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## SENATE BILL NO. 216

Offered January 9, 2002

Prefiled January 8, 2002

*A BILL to amend and reenact §§ 22.1-199.1, 22.1-200, and 22.1-253.13:1, as it is currently effective and as it shall become effective, of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:9, relating to funding for elementary and secondary educational programs.*

Patrons—Ticer and Whipple; Delegates: Almand, Brink, Darner and Van Landingham

Referred to Committee on Education and Health

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

**1. That §§ 22.1-199.1, 22.1-200, and 22.1-253.13:1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:9 as follows:**

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through 3 in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through 3 in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, (ii) funds for implementing the Family Involvement in Technology program as established in § 22.1-212.2:3, and (iii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants, implement the Family Involvement in Technology program or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and

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59 into schoolwide instructional programs, including career and technical education programs. The grants  
60 shall be prioritized as follows:

61 1. In the 1994 biennium, the first priority for these funds shall be to automate the library media  
62 centers and provide network capabilities in Virginia's elementary, middle and high schools, or  
63 combination thereof, in order to ensure access to the statewide library and other information networks. If  
64 any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be  
65 used to provide other educational technologies identified in the relevant division's approved technology  
66 plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan  
67 programs, career and technical education laboratories or other electronic techniques designed to enhance  
68 public education and to facilitate teacher training in and implementation of effective instructional  
69 technology. The Board shall also distribute, as provided in the appropriation act, funds to support the  
70 purchase of electronic reference materials for use in the statewide automated reference system.

71 2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those  
72 components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting  
73 and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one  
74 network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to  
75 network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required  
76 by the Standards of Learning, and (d) training and professional development on available technologies  
77 and software to all levels and positions, including professional development for personnel delivering  
78 career and technical education at all levels and positions; and (iii) assisting school divisions in  
79 developing integrated voice-, video-, and data-connectivity to local, national and international resources.

80 This funding may be used to implement a local school division's long-range technology plan, at the  
81 discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the  
82 Board's revised six-year technology plan and has been approved by the Superintendent of Public  
83 Instruction.

84 3. The Departments of Education, Information Technology, and General Services shall coordinate  
85 master contracts for the purchase by local school boards of the aforementioned educational technologies  
86 and reference materials.

87 4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be  
88 appropriated for this purpose, implemented to replace obsolete educational hardware and software. As  
89 provided in § 22.1-129 D, school boards may donate obsolete educational technology hardware and  
90 software which are being replaced. Any such donations shall be offered to other school divisions and to  
91 preschool programs in the Commonwealth, or to public school students as provided in guidelines to be  
92 promulgated by the Board of Education. Such guidelines shall include criteria for determining student  
93 eligibility and need; a reporting system for the compilation of information concerning the number and  
94 socioeconomic characteristics of recipient students; and notification of parents of the availability of such  
95 donations of obsolete educational hardware and software.

96 5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this  
97 purpose, contract for the development or purchase of interactive educational software and other  
98 instructional materials designed as tutorials to improve achievement on the Standards of Learning  
99 assessments. Such interactive educational software and other instructional materials may be used in  
100 media centers, computer laboratories, libraries, after-school or before-school programs or remedial  
101 programs by teachers and other instructional personnel or provided to parents and students to be used in  
102 the home. This interactive educational software and other instructional materials shall only be used as  
103 supplemental tools for instruction, remediation, and acceleration of the learning required by the K  
104 through 12 Standards of Learning objectives.

105 Consistent with school board policies designed to improve school-community communications and  
106 guidelines for providing instructional assistance in the home, each school division shall strive to  
107 establish a voice mail communication system after regular school hours for parents, families, and  
108 teachers by the year 2000.

109 C. The General Assembly finds that effective prevention programs designed to assist children at risk  
110 of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for  
111 ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the  
112 twenty-first century; to this end, the following program is hereby established. With such funds as are  
113 appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed  
114 by the Department of Education to schools and community-based organizations to provide quality  
115 preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk  
116 five-year-olds who are not eligible to attend kindergarten.

117 The grants shall be used to provide at least half-day services for the length of the school year for  
118 at-risk four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds  
119 who are not eligible to attend kindergarten. The services shall include quality preschool education, health  
120 services, social services, parental involvement including activities to promote family literacy, and

transportation.

The Department of Education, in cooperation with such other state agencies that may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements. However, the guidelines for quality preschool education and the criteria for preschool education services shall require when such services are being provided by the public schools of the Commonwealth, and may require for other service providers, that (i) one teacher shall be employed for any class of nine students or less, (ii) if the average daily membership in any class exceeds nine students but does not exceed eighteen, a full-time teacher's aide shall be assigned to the class, and (iii) the maximum class size shall be eighteen students.

School divisions may apply for and be granted waivers from these guidelines by the Department of Education.

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for thirty percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act.

During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least sixty percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such sixty percent to be calculated by adding services for thirty percent more of the unserved at-risk children to the thirty percent of unserved at-risk children in each locality provided funding in the appropriation act.

~~Local school boards may elect to serve more than sixty percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the sixty percent allocation, to expand services to at-risk four-year-olds beyond the sixty percent goal.~~

*During the 2002-2003 fiscal year and thereafter, grants shall be distributed, as specified in the appropriation act, based on an allocation formula providing full funding of the state share of the grant per child for 100 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 100 percent to be calculated by adding services for forty percent more of the unserved at-risk children to the sixty percent of unserved at-risk children in each locality provided funding in the appropriation act, and providing state funding for each locality that has been delivering these services without receiving state funding therefor.*

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies.

Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality; *however, in those localities that have not been the recipients of any state share for these services prior to the 2001-2002 fiscal year, local appropriations for less than the amount appropriated by the local government for these programs in the 2001-2002 fiscal year shall not be construed as supplanting of state funds, if the amount appropriated by the relevant local government for these programs in the 2001-2002 fiscal year exceeds the amount required for the local matching funds in the 2002-2003 fiscal year, based on the composite index of local ability to pay.*

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination

182 (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed  
183 Assistance Program, except that such funds shall not be used to pay any college expenses of  
184 participating students; Reading Recovery; and school/community health centers. Each school board may  
185 use any funds received through the block grant to implement the covered programs and other programs  
186 designed to save the Commonwealth's children from educational failure.

187 E. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as  
188 may be appropriated for this purpose, each school board may employ additional classroom teachers,  
189 remedial teachers, and reading specialists for each of its elementary schools over the requirements of the  
190 Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers,  
191 and reading specialists shall be apportioned as provided in the appropriation act.

192 § 22.1-200. Subjects taught in elementary grades.

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

196 § 22.1-253.13:1. (Effective until July 1, 2003) Standard 1. Basic skills, selected programs, and  
197 instructional personnel.

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

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

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

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

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

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

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

237 With such funds as are available for this purpose, the Board of Education shall prescribe assessment  
238 methods to determine the level of achievement of these objectives by all students. Such assessments  
239 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards  
240 of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight  
241 regional superintendents' study groups, establish a timetable for administering the Standards of Learning  
242 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of  
243 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.

Any student who does not pass the literacy tests or any of the Standards of Learning assessments in grades three, five, or eight 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. 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.

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.

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 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~~ twenty-one 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

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

431 § 22.1-253.13:1. (Effective July 1, 2003) Standard 1. Basic skills, selected programs, and instructional  
432 personnel.

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

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

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

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

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

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

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

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

485 By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and  
486 high school levels, for personal living and finances, which shall focus on money management skills for  
487 individuals and families. The personal living and finances objectives shall require instruction in those  
488 skills necessary to handle personal business and finances and shall include, but need not be limited to,  
489 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.

Any student who does not pass the literacy tests or any of the Standards of Learning assessments in grades three, five, or eight 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. 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.

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

551 evaluate the success of the programs. Such program components may include pupil/teacher ratios,  
552 objectives, and time, site, and duration of the programs and may include a mechanism to ensure the  
553 smooth transition of students between remediation programs and regular instructional programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

608 F. In addition to the positions supported by basic aid and in support of regular school year remedial  
609 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time  
610 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in  
611 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy  
612 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~~ twenty-one 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.

§ 22.1-253.13:9. *Funding for Standards of Quality.*

A. *Notwithstanding any other provision of law, the Commonwealth shall fund at least fifty-five percent of the total actual costs of public education. The Standards of Quality and the formulas used by the Commonwealth to distribute funds to localities to meet the Standards of Quality shall be reviewed and revised biennially to meet the requirements of this section.*

B. *Beginning with the budget for fiscal year 2003, the Governor shall include in his budget recommendations adequate funds to meet the requirements of subsection A.*