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HOUSE BILL NO. 1038

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact §§ 22.1-200 and 22.1-253.13:1 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to elementary school instruction.

Patrons—Crittenden, Barlow, Baskerville, Brink, Christian, Darner, Hull, Jones, J.C., Miles, Plum, Scott, Spruill, Van Yahres and Woodrum; Senators: Maxwell and Miller, Y.B.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-200 and § 22.1-253.13:1 of the Code of Virginia, as it is currently effective and as it shall become effective, are amended and reenacted as follows:

§ 22.1-200. Subjects taught in elementary grades.

In the elementary grades of every public school the following subjects shall be taught: Spelling, reading, writing, arithmetic, grammar, geography, ~~health and~~ physical education ~~and health, drawing, art, music,~~ civil government, history of the United States and history of Virginia.

§ 22.1-253.13:1. (Effective until 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 § 2.2-4001; 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, 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 career and technical education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Career and technical education 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. By October 1, 2000, the Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

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.

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58 With such funds as are available for this purpose, the Board of Education shall prescribe assessment
59 methods to determine the level of achievement of these objectives by all students. Such assessments
60 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards
61 of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight
62 regional superintendents' study groups, establish a timetable for administering the Standards of Learning
63 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of
64 independent testing experts, conduct a regular analysis and validation process for these assessments.

65 In prescribing such assessments, the Board shall provide local school boards the option of
66 administering tests for United States History to 1877, United States History: 1877 to the Present, and
67 Civics and Economics. The Board of Education shall make publicly available such assessments in a
68 timely manner and as soon as practicable following the administration of such tests, so long as the
69 release of such assessments does not compromise test security or deplete the bank of assessment
70 questions necessary to construct subsequent tests.

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

85 The Board of Education shall supplement the Standards of Learning for social studies to ensure the
86 study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall
87 include consideration of disability, ethnicity, race, and gender.

88 C. Local school boards shall develop and implement a program of instruction for grades K through
89 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in
90 the use of computers and related technology, and scientific concepts and processes; essential skills and
91 concepts of citizenship, including knowledge of Virginia history and world and United States history,
92 economics, government, foreign languages, international cultures, health and physical education,
93 environmental issues and geography necessary for responsible participation in American society and in
94 the international community; fine arts, which may include, but need not be limited to, music and art,
95 and practical arts; knowledge and skills needed to qualify for further education and employment or, in
96 the case of some handicapped children, to qualify for appropriate training; and development of the
97 ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.
98 School boards shall strive to employ licensed instructional personnel qualified in the relevant subject
99 areas, including qualified teachers, licensed through the Board of Education's provisional licensure
100 procedures, who have professional expertise in the relevant subject areas.

101 Local school boards shall also develop and implement programs of prevention, intervention, or
102 remediation for students who are educationally at risk including, but not limited to, those whose scores
103 are in the bottom national quartile on Virginia State Assessment Program Tests, who do not pass the
104 literacy tests prescribed by the Board of Education, or who fail to achieve a passing score on any
105 Standards of Learning assessment in grades three, five, and eight.

106 Any student who does not pass the literacy tests or any of the Standards of Learning assessments in
107 grades three, five, or eight shall be required to attend a summer school program or to participate in
108 another form of remediation; any student who passes one or more, but not all, of the Standards of
109 Learning assessments in grades three, five, or eight may be required to attend a remediation program.
110 Division superintendents shall require such students to take special programs of prevention, intervention,
111 or remediation, which may include attendance in public summer school programs, in accordance with
112 subsection A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when applicable, a
113 procedure for early identification of students who are at risk of failing the literacy tests or the Standards
114 of Learning assessments in grades three, five, or eight. Such programs may also include summer school
115 for all elementary and middle school grades and for all high school academic courses, as defined by
116 regulations promulgated by the Board of Education, or other forms of remediation. Summer school
117 remediation programs or other forms of remediation shall be chosen by the division superintendent to be
118 appropriate to the academic needs of the student. Students who are required to attend such summer
119 school programs or to participate in another form of remediation shall not be charged tuition by the

school division.

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, in consultation with the division superintendent or his designee, 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.

The Board of Education shall establish standards for full funding of summer remedial programs that 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.

To ensure consistency in program quality, each school board may establish a remediation program standards committee that 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 pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

D. Local school boards shall also implement the following:

1. Programs in grades K through 3 that 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 and technical 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 career and technical 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 subdivision.

5. Academic and career and technical education 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.

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

185 12. *Instruction in art, music, and physical education and health in each elementary school. Pursuant*
186 *to the appropriations act, elementary school resource teacher positions for art, physical education and*
187 *health, and music shall be funded from basic school aid on the basis of prevailing statewide costs.*

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

195 F. In addition to the positions supported by basic aid and in support of regular school year remedial
196 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time
197 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in
198 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy
199 tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board.
200 State funding for remedial programs provided pursuant to this subsection and the appropriation act may
201 be used to support programs for educationally at-risk students as identified by the local school boards.
202 The Board of Education shall establish criteria for identification of educationally at-risk students, which
203 shall not be construed to be regulations as defined in § 2.2-4001; however, the Board of Education may,
204 from time to time, revise these identification criteria. In order to provide appropriate opportunity for
205 input from the general public, teachers, and local school boards, the Board of Education shall conduct
206 public hearings prior to establishing or revising such identification criteria. Thirty days prior to
207 conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the
208 hearings to all local school boards and any other persons requesting to be notified of the hearings and
209 publish notice of its intention to establish or revise such identification criteria in the Virginia Register of
210 Regulations. Interested parties shall be given reasonable opportunity to be heard and present information
211 prior to final adoption of any such identification criteria or revisions thereto.

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

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

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

231 2. Shall assign instructional personnel in a manner that produces schoolwide ratios of students in
232 average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle
233 schools and high schools.

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

242 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, career and technical 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, 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 career and technical education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Career and technical education 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. By October 1, 2000, the Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

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 shall 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 shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. In prescribing such assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to

304 construct subsequent tests.

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

319 The Board of Education shall supplement the Standards of Learning for social studies to ensure the
320 study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall
321 include consideration of disability, ethnicity, race, and gender.

322 C. Local school boards shall develop and implement a program of instruction for grades K through
323 12 that emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in
324 the use of computers and related technology, and scientific concepts and processes; essential skills and
325 concepts of citizenship, including knowledge of Virginia history and world and United States history,
326 economics, government, foreign languages, international cultures, health and physical education,
327 environmental issues and geography necessary for responsible participation in American society and in
328 the international community; fine arts, which may include, but need not be limited to, music and art,
329 and practical arts; knowledge and skills needed to qualify for further education and employment or, in
330 the case of some handicapped children, to qualify for appropriate training; and development of the
331 ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.
332 School boards shall strive to employ licensed instructional personnel qualified in the relevant subject
333 areas, including qualified teachers, licensed through the Board of Education's provisional licensure
334 procedures, who have professional expertise in the relevant subject areas.

335 Local school boards shall also develop and implement programs of prevention, intervention, or
336 remediation for students who are educationally at risk including, but not limited to, those whose scores
337 are in the bottom national quartile on Virginia State Assessment Program Tests, or who fail to achieve a
338 passing score on any Standards of Learning assessment in grades three, five, and eight.

339 Any student who does not pass the literacy tests or any of the Standards of Learning assessments in
340 grades three, five, or eight shall be required to attend a summer school program or to participate in
341 another form of remediation; any student who passes one or more, but not all, of the Standards of
342 Learning assessments in grades three, five, or eight may be required to attend a remediation program.
343 Division superintendents shall require such students to take special programs of prevention, intervention,
344 or remediation, which may include attendance in public summer school programs, in accordance with
345 clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when
346 applicable, a procedure for early identification of students who are at risk of failing the Standards of
347 Learning assessments in grades three, five, or eight. Such programs may also include summer school for
348 all elementary and middle school grades and for all high school academic courses, as defined by
349 regulations promulgated by the Board of Education, or other forms of remediation. Summer school
350 remediation programs or other forms of remediation shall be chosen by the division superintendent to be
351 appropriate to the academic needs of the student. Students who are required to attend such summer
352 school programs or to participate in another form of remediation shall not be charged tuition by the
353 school division.

354 The requirement for remediation may, however, be satisfied by the student's attendance in a program
355 of prevention, intervention or remediation which has been selected by his parent, in consultation with
356 the division superintendent or his designee, and is either (i) conducted by an accredited private school or
357 (ii) a special program which has been determined to be comparable to the required public school
358 remediation program by the division superintendent. The costs of such private school remediation
359 program or other special remediation program shall be borne by the student's parent.

360 The Board of Education shall establish standards for full funding of summer remedial programs that
361 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof
362 required for full funding and an assessment system designed to evaluate program effectiveness. Based on
363 the number of students attending and the Commonwealth's share of the per pupil instructional costs,
364 state funds shall be provided for the full cost of summer and other remediation programs as set forth in
365 the appropriation act, provided such programs comply with such standards as shall be established by the

Board, pursuant to § 22.1-199.2.

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 pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

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 and technical 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 career and technical 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 subdivision.

5. Academic and career and technical education 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.

12. *Instruction in art, music, and physical education and health in each elementary school. Pursuant to the appropriations act, elementary school resource teacher positions for art, physical education and health, and music shall be funded from basic school aid on the basis of prevailing statewide costs.*

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

427 the total kindergarten average daily memberships, as provided in the appropriation act.

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

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

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

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

464 2. Shall assign instructional personnel in a manner that produces schoolwide ratios of students in
465 average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle
466 schools and high schools.

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

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