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**HOUSE BILL NO. 333**

Offered January 9, 2002

Prefiled January 7, 2002

*A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to early intervention reading services.*

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Patrons—Hamilton, Bolvin and McQuigg

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Referred to Committee on Education**Be it enacted by the General Assembly of Virginia:**

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

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

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

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

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

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

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

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

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

With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning

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59 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of  
60 independent testing experts, conduct a regular analysis and validation process for these assessments.

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

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

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

84 C. Local school boards shall develop and implement a program of instruction for grades K through  
85 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in  
86 the use of computers and related technology, and scientific concepts and processes; essential skills and  
87 concepts of citizenship, including knowledge of Virginia history and world and United States history,  
88 economics, government, foreign languages, international cultures, health and physical education,  
89 environmental issues and geography necessary for responsible participation in American society and in  
90 the international community; fine arts, which may include, but need not be limited to, music and art,  
91 and practical arts; knowledge and skills needed to qualify for further education and employment or, in  
92 the case of some handicapped children, to qualify for appropriate training; and development of the  
93 ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.  
94 School boards shall strive to employ licensed instructional personnel qualified in the relevant subject  
95 areas, including qualified teachers, licensed through the Board of Education's provisional licensure  
96 procedures, who have professional expertise in the relevant subject areas.

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

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

117 The requirement for remediation may, however, be satisfied by the student's attendance in a program  
118 of prevention, intervention or remediation which has been selected by his parent, in consultation with  
119 the division superintendent or his designee, and is either (i) conducted by an accredited private school or  
120 (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. Early reading intervention services to students in kindergarten through the third grade who

182 *demonstrate deficiencies reflected in each student's performance on a diagnostic screening tool approved*  
183 *by the Department of Education or the state-provided diagnostic screening instrument, PALS*  
184 *(Phonological Awareness Literacy Screening) administered in the fall to all students in kindergarten*  
185 *through third grade and in the spring to students who received intervention services. Such services shall*  
186 *consist of at least two and one-half hours of additional instruction each week for an estimated number*  
187 *of students in each school division at a student-to-teacher ratio of five-to-one. The estimated number of*  
188 *students in each school division shall be based on the actual percentage of students who are determined*  
189 *to need services based on the results of diagnostic pretests administered in the fall of the preceding*  
190 *year.*

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

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

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

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

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

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

237 School boards shall, however, annually, on or before January 1, report to the public the actual  
238 pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual  
239 ratios shall include only the teachers who teach the grade and class on a full-time basis and shall  
240 exclude resource personnel. School boards shall report pupil/teacher ratios which include resource  
241 teachers in the same annual report. Any classes funded through the voluntary kindergarten through third  
242 grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers  
243 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.

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

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

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

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

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

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

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

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

With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. In prescribing such assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and

305 Economics. The Board of Education shall make publicly available such assessments in a timely manner  
306 and as soon as practicable following the administration of such tests, so long as the release of such  
307 assessments does not compromise test security or deplete the bank of assessment questions necessary to  
308 construct subsequent tests.

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

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

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

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

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

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

364 The Board of Education shall establish standards for full funding of summer remedial programs that  
365 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof  
366 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 evaluate the success of the programs. Such program components may include pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

D. Local school boards shall also implement the following:

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

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

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

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

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

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

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

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

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

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

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

12. *Early reading intervention services to students in kindergarten through the third grade who demonstrate deficiencies reflected in each student's performance on a diagnostic screening tool approved by the Department of Education or the state-provided diagnostic screening instrument, PALS (Phonological Awareness Literacy Screening) administered in the fall to all students in kindergarten through third grade and in the spring to students who received intervention services. Such services shall consist of at least two and one-half hours of additional instruction each week for an estimated number*

428 of students in each school division at a student-to-teacher ratio of five-to-one. The estimated number of  
429 students in each school division shall be based on the actual percentage of students who are determined  
430 to need services based on the results of diagnostic pretests administered in the fall of the preceding  
431 year.

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

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

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

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

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

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

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

487 H. Students enrolled in a public school on a less than full-time basis shall be counted in average  
488 daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a  
489 nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in



490 public school on a less than full-time basis in any mathematics, science, English, history, social science,  
491 career and technical education, fine arts, foreign language, or health education or physical education  
492 course shall be counted in the average daily membership (ADM) in the relevant school division on a pro  
493 rata basis as provided in the appropriation act. However, no such nonpublic or home school student shall  
494 be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation  
495 shall not include enrollments of such students in any other public school courses.

**INTRODUCED**

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