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HOUSE BILL NO. 756

House Amendments in [] — February 9, 2002

A BILL to amend and reenact §§ 22.1-199.2, 22.1-253.13:1, and 22.1-254.01 of the Code of Virginia, as they are currently effective and as they shall become effective, relating to remediation of certain students.

Patron Prior to Engrossment—Delegate Amundson

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199.2, 22.1-253.13:1, and 22.1-254.01 of the Code of Virginia, as they are currently effective and as they shall become effective, are amended and reenacted as follows:

§ 22.1-199.2. (Effective until July 1, 2003) Regulations for establishing standards for remediation programs; reporting required.

A. The Board of Education shall promulgate regulations establishing standards for remediation programs that receive state funding, without regard to state funding designations, which shall be designed to strengthen and improve the effectiveness of such programs in increasing the scholastic achievement of students with academic deficiencies. Such regulations shall require (i) school divisions to evaluate remediation programs, annually, in terms of the pass rate on the Standards of Learning tests and (ii) that school divisions report, on such forms as may be required by the Board for such purpose, data pertaining to the demographic and educational characteristics of students who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or clause (ii) of subsection A of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include, but not be limited to, the number of students failing the Literacy Passport Test, any or all components, for each administration of the test; the number of students failing any Standards of Learning assessments for grades three, five, and eight *and any end-of-course tests required for the award of a verified unit of credit [needed by the student for graduation]*; a demographic profile of the students attending such programs; the academic status of each such student; the types of instruction offered, the length of the program, and the local costs of the program; the number of ungraded and disabled students, and those with limited English proficiency (ESL); and the number of students failing the literacy tests ~~or~~, the Standards of Learning assessments for grades three, five, and eight, *or end-of-course tests required for the award of a verified unit of credit [needed by the student for graduation]* who attend remediation programs. School divisions shall also report to the Board the number of students who successfully complete the objectives of remedial programs which they attended due to their performance on the Standards of Learning assessments.

The Board shall also establish in regulations, a formula for determining the level of funding necessary to assist school divisions in providing transportation services to students required to attend remediation programs.

B. The Board of Education shall cause the collection, compilation, and analysis of the data required to be reported by local school divisions in subsection A of this section to accomplish a statewide review and evaluation of remediation programs. The Board shall report its analysis of the data submitted by school divisions and a statewide assessment of remediation programs, and any recommendations, to the Governor and the General Assembly annually, beginning on December 1, 2000.

§ 22.1-199.2. (Effective July 1, 2003) Standards for remediation programs established; reporting required.

A. The Board of Education shall promulgate regulations for establishing standards for remediation programs that receive state funding, without regard to state funding designations, which shall be designed to strengthen and improve the effectiveness of such programs in increasing the scholastic achievement of students with academic deficiencies. Such standards shall require (i) school divisions to evaluate remediation programs, annually, in terms of the pass rate on the Standards of Learning tests and (ii) that school divisions report, on such forms as may be required by the Board for such purpose, data pertaining to the demographic and educational characteristics of students who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or clause (ii) of subsection A of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include, but not be limited to, the number of students failing any Standards of Learning assessments for grades three, five, and eight *and any end-of-course tests required for the award of a verified unit of credit [needed by the student for graduation]*; a demographic profile of the students attending such programs; the academic status of each such student; the types of instruction offered, the length of the program, and the local costs of the

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59 program; the number of ungraded and disabled students, and those with limited English proficiency
60 (ESL); and the number of students failing the Standards of Learning assessments for grades three, five,
61 and eight *or end-of-course tests required for the award of a verified unit of credit [needed by the*
62 *student for graduation]* who attend remediation programs. School divisions shall also report to the
63 Board the number of students who successfully complete the objectives of remedial programs which
64 they attended due to their performance on the Standards of Learning assessments.

65 The Board shall also establish in regulations, a formula for determining the level of funding
66 necessary to assist school divisions in providing transportation services to students required to attend
67 remediation programs.

68 B. The Board of Education shall cause the collection, compilation, and analysis of the data required
69 to be reported by local school divisions in subsection A of this section to accomplish a statewide review
70 and evaluation of remediation programs. The Board shall report its analysis of the data submitted by
71 school divisions and a statewide assessment of remediation programs, and any recommendations, to the
72 Governor and the General Assembly annually.

73 § 22.1-253.13:1. (Effective until July 1, 2003) Standard 1. Basic skills, selected programs, and
74 instructional personnel.

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

81 B. The Board of Education shall establish educational objectives to implement the development of
82 the skills that are necessary for success in school and for preparation for life in the years beyond. The
83 current educational objectives, known as the Standards of Learning, shall not be construed to be
84 regulations as defined in § 2.2-4001; however, the Board of Education may, from time to time, revise
85 these educational objectives to maintain academic rigor.

86 In order to provide appropriate opportunity for input from the general public, teachers, and local
87 school boards, the Board of Education shall conduct public hearings prior to establishing new
88 educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice
89 by mail of the date, time, and place of the hearings to all local school boards and any other persons
90 requesting to be notified of the hearings and publish notice of its intention to revise these educational
91 objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable
92 opportunity to be heard and present information prior to final adoption of any revisions of these
93 educational objectives.

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

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

104 The Standards of Learning in all subject areas shall be subject to regular review and revision to
105 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
106 preparation for eventual employment and lifelong learning. By October 1, 2000, the Board of Education
107 shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may
108 be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall
109 occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board
110 from conducting such review and revision on a more frequent basis.

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

114 With such funds as are available for this purpose, the Board of Education shall prescribe assessment
115 methods to determine the level of achievement of these objectives by all students. Such assessments
116 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards
117 of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight
118 regional superintendents' study groups, establish a timetable for administering the Standards of Learning
119 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of
120 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 construct subsequent tests.

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.

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

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, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States 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, *or an end-of-course test required for the award of a verified unit of credit [needed by the student for graduation]*.

Any student who does not pass the literacy tests or, any of the Standards of Learning assessments in grades three, five, or eight, *or an end-of-course test required for the award of a verified unit of credit [needed by the student for graduation]* shall be required to attend a summer school program or to participate in another form of remediation; any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. 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 subsection A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the literacy tests or, the Standards of Learning assessments in grades three, five, or eight, *or end-of-course tests required for the award of a verified unit of credit [needed by the student for graduation]*. Such programs may also 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. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer 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

182 the division superintendent or his designee, and is either (i) conducted by an accredited private school or
183 (ii) a special program which has been determined to be comparable to the required public school
184 remediation program by the division superintendent. The costs of such private school remediation
185 program or other special remediation program shall be borne by the student's parent.

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

193 To ensure consistency in program quality, each school board may establish a remediation program
194 standards committee that may include, but need not be limited to, the superintendent or his designee, a
195 teacher, a parent, and one representative of the community at large. The remediation program standards
196 committee shall recommend the program components for the remediation programs and shall evaluate
197 the success of the programs. Such program components may include pupil/teacher ratios, objectives, and
198 time, site, and duration of the programs and may include a mechanism to ensure the smooth transition
199 of students between remediation programs and regular instructional programs.

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

201 1. Programs in grades K through 3 that emphasize developmentally appropriate learning to enhance
202 success.

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

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

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

226 5. Academic and career and technical education for students who plan to continue their education
227 beyond secondary school or who plan to enter employment.

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

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

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

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

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

240 11. A plan to notify students and their parents of the availability of advanced placement classes, the
241 International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications
242 for enrolling in such classes and programs, and the availability of financial assistance to low-income and
243 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 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 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 § 2.2-4001; 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:

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.

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, 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, 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

305 rata basis as provided in the appropriation act. However, no such nonpublic or home school student shall
306 be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation
307 shall not include enrollments of such students in any other public school courses.

308 § 22.1-253.13:1. (Effective July 1, 2003) Standard 1. Basic skills, selected programs, and instructional
309 personnel.

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

316 B. The Board of Education shall establish educational objectives to implement the development of
317 the skills that are necessary for success in school and for preparation for life in the years beyond. The
318 current educational objectives, known as the Standards of Learning, shall not be construed to be
319 regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise
320 these educational objectives to maintain academic rigor.

321 In order to provide appropriate opportunity for input from the general public, teachers, and local
322 school boards, the Board of Education shall conduct public hearings prior to establishing new
323 educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice
324 by mail of the date, time, and place of the hearings to all local school boards and any other persons
325 requesting to be notified of the hearings and publish notice of its intention to revise these educational
326 objectives in the Virginia Register of Regulations. Interested parties shall be given reasonable
327 opportunity to be heard and present information prior to final adoption of any revisions of these
328 educational objectives.

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

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

339 The Standards of Learning in all subject areas shall be subject to regular review and revision to
340 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
341 preparation for eventual employment and lifelong learning. By October 1, 2000, the Board of Education
342 shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may
343 be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall
344 occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board
345 from conducting such review and revision on a more frequent basis.

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

349 With such funds as are available for this purpose, the Board of Education shall prescribe assessment
350 methods to determine the level of achievement of these objectives by all students. Such assessments
351 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards
352 of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight
353 regional superintendents' study groups, establish a timetable for administering the Standards of Learning
354 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of
355 independent testing experts, conduct a regular analysis and validation process for these assessments. In
356 prescribing such assessments, the Board shall provide local school boards the option of administering
357 tests for United States History to 1877, United States History: 1877 to the Present, and Civics and
358 Economics. The Board of Education shall make publicly available such assessments in a timely manner
359 and as soon as practicable following the administration of such tests, so long as the release of such
360 assessments does not compromise test security or deplete the bank of assessment questions necessary to
361 construct subsequent tests.

362 By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and
363 high school levels, for personal living and finances, which shall focus on money management skills for
364 individuals and families. The personal living and finances objectives shall require instruction in those
365 skills necessary to handle personal business and finances and shall include, but need not be limited to,
366 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.

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

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States 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, *or who fail an end-of-course test required for the award of a verified unit of credit [needed by the student for graduation]*.

Any student who does not pass the literacy tests ~~or~~, any of the Standards of Learning assessments in grades three, five, or eight, *or an end-of-course test required for the award of a verified unit of credit [needed by the student for graduation]* shall be required to attend a summer school program or to participate in another form of remediation; any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. 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. Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three, five, or eight *or an end-of-course test required for the award of a verified unit of credit [needed by the student for graduation]*. Such programs may also 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. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer 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.

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

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

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

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

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

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

461 5. Academic and career and technical education for students who plan to continue their education
462 beyond secondary school or who plan to enter employment.

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

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

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

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

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

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

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

486 F. In addition to the positions supported by basic aid and in support of regular school year remedial
487 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time
488 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in
489 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:

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.

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, 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, 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.

§ 22.1-254.01. (Effective until July 1, 2003) Certain students required to attend summer school or after-school sessions; promotion contingent upon remediation.

In the event that a student is required to take a special program of prevention, intervention, or remediation in a public summer school program or to participate in another form of remediation as provided in subsection C of § 22.1-253.13:1 and in accordance with clause (ii) of subsection A of § 22.1-254, and the division superintendent determines that remediation of the student's poor academic performance, passage of the Literacy Passport Test or of a Standards of Learning assessment in grades three, five, or eight *or end-of-course tests required for the award of a verified unit of credit [needed by*

551 *the student for graduation*] , or promotion is directly related to the student's attendance in such summer
552 school program or participation in another form of remediation, and after a reasonable effort to seek the
553 student's attendance in such session has failed, including direct notification of the parents or guardians of
554 such student of the attendance requirement and failure of the parents or guardians to secure the student's
555 attendance, the division superintendent may seek immediate compliance with the compulsory school
556 attendance law as set forth in § 22.1-254.

557 § 22.1-254.01. (Effective July 1, 2003) Certain students required to attend summer school or
558 after-school sessions.

559 In the event that a student is required to take a special program of prevention, intervention, or
560 remediation in a public summer school program or to participate in another form of remediation as
561 provided in subsection C of § 22.1-253.13:1 and in accordance with clause (ii) of subsection A of
562 § 22.1-254, and the division superintendent determines that remediation of the student's poor academic
563 performance, passage of the Standards of Learning Assessment in grades three, five, or eight *or*
564 *end-of-course tests required for the award of a verified unit of credit [needed by the student for*
565 *graduation*] , or promotion is directly related to the student's attendance in such summer school
566 program or participation in another form of remediation, and after a reasonable effort to seek the
567 student's attendance in such session has failed, including direct notification of the parents or guardians of
568 such student of the attendance requirement and failure of the parents or guardians to secure the student's
569 attendance, the division superintendent may seek immediate compliance with the compulsory school
570 attendance law as set forth in § 22.1-254.