such actual ratios shall  
221 include only the teachers who teach the grade and class on a full-time basis and shall exclude resource  
222 personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same  
223 annual report. Any classes funded through the voluntary kindergarten through third grade at-risk  
224 student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the  
225 requirements of this subsection shall also be identified. Schools shall be identified; however, the data  
226 shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

227 H. Students enrolled in a public school on a less than full-time basis shall be counted in average  
228 daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a  
229 nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in  
230 public school on a less than full-time basis in any mathematics, science, English, history, social science,  
231 vocational education, fine arts, foreign language, or health education or physical education course shall  
232 be counted in the average daily membership (ADM) in the relevant school division on a pro rata basis  
233 as provided in the appropriation act. However, no such nonpublic or home school student shall be  
234 counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall  
235 not include enrollments of such students in any other public school courses.

236 § 22.1-253.13:1. (Effective July 1, 2000 until July 1, 2003) Standard 1. Basic skills, selected  
237 programs, and instructional personnel.

238 A. The General Assembly and the Board of Education believe that the fundamental goal of the  
239 public schools of this Commonwealth must be to enable each student to develop the skills that are  
240 necessary for success in school and preparation for life, and find that the quality of education is  
241 dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to  
242 ensure the availability of high quality instructional personnel and adequate commitment of other  
243 resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise these educational objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving ~~and~~, decision making, *and proficiency in the use of computers and related technology* and the skills to manage personal finances and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for vocational education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Occupational vocational programs shall be aligned with industry and professional standard certifications, where they exist.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning.

School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives utilized by the school division at appropriate age or grade levels.

With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board, with the assistance of independent testing experts, shall conduct a regular analysis and validation process for these assessments.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, ~~technological~~ *proficiency in the use of computers and related technology*, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning. School boards shall strive to employ licensed instructional personnel qualified in the relevant subject areas, including qualified teachers, licensed through the Board of Education's provisional licensure procedures, who have professional expertise in the relevant subject areas.

Local school boards shall also develop and implement programs of prevention, intervention, or

305 remediation for students who are educationally at risk including, but not limited to, those whose scores  
306 are in the bottom national quartile on Virginia State Assessment Program Tests, who do not pass the  
307 literacy tests prescribed by the Board of Education, or who fail to achieve a passing score on any  
308 Standards of Learning assessment in grades three, five, and eight. Such programs may include summer  
309 school for all elementary and middle school grades and for all high school academic courses, as defined  
310 by regulations promulgated by the Board of Education, or other forms of remediation. Division  
311 superintendents shall require such students to take special programs of prevention, intervention, or  
312 remediation which may include attendance in public summer school programs, in accordance with clause  
313 (ii) of subsection A of § 22.1-254 and § 22.1-254.01. The requirement for remediation may, however, be  
314 satisfied by the student's attendance in a program of prevention, intervention or remediation which has  
315 been selected by his parent and is either (i) conducted by an accredited private school or (ii) a special  
316 program which has been determined to be comparable to the required public school remediation program  
317 by the division superintendent. The costs of such private school remediation program or other special  
318 remediation program shall be borne by the student's parent. Students required to attend such summer  
319 school programs or to participate in another form of remediation shall not be charged tuition by the  
320 local school division. Based on the number of students attending and the Commonwealth's share of the  
321 per pupil costs, additional state funds shall be provided for summer and other remediation programs as  
322 set forth in the appropriation act.

323 Any student who does not pass the literacy tests or all Standards of Learning assessments in grades  
324 three, five, and eight shall be required to attend a summer school program or participate in another form  
325 of remediation. Such summer school program or other form of remediation shall be chosen by the  
326 school division to be appropriate to the academic needs of the student. State funds shall be provided, as  
327 set forth in the appropriation act, for the attendance in remediation programs conducted by local school  
328 divisions for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year  
329 and for students who do not pass all Standards of Learning assessments in grades three, five, and eight  
330 beginning with the 1998-1999 fiscal year.

331 To ensure consistency in program quality, each school board may establish a remediation program  
332 standards committee which may include, but need not be limited to, the superintendent or his designee,  
333 a teacher, a parent, and one representative of the community at large. The remediation program  
334 standards committee shall recommend the program components for the remediation programs and shall  
335 evaluate the success of the programs. Such program components may include transition mechanisms for  
336 children to ensure the smooth movement between remediation programs and regular programs,  
337 pupil/teacher ratios, objectives, and time, site, and duration of the various programs.

338 Such remediation programs shall include, when applicable, a procedure for early identification of  
339 students who are at risk of failure of the literacy tests or the Standards of Learning assessments in  
340 grades three, five, and eight. The identified students shall be provided appropriate remediation activities.

341 The Board of Education shall establish standards for full funding of summer remedial programs  
342 which shall include, but not be limited to, the minimum number of instructional hours or the equivalent  
343 thereof required for full funding and an assessment system designed to evaluate program effectiveness.  
344 Based on the number of students attending and the Commonwealth's share of the per pupil instructional  
345 costs, state funds shall be provided for the full cost of summer and other remediation programs as set  
346 forth in the appropriation act, provided such programs comply with such standards as shall be  
347 established by the Board, pursuant to § 22.1-199.2.

348 D. Local school boards shall also implement the following:

349 1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance  
350 success.

351 2. Programs based on prevention, intervention, or retrieval designed to increase the number of  
352 students who earn a high school diploma or general education development (GED) certificate. As  
353 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support  
354 programs grounded in sound educational policy to reduce the number of students who drop out of  
355 school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to  
356 hold all local school divisions harmless by providing no-loss funding which maintains the level of each  
357 school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of  
358 funding for such school division's drop-out prevention programs would be less than its level of funding  
359 for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall  
360 develop and implement a funding mechanism to ensure that no school board is penalized in its state  
361 funding for drop-out prevention programs for reducing the drop-out rate in its school division.

362 3. Career education programs infused into the K through 12 curricula that promote knowledge of  
363 careers and all types of employment opportunities including, but not limited to, apprenticeships, the  
364 military, career education schools, and the teaching profession, and emphasize the advantages of  
365 completing school with marketable skills. School boards may include career exploration opportunities in  
366 the middle school grades.

4. Competency-based vocational education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subsection.

5. Academic and vocational preparation for students who plan to continue their education beyond secondary school or who plan to enter employment.

6. Early identification of handicapped students and enrollment of such students in appropriate instructional programs consistent with state and federal law.

7. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

8. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

9. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

10. A plan to make achievements for students who are educationally at risk a divisionwide priority which shall include procedures for measuring the progress of such students.

11. A plan to notify students and their parents of the availability of advanced placement classes, the International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations.

E. Each local school board shall employ with state and local basic, special education, gifted, and vocational education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total kindergarten average daily memberships, as provided in the appropriation act.

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board. State funding for remedial programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards. The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to establish or revise such identification criteria in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any such identification criteria or revisions thereto.

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-four to one in kindergarten with no class being larger than twenty-nine students; if the average daily membership in any kindergarten class exceeds twenty-four pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-four to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

Further, pursuant to the appropriation act, school boards may:

1. May implement in kindergarten through third grade, within certain schools, lower ratios of students

in average daily membership to full-time equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be as defined in the appropriation act.

~~In addition, instructional personnel shall be assigned by each school board~~<sup>2</sup>. *Shall assign instructional personnel* in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

~~School boards shall~~<sup>3</sup>. *Shall hire technology resource assistants to serve every school in the school division.*

4. *Shall*, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

H. Students enrolled in a public school on a less than full-time basis shall be counted in average daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, foreign language, or health education or physical education course shall be counted in the average daily membership (ADM) in the relevant school division on a pro rata basis as provided in the appropriation act. However, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

§ 22.1-253.13:1. (Effective July 1, 2003) Standard 1. Basic skills, selected programs, and instructional personnel.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school and preparation for life, and find that the quality of education is dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to ensure the availability of high quality instructional personnel and adequate commitment of other resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise these educational objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving ~~and~~, decision making, *and proficiency in the use of computers and related technology* and the skills to manage personal finances and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for vocational education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Occupational vocational programs shall be aligned with industry and professional standard certifications, where they exist.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in



preparation for eventual employment and lifelong learning.

School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives utilized by the school division at appropriate age or grade levels.

With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board, with the assistance of independent testing experts, shall conduct a regular analysis and validation process for these assessments.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, ~~technological~~ proficiency *in the use of computers and related technology*, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning. School boards shall strive to employ licensed instructional personnel qualified in the relevant subject areas, including qualified teachers, licensed through the Board of Education's provisional licensure procedures, who have professional expertise in the relevant subject areas.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight. Such programs may include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01. The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent. Students required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the local school division. Based on the number of students attending and the Commonwealth's share of the per pupil costs, additional state funds shall be provided for summer and other remediation programs as set forth in the appropriation act.

Any student who does not pass all Standards of Learning assessments in grades three, five, and eight shall be required to attend a summer school program or participate in another form of remediation. Such summer school program or other form of remediation shall be chosen by the school division to be appropriate to the academic needs of the student. State funds shall be provided, as set forth in the appropriation act, for the attendance in remediation programs conducted by local school divisions for students who do not pass all Standards of Learning assessments in grades three, five, and eight beginning with the 1998-1999 fiscal year.

551 To ensure consistency in program quality, each school board may establish a remediation program  
552 standards committee which may include, but need not be limited to, the superintendent or his designee,  
553 a teacher, a parent, and one representative of the community at large. The remediation program  
554 standards committee shall recommend the program components for the remediation programs and shall  
555 evaluate the success of the programs. Such program components may include transition mechanisms for  
556 children to ensure the smooth movement between remediation programs and regular programs,  
557 pupil/teacher ratios, objectives, and time, site, and duration of the various programs.

558 Such remediation programs shall include, when applicable, a procedure for early identification of  
559 students who are at risk of academic failure of the Standards of Learning assessments in grades three,  
560 five, and eight. The identified students shall be provided appropriate remediation activities.

561 The Board of Education shall establish standards for full funding of summer remedial programs  
562 which shall include, but not be limited to, the minimum number of instructional hours or the equivalent  
563 thereof required for full funding and an assessment system designed to evaluate program effectiveness.  
564 Based on the number of students attending and the Commonwealth's share of the per pupil instructional  
565 costs, state funds shall be provided for the full cost of summer and other remediation programs as set  
566 forth in the appropriation act, provided such programs comply with such standards as shall be  
567 established by the Board, pursuant to § 22.1-199.2.

568 D. Local school boards shall also implement the following:

569 1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance  
570 success.

571 2. Programs based on prevention, intervention, or retrieval designed to increase the number of  
572 students who earn a high school diploma or general education development (GED) certificate. As  
573 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support  
574 programs grounded in sound educational policy to reduce the number of students who drop out of  
575 school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to  
576 hold all local school divisions harmless by providing no-loss funding which maintains the level of each  
577 school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of  
578 funding for such school division's drop-out prevention programs would be less than its level of funding  
579 for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall  
580 develop and implement a funding mechanism to ensure that no school board is penalized in its state  
581 funding for drop-out prevention programs for reducing the drop-out rate in its school division.

582 3. Career education programs infused into the K through 12 curricula that promote knowledge of  
583 careers and all types of employment opportunities including, but not limited to, apprenticeships, the  
584 military, career education schools, and the teaching profession, and emphasize the advantages of  
585 completing school with marketable skills. School boards may include career exploration opportunities in  
586 the middle school grades.

587 4. Competency-based vocational education programs, which integrate academic outcomes, career  
588 guidance and job-seeking skills for all secondary students including those identified as handicapped that  
589 reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career  
590 guidance. Career guidance shall include employment counseling designed to furnish information on  
591 available employment opportunities to all students, including those identified as handicapped, and  
592 placement services for students exiting school. Each school board shall develop and implement a plan to  
593 ensure compliance with the provisions of this subsection.

594 5. Academic and vocational preparation for students who plan to continue their education beyond  
595 secondary school or who plan to enter employment.

596 6. Early identification of handicapped students and enrollment of such students in appropriate  
597 instructional programs consistent with state and federal law.

598 7. Early identification of gifted students and enrollment of such students in appropriately  
599 differentiated instructional programs.

600 8. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in  
601 these standards. Such students shall be counted in average daily membership (ADM) in accordance with  
602 the regulations of the Board of Education.

603 9. Adult education programs for individuals functioning below the high school completion level.  
604 Such programs may be conducted by the school board as the primary agency or through a collaborative  
605 arrangement between the school board and other agencies.

606 10. A plan to make achievements for students who are educationally at risk a divisionwide priority  
607 which shall include procedures for measuring the progress of such students.

608 11. A plan to notify students and their parents of the availability of advanced placement classes, the  
609 International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications  
610 for enrolling in such classes and programs, and the availability of financial assistance to low-income and  
611 needy students to take the advanced placement and International Baccalaureate examinations.

612 E. Each local school board shall employ with state and local basic, special education, gifted, and

vocational education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total kindergarten average daily memberships, as provided in the appropriation act.

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board. State funding for remedial programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards. The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to establish or revise such identification criteria in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any such identification criteria or revisions thereto.

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-four to one in kindergarten with no class being larger than twenty-nine students; if the average daily membership in any kindergarten class exceeds twenty-four pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-four to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

Further, pursuant to the appropriation act, school boards ~~may~~:

1. *May* implement in kindergarten through third grade, within certain schools, lower ratios of students in average daily membership to full-time equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be as defined in the appropriation act.

~~In addition, instructional personnel shall be assigned by each school board~~2. *Shall assign instructional personnel* in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

~~School boards shall~~3. *Shall hire technology resource assistants to serve every school in the school division.*

4. *Shall*, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

H. Students enrolled in a public school on a less than full-time basis shall be counted in average daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, foreign language, or health education or physical education course shall

674 be counted in the average daily membership (ADM) in the relevant school division on a pro rata basis  
675 as provided in the appropriation act. However, no such nonpublic or home school student shall be  
676 counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall  
677 not include enrollments of such students in any other public school courses.

678 § 22.1-253.13:3. (Effective until July 1, 2003) Standard 3. Accreditation, other standards and  
679 evaluation.

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

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

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

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

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

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

709 The Board's regulations on accrediting schools shall include in the minimum staffing requirements,  
710 according to the type of school and student enrollment, requirements for employment of (i) principals in  
711 elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle  
712 schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one  
713 full-time, to be employed on a twelve-month basis; (ii) assistant principals in elementary schools, one  
714 half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one  
715 full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students;  
716 (iii) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;  
717 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time  
718 at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,  
719 two full-time at 1000 students; (iv) guidance counselors in middle schools, one period per 80 students,  
720 one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance  
721 counselors in high schools, one period per 70 students, one full-time at 350 students, one additional  
722 period per 70 students or major fraction thereof; (v) clerical personnel in elementary schools, part-time  
723 to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and  
724 one additional full-time for each 600 students beyond 200 students and one full-time for the library at  
725 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600  
726 students beyond 200 students and one full-time for the library at 750 students; ~~and~~ (vi) reading  
727 specialists in elementary schools, one full-time in each elementary school at the discretion of the local  
728 school board; *and (vii) technology resource assistants, one to serve, either part-time or full-time, in each*  
729 *school in the school division*. A combined school, such as kindergarten through twelve, shall meet at all  
730 grade levels the staffing requirements for the highest grade level in that school; this requirement shall  
731 apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment;  
732 guidance counselor staff requirements shall, however, be based on the enrollment at the various school  
733 organization levels, i.e., middle or high school. The Board of Education may grant waivers from these  
734 staffing levels upon request from local school boards seeking to implement experimental or innovative  
735 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; (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; and (iii) prescribe and provide literacy tests in reading, writing and mathematics which shall be administered to students in grade six and to students who have not successfully passed them in grades seven and eight. 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, 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

797 divisions demonstrating a less than seventy percent passing rate on (i) all three Literacy Passport tests  
798 by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.

799 § 22.1-253.13:3. (Effective July 1, 2003) Standard 3. Accreditation, other standards and evaluation.

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

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

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

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

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

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

829 The Board's regulations on accrediting schools shall include in the minimum staffing requirements,  
830 according to the type of school and student enrollment, requirements for employment of (i) principals in  
831 elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle  
832 schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one  
833 full-time, to be employed on a twelve-month basis; (ii) assistant principals in elementary schools, one  
834 half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one  
835 full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students;  
836 (iii) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;  
837 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time  
838 at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,  
839 two full-time at 1000 students; (iv) guidance counselors in middle schools, one period per 80 students,  
840 one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance  
841 counselors in high schools, one period per 70 students, one full-time at 350 students, one additional  
842 period per 70 students or major fraction thereof; (v) clerical personnel in elementary schools, part-time  
843 to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and  
844 one additional full-time for each 600 students beyond 200 students and one full-time for the library at  
845 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600  
846 students beyond 200 students and one full-time for the library at 750 students; ~~and~~ (vi) reading  
847 specialists in elementary schools, one full-time in each elementary school at the discretion of the local  
848 school board; *and (vii) technology resource assistants, one to serve, either part-time or full-time, in each*  
849 *school in the school division*. A combined school, such as kindergarten through twelve, shall meet at all  
850 grade levels the staffing requirements for the highest grade level in that school; this requirement shall  
851 apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment;  
852 guidance counselor staff requirements shall, however, be based on the enrollment at the various school  
853 organization levels, i.e., middle or high school. The Board of Education may grant waivers from these  
854 staffing levels upon request from local school boards seeking to implement experimental or innovative  
855 programs that are not consistent with these staffing levels.

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

858 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 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.

§ 22.1-253.13:5. Standard 5. Training and professional development.

A. The General Assembly and the Board of Education find that programs of professional development and training and appropriate teacher performance evaluations are essential for effective

920 educational leadership and personnel and the advancement of public education in the Commonwealth.

921 B. Each member of the Board of Education shall participate in in-service programs on personnel,  
922 curriculum and current issues in education as part of his service on the Board.

923 C. Consistent with the finding that leadership is essential for the advancement of public education in  
924 the Commonwealth, the Board of Education shall develop leadership standards for superintendents and  
925 principals, which standards shall include training in the implementation of the Standards of Learning and  
926 training in the evaluation and documentation of teacher and administrator performance based on student  
927 academic progress and the skills and knowledge of instructional personnel.

928 D. The Board of Education shall sponsor, conduct or provide advice on (i) training and professional  
929 development of teachers, principals, supervisors, division superintendents and other school staff; (ii)  
930 training for all administrative and supervisory personnel in the evaluation and documentation of teacher  
931 and administrator performance based on student academic progress and the skills and knowledge of such  
932 instructional or administrative personnel; (iii) in-service programs for school board members on  
933 personnel, curriculum and current issues in education; and (iv) in cooperation with the Virginia  
934 Department for the Visually Handicapped, in-service programs in Braille for teachers of the blind and  
935 visually impaired.

936 The Board shall *also* provide technical assistance on professional development to local school boards  
937 designed to ~~seek to~~ ensure that all instructional personnel are proficient in the use of educational  
938 technology consistent with its Six-Year Educational Technology Plan for Virginia.

939 E. Each local school board shall require (i) its members to participate annually in in-service programs  
940 on personnel, curriculum and current issues in education as part of their service on the local board and  
941 (ii) require the division superintendent to participate annually in professional development activities at  
942 the local, state or national levels.

943 F. Each local school board shall provide (i) a program of professional development, as part of the  
944 license renewal process, to assist teachers and principals in acquiring the skills needed to work with  
945 gifted students and handicapped students and to increase student achievement, (ii) a program of  
946 professional development in educational technology for all instructional personnel *which is designed to*  
947 *facilitate integration of computer skills and related technology into the curricula*, and (iii) a program of  
948 professional development for administrative personnel designed to increase proficiency in instructional  
949 leadership and management, including training in the evaluation and documentation of teacher and  
950 administrator performance based on student academic progress and the skills and knowledge of such  
951 instructional or administrative personnel.

952 § 22.1-253.13:6. Standard 6. Planning and public involvement.

953 A. The General Assembly and the Board of Education believe that careful planning is essential for  
954 providing educational programs of high quality and that public involvement is a fundamental component  
955 of meaningful planning for public schools.

956 B. The Board of Education shall revise, extend and adopt biennially a statewide six-year  
957 improvement plan which shall be developed with statewide participation and shall be available for public  
958 inspection and copying. This plan shall include the objectives of public education in Virginia, an  
959 assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes  
960 and an assessment of the needs of public education in the Commonwealth. In the annual report required  
961 by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have  
962 been achieved and the objectives of the statewide six-year improvement plan have been met. The Board  
963 shall also develop, as a part of its six-year improvement plan, a detailed six-year plan to ~~make integrate~~  
964 *educational technology an integral part of into the Standards of Learning and the curricula of the public*  
965 *school educationschools in Virginia*. The Board shall review and approve the six-year plan *for*  
966 *educational technology* and may require the revision of such plan as it deems necessary.

967 C. Each local school board shall revise, extend and adopt biennially a divisionwide six-year  
968 improvement plan which shall be developed with staff and community involvement. Prior to the  
969 adoption of any divisionwide six-year improvement plan, each local school board shall make the plan  
970 available for public inspection and copying and shall conduct at least one public hearing to solicit public  
971 comment on the divisionwide plan. Each public school shall prepare a biennial plan which shall be  
972 given consideration by its school board in the development of the divisionwide six-year improvement  
973 plan. The divisionwide six-year improvement plan shall include the objectives of the school division, an  
974 assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes,  
975 a plan for managing enrollment changes including consideration of the consolidation of schools to  
976 provide for a more comprehensive and effective delivery of instructional services to students and  
977 economies in school operations, an evaluation of the appropriateness of providing certain regional  
978 services in cooperation with neighboring school divisions, a plan for implementing such regional  
979 services when appropriate, a technology plan, *designed to integrate educational technology into the*  
980 *instructional programs of the school division*, consistent with the six-year technology plan for Virginia  
981 adopted by the Board of Education, and an assessment of the needs of the school division and evidence



982 of community participation in the development of the plan. A report shall be presented by each school  
983 board to the public by November 1 of each odd-numbered year on the extent to which the objectives of  
984 the divisionwide six-year improvement plan have been met during the previous two school years.

**INTRODUCED**

SB83