VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 955

An Act to amend and reenact §§ 22.1-19.1, 22.1-209.1:2, 22.1-225, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.2, 22.1-279.3:1, 22.1-279.6, and 22.1-292.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-200.01 and 22.1-202.1, relating to the Standards of Quality.

[H 1014]

Approved April 15, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-19.1, 22.1-209.1:2, 22.1-225, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.2, 22.1-279.3:1, 22.1-279.6, and 22.1-292.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 22.1-200.01 and 22.1-202.1 as follows:

§ 22.1-19.1. Action for violations of test security procedures.

A. The Office of the Attorney General, on behalf of the Board of Education, may bring a cause of action in the circuit court having jurisdiction where the person resides or where the act occurred for injunctive relief, civil penalty, or both, against any person who knowingly and willfully commits any of the following acts related to secure mandatory tests required by the Board to be administered to students:

1. Permitting unauthorized access to secure test questions prior to testing;

2. Copying or reproducing all or any portion of any secure test booklet;

3. Divulging the contents of any portion of a secure test;

4. Altering *test materials or* examinees' responses in any way;

5. Creating or making available answer keys to secure tests;

6. Making a false certification on the test security form established by the Department of Education; or

7. Participating in, directing, aiding or abetting, or assisting in any of the acts prohibited in this section.

For the purpose of this subsection, "secure" means an item, question, or test that has not been made publicly available by the Department of Education.

B. Nothing in this section may be construed to prohibit or restrict the reasonable and necessary actions of the Board of Education, Superintendent of Public Instruction or the Department of Education or their agents or employees engaged in test development or selection, test form construction, standard setting, test scoring, reporting test scores, or any other related activities which, in the judgment of the Superintendent of Public Instruction or Board of Education, are necessary and appropriate.

C. Any person who violates any provisions of this section may be assessed a civil penalty not to exceed $1,000 for each violation; however, any person whose administrative or teaching license has been suspended or revoked pursuant to § 22.1-292.1 shall not be assessed a civil penalty for the same violation under this section.

All civil penalties paid to the Commonwealth pursuant to this section shall be deposited into the Literary Fund.

§ 22.1-200.01. Certain mathematics and finance objectives.

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 judging 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 learning 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 Assessments required by § 22.1-253.13:3.

§ 22.1-202.1. Comparative religion as elective course.

Local school boards shall authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and

religious observances and rites of world religions.

§ 22.1-209.1:2. Alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of alternative education options for elementary, middle, and high school students in compliance with subdivision D ~~8~~ *6* of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Correctional Education and the relevant division superintendent as requiring an alternative education program. However, no child shall be assigned to any alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program. On and after July 1, 1994, the program shall consist of up to ~~ten~~ *10* regional pilot projects; any additional pilot projects shall be located in regions throughout the state to provide greater geographical distribution of such projects. All such projects shall be awarded on a competitive basis to applicants responding to requests for proposals, giving priority in awarding any new sites, to the extent practicable, to applicants in areas with high student suspension and expulsion rates that meet the requirements in subsection B of this section. The Board of Education shall promulgate regulations for the implementation of the program.

B. Upon the appropriation of funds for the purposes of this section, the Department of Education shall issue a request for proposals for regional projects to pilot selected alternative education options by July 1, 1993. The first such grants shall be awarded by August 20, 1993.

In the 2001 fiscal year, and upon the appropriation of funds for these purposes, the Department of Education shall issue a request for proposals for regional pilot projects for selected alternative education options for elementary school students. The first such grants shall be awarded by September 1, 2001.

Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to pilot an alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Correctional Education.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children.

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement levels and rehabilitative success of participating students, admission to institutions of higher education and other postsecondary education and training programs, and improving staff retention rates.

10. The number of children who may be assigned to the regional pilot alternative education program during the school year.

11. A plan for transitioning the enrolled students into the relevant school division's regular program.

12. A current program of staff development and training.

C. Beginning with the first year of program implementation, the Department of Education shall be entitled to deduct annually from the locality's share for the education of its students a sum equal to the

actual local expenditure per pupil for the support of those students placed by the relevant school division in any such pilot program. The amount of the actual transfers shall be based on data accumulated during the prior school year.

D. A school board shall require written notification to the pupil's parent, guardian, or other person having charge or control, when a pupil commits an offense in violation of school board policies, which school officials determine was committed without the willful intent to violate such policies, or when the offense did not endanger the health and safety of the individual or other persons, of the nature of the offense no later than two school days following its occurrence. A school board shall require the principal of the school where the child is in attendance or other appropriate school personnel to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

E. The Board shall require submission of interim evaluation reports of each pilot program biannually and shall compile these reports and other program materials and report the status of such programs on a periodic basis, as may be established, during the 1993 legislative interim to the Special Joint Subcommittee on School Crime and Violence. The Board shall report the effectiveness of such programs and their components annually to the Governor and the General Assembly beginning by December 1, 1994.

F. For the purposes of this section, "regional pilot program" means a program supported and implemented by two or more school divisions which are either geographically contiguous or have a community of interest.

G. For the purposes of this section, "one school year" means no more than 180 teaching days.

§ 22.1-225. Authority of school boards.

A. Local school boards shall provide adult education programs, in compliance with § 22.1-253.13:1 D ~~9~~ *7*, for residents of the school division and, in their discretion, may charge appropriate fees to persons admitted to such programs.

B. With such funds as may be appropriated for the purposes of this article, school boards shall seek to ensure that every adult participating in such program has an opportunity to earn a general educational development (GED) certificate or a high school diploma.

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

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~~. *The General Assembly and the Board of Education* find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of ~~high quality~~ *high-quality* instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives *known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed* to ~~implement~~ *ensure* the development of the skills that are necessary for success in school and for preparation for life in the years beyond. *At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science.* 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~~ *the Standards of Learning* are consistent with ~~the world's highest educational standards. These objectives~~ *a high-quality foundation educational program. The Standards of Learning* shall include, but not be limited to, *the* basic skills of communication~~,~~ *(listening, speaking, reading, and writing);* computation and critical reasoning including problem solving~~,~~ *and* decision making~~, and~~*;* proficiency in the use of computers and related technology*;* and the skills to manage personal finances and to make sound financial decisions~~, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.~~

~~With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for 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 English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

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.

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 revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice 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 the Standards of Learning 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 the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement ~~these objectives~~ *the Standards of Learning* 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~~ *established* by the school division at appropriate age or grade levels.

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

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 history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

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 *with disabilities*, 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 fail to achieve a passing score on any Standards of Learning assessment in grades three~~, five, and~~ *through* eight or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation.

Any student who passes one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who ~~does not pass any~~ *fails all* of the Standards of Learning assessments *for the relevant grade level* in grades three~~, five, or~~ *through* 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~~ *through* eight or *who fail* an end-of-course test required for the award of a verified unit of credit required for the student's graduation. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation ~~which~~ *that* 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~~ *that* 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 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~~ *three* that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or ~~retrieval~~ *remediation* 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~~ *and to prevent students from dropping out of school*.

3. Career and technical education programs ~~infused~~ *incorporated* into the K through 12 curricula that ~~promote~~ *include:*

a. 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~~*;*

b. Career exploration opportunities in the middle school grades~~.~~*; and*

~~4~~ *c.* Competency-based career and technical education programs~~, which~~ *that* integrate academic outcomes, career guidance and job-seeking skills for all secondary students ~~including those identified as disabled that reflect employment opportunities,~~. *Programs must be based upon* labor market needs~~, applied basic skills, job-seeking skills, and career guidance~~ *and student interest*. Career guidance shall include ~~employment~~ counseling ~~designed to furnish information on~~ *about* available employment opportunities ~~to all students, including those identified as disabled,~~ 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. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

~~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~~ *4.* Early identification of ~~handicapped~~ students *with disabilities* and enrollment of such students in appropriate instructional programs consistent with state and federal law.

~~7~~ *5.* Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

~~8~~ *6.* 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~~ *7.* 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~~ *8.* A plan to make achievements for students who are educationally at risk a divisionwide priority ~~which~~ *that* shall include procedures for measuring the progress of such students.

~~11~~ *9.* 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~~ *10.* Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

11. Early identification, diagnosis, and assistance for students with reading problems and provision of instructional strategies and reading practices that benefit the development of reading skills for all students.

12. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

13. A program of student services for grades kindergarten through 12 that shall be designed to aid students in their educational, social, and career development.

~~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 85 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.

F1. In addition to the positions supported by basic aid and those in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to support 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

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) 24 to 1 in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to 1 in grade one with no class being larger than 30 students; (iii) 24 to 1 in grades two and three with no class being larger than 30 students; (iv) 25 to 1 in grades four through six with no class being larger than 35 students; and (v) 24 to 1 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, 18 to 1; and (ii) in schools having moderate concentrations of at-risk students, 20 to 1. 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 25 to 1 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 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 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.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and

practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The ~~General Assembly and the Board of Education believe that effective schools must provide and maintain efficient and cost-effective support services to ensure quality education. The General Assembly and the Board of Education further believe that in order to ensure the goal of quality education, local school divisions must have efficient administrative, supervisory, and support services.~~ *Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.*

B. ~~The Department of Education shall provide to the local school divisions technical assistance in the delivery of those support services which are necessary for the operation and maintenance of the public schools. Such technical assistance services shall include, but not be limited to, in-service training of staff, development of appropriate facility plans, specifications for equipment, technology updates, design of summer school programs and other forms of remediation, and inspections of school buses.~~ *School boards shall employ licensed instructional personnel qualified in the relevant subject areas.*

C. *Each school board shall assign licensed instructional personnel 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) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.*

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. 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 with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, 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 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation 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.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one full-time equivalent instructional position for each 1,000 students in average daily membership to serve as a reading specialist for the school division.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student employment:

1. Principals in elementary, middle, and high schools, one each full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary, middle, and high schools, one full-time for each 400 students;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,

two full-time at 1,000 students;

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; and

5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students.

I. Local school boards shall employ five positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

K. Local school boards shall employ speech-language pathologists in sufficient numbers to ensure a caseload that does not exceed 60 students per position.

L. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

M. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

N. 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 that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction 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.

O. Students enrolled in a public school on a less than full-time basis shall be counted in 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 ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; 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.

P. Each local school board shall provide those support services ~~which~~ *that* are necessary for the efficient and cost-effective operation and maintenance of its public schools ~~including, but not limited to, administration, instructional support, pupil personnel services, student attendance and health, operation and maintenance of the buildings and management information systems~~.

~~D. Each local school board shall also provide a program of pupil personnel services for grades K through 12 which shall be designed to aid students in their educational, social and career development.~~

For the purposes of this title, unless the context otherwise requires, "support services" shall include services provided by the school board members; the superintendent; assistant superintendents; student services (including guidance counselors, social workers, and homebound, improvement, principal's office, and library-media positions); attendance and health positions; administrative, technical, and clerical positions; operation and maintenance positions; educational technology positions; school nurses; and pupil transportation positions.

~~E.~~ Pursuant to the appropriations act, support services shall be funded from basic school aid on the basis of prevailing statewide costs.

§ 22.1-253.13:3. Standard 3. Accountability, accreditation, and assessments.

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

~~B.~~ The Board of Education shall promulgate regulations establishing standards for accreditation

pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, ~~pupil personnel~~ *student* services, ~~special education program standards,~~ auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

~~In establishing course and credit requirements for a high school diploma, the Board shall:~~

~~1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning testing, as necessary;~~

~~2. Establish the requirements for a standard or advanced studies high school diploma that shall include one credit in fine, performing, or practical arts and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board;~~

~~3. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course;~~

~~4. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools; and~~

~~5. Authorize, as an elective in grades nine through twelve with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.~~

~~In addition, the Board may provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that appropriate and relevant industry certification or state licensure examinations may be substituted for correlated Standards of Learning examinations. The Board may also provide that students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations may be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.~~

~~In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board shall establish (i) by July 1, 2000, criteria for awarding a diploma seal for advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall consider including criteria for (a) technology courses; (b) technical writing, reading, and oral communication skills; (c) technology-related practical arts training; and (d) industry, professional, and trade association national certifications; and (ii) by July 1, 2003, criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the standard and advanced studies diplomas. The Board shall consider including criteria for (a) successful completion of history, government, and civics courses, including courses that incorporate character education; (b) voluntary participation in community service or extracurricular activities; and (c) related requirements as it deems appropriate.~~

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

~~In revising the standards for accreditation, the Board shall seek to set pupil/teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained~~

~~classes for pupils with specific learning disabilities.~~ The Board shall review annually the accreditation status of all schools in the Commonwealth.

~~The Board's regulations on accrediting schools shall include in the minimum staffing requirements, according to the type of school and student enrollment, requirements for employment of (a) principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis; (b) assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; (c) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1000 students; (d) guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; (e) clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; and (f) reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. A combined school, such as kindergarten through twelve, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.~~

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

Each local school board shall maintain schools that meet the standards of accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall make the results of such review available to the public.

~~D~~ *B.* The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. ~~One year following the approval by the Board of such criteria,~~ The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

~~The Department of Education shall conduct technical assistance visits for local school divisions. Schools accredited with a warning shall be given priority for such assistance, which shall include an analysis of relevant school data and the development and implementation of improvement plans to assist such schools in improving their accreditation status.~~

~~E~~ *C. With such funds as are available for this purpose, the Board of Education shall* ~~In order to~~

prescribe assessment methods to determine the level of achievement of the Standards of Learning 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 Standards of Learning 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.

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

In addition, to assess the educational progress of students, the Board of Education shall ~~also~~ (i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments ~~which~~ *that* may be used by classroom teachers and (ii) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels.

D. The Board of Education is authorized to pursue all available civil remedies for breaches in test security *and unauthorized alteration of test materials or test results*. Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

~~E1. The Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. Such website shall facilitate the submission of recommendations by educators.~~

~~F. Each local school board shall maintain schools that meet the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.~~

~~G. Each local school board shall also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives.~~

~~H. In order~~ To assess the educational progress of students as individuals and as groups, each local school board shall require the administration of appropriate assessments, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Standards of Learning Assessments and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

~~I. To assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools, and from such funds as may be appropriated for such purpose, there shall be established within the Department of~~

~~Education a unit to conduct evaluative studies and to provide the resources and technical assistance to increase the capacity of school divisions to deliver quality instruction. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on (i) all three Literacy Passport tests by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.~~

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates *of program completion* by local school boards if they ~~do not qualify for diplomas~~ *are not eligible to receive a standard, advanced studies, modified standard, or general achievement diploma*.

D. *In establishing course and credit requirements for a high school diploma, the Board shall:*

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary;

2. Establish the requirements for a standard, modified standard, or advanced studies high school diploma, which shall include one credit in fine, performing, or practical arts and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board;

3. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course; and

4. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such

industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a standard or advanced studies diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related practical arts training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the standard and advanced studies diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities; and (iii) related requirements as it deems appropriate.

~~E~~ *F*. ~~By September 1, 2003,~~ The Board shall establish, by regulation, requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the Board for the award of such diploma.

§ 22.1-253.13:5. Standard 5. Teacher quality and educational leadership.

A. ~~The General Assembly and the Board of Education find that programs of professional development and training and appropriate teacher performance evaluations are essential for effective educational leadership and personnel and the advancement of public education in the Commonwealth.~~

~~B.~~ Each member of the Board of Education shall participate in ~~in-service~~ *high-quality professional development* programs on personnel, curriculum and current issues in education as part of his service on the Board.

~~C~~ *B*. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, the Board of Education shall develop ~~leadership standards for superintendents and principals, which standards~~ *uniform performance standards and evaluation criteria for teachers, administrators, and superintendents, which* shall include *standards for* training in the implementation of the Standards of Learning and training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of instructional personnel.

~~D~~ *C*. The Board of Education shall ~~sponsor, conduct or~~ provide ~~advice~~ *guidance* on *high-quality professional development for* (i) ~~training and professional development of~~ teachers, principals, supervisors, division superintendents and other school staff; (ii) ~~training for all~~ administrative and supervisory personnel in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) ~~in-service programs for~~ school board members on personnel, curriculum and current issues in education; and (iv) ~~in cooperation with the Virginia Department for the Blind and Vision Impaired, in-service~~ programs in Braille for teachers of the blind and visually impaired, *in cooperation with the Virginia Department for the Blind and Vision Impaired*.

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

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

~~F~~ *E*. Each local school board shall provide ~~(i)~~ a program of *high-quality* professional development~~,~~ *(i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii)* as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students ~~and handicapped~~, students *with disabilities, and students who have been identified as having limited English proficiency* and to increase student achievement~~,~~ *and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education;* (~~ii~~ *iii*) ~~a program of professional development~~ in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula, and (~~iii~~ *iv*) ~~a program~~

~~of professional development~~ for administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall also provide teachers and principals with high-quality professional development programs in (i) the preparation of tests and other assessment measures; (ii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; (iii) instruction and remediation techniques in English, mathematics, science, and history and social science; (iv) interpreting test data for instructional purposes; and (v) technology applications to implement the Standards of Learning.

F. Schools and school divisions shall include as an integral component of their biennial plans and six-year plans, respectively, required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals.

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

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

~~B.~~ The Board of Education shall revise, extend and adopt biennially a statewide six-year ~~improvement~~ plan that shall be developed with statewide participation ~~and~~. *The Board* shall ~~be~~ *post such plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan* available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, an assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide six-year ~~improvement~~ plan have been met. The Board shall also develop, ~~as a part of~~ *consistent with* its six-year ~~improvement~~ plan, a detailed six-year plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the six-year plan for educational technology and may require the revision of such plan as it deems necessary.

~~C~~ *B.* Each local school board shall revise, extend and adopt biennially a divisionwide six-year ~~improvement~~ plan that shall be developed with staff and community involvement. Prior to the adoption of any divisionwide six-year ~~improvement~~ plan, each local school board *shall post such plan on the division's Internet website if practicable, and, in any case,* shall make *a hard copy of* the plan available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan. ~~Each public school shall prepare a biennial plan, which shall be given consideration by its school board in the development of the divisionwide six-year improvement plan.~~

The divisionwide six-year ~~improvement~~ plan shall include*, but shall not be limited to,* (i) the objectives of the school division; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for *projecting and* managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of ~~providing certain~~ *establishing* regional *programs and* services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional *programs and* services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with the six-year technology plan for Virginia adopted by the Board of Education; and (viii) an assessment of the needs of the school division and evidence of community participation in the development of the plan.

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

C. Each public school shall prepare a biennial plan, which the relevant school board shall consider in the development of its divisionwide six-year plan.

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

§ 22.1-253.13:7. Standard 7. School board policies.

A. ~~The General Assembly and the Board of Education recognize the need to apprise the local school boards of the laws and regulations governing operation of local school divisions.~~

~~B. The Board of Education shall, in a timely manner, make available to local school boards copies of current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia.~~

~~C.~~ Each local school board shall maintain and follow ~~an~~ up-to-date ~~policy manual~~ *policies*. All ~~policy manuals~~ *school board policies* shall be reviewed at least every five years and revised as needed. ~~The policy manual shall include, but not be limited to:~~

~~1. Valid copies of Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, concerning grievances, dismissals, etc., of teachers, and the implementation procedure prescribed by the General Assembly and the Board of Education; and~~

~~2. A cooperatively developed procedure for personnel evaluation appropriate to tasks performed by those being evaluated.~~

~~D~~ *B.* Each local school board shall ensure that ~~the policy manual includes the following~~ policies~~, which shall be~~ developed giving consideration to the views of teachers, parents, and other concerned citizens *and addressing the following*:

1. A system of two-way communication between employees and the local school board and its administrative staff whereby matters of concern can be discussed in an orderly and constructive manner;

2. ~~A policy for~~ The selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling challenged controversial materials;

3. The standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights;

4. ~~A policy for~~ School-community communications and community involvement; ~~and~~

5. Guidelines to encourage parents to provide instructional assistance to their children in the home, which may include voluntary training for the parents of children in grades K through ~~3~~ *three;*

6. Information about procedures for addressing concerns with the school division and recourse available to parents pursuant to § 22.1-87;

7. A cooperatively developed procedure for personnel evaluation appropriate to tasks performed by those being evaluated; and

8. Grievances, dismissals, etc., of teachers, and the implementation procedure prescribed by the General Assembly and the Board of Education, as provided in Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, and the maintenance of copies of such procedures.

~~An up-to-date~~ *A current* copy of the school division ~~policy manual~~ *policies* shall be kept in the library of each school and in any public library in that division and shall be available to employees and to the public. *If such policies are maintained online, school boards shall ensure that printed copies of such policies are available to citizens who do not have online access.*

C. An annual announcement shall be made in each division *at the beginning of the school year and, for parents of students enrolling later in the academic year, at the time of enrollment,* advising the public that ~~the policy manual is~~ *the policies are* available in such places.

§ 22.1-253.13:8. Compliance.

The Standards of Quality prescribed ~~above~~ *in this chapter* shall be the only standards of quality required by Article VIII, Section 2 of the Constitution of Virginia.

Each local school board shall provide, as a minimum, the programs and services, as provided in the standards of quality prescribed above, with state and local funds as apportioned by the General Assembly in the ~~appropriations~~ *appropriation* act and to the extent funding is provided by the General Assembly.

As required by § 22.1-18, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed standards of quality.

The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board shall notify the Attorney General. It shall be the duty of the Attorney General to file, in the name of the Board of Education in the circuit court having jurisdiction in the school division, a petition for a writ of mandamus directing and requiring compliance with such Standards by the appropriate party or parties ~~defendant~~.

§ 22.1-254.2. Testing for general educational development; eligibility; guidelines.

A. The Board of Education shall establish a program of testing for general educational development (GED) through which persons may earn a high school equivalency certificate or a diploma as provided in subsection ~~E~~ *F* of § 22.1-253.13:4. The following persons may participate in the testing program:

1. Persons who are at least 18 years of age and not enrolled in public school or not otherwise meeting the school attendance requirements set forth in § 22.1-254;

2. Persons 16 years of age or older who have been instructed by their parents in their home pursuant to § 22.1-254.1 and who have completed such home school instruction;

3. Persons who have been excused from school attendance pursuant to subsections B and C of § 22.1-254; and

4. Persons for whom an individual student alternative education plan has been granted pursuant to

subsection D of § 22.1-254.

Under no circumstances shall persons under the age of 16 be eligible for the testing program.

B. From such funds as may be appropriated for this purpose, local school boards shall implement programs of preparation and testing for general educational development consistent with guidelines to be developed by the Board of Education. Such guidelines shall include a provision that allows preparatory and testing programs to be offered jointly by two or more school boards.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities may report, and the principal or his designee may receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (v) of subsection A.

C. The principal or his designee shall submit a report of all incidents required or authorized to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required by subsection A or authorized by subsection B to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in ~~the policy manual of all~~ school ~~divisions~~ *board policies required by § 22.1-253.13:7*.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-279.6. Guidelines for school board policies; school board regulations governing student conduct.

A. The Board of Education shall establish guidelines and develop model student conduct policies to aid local school boards in the implementation of such policies. The guidelines shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and

exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, *as required by § 22.1-253.13:7 and* in accordance with the requirements of this section, regulations governing student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include, in the regulations governing student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

Each school board shall include, in its standards of student conduct, prohibitions against profane or obscene language or conduct.

A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

Nothing herein shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

C. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 22.1-292.1. Violation of test security procedures; revocation of license.

A. The Board of Education may suspend or revoke the administrative or teaching license it has issued to any person who commits any of the following acts knowingly and willfully with the intent to compromise secure mandatory tests administered to students as required by this title or by the Board of Education:

1. Giving unauthorized access to secure test questions;

2. Copying or reproducing all or any portion of any secure test booklet;

3. Divulging the contents of any portion of a secure test;

4. Coaching or assisting examinees during testing or altering *test materials or* examinees' responses in any way;

5. Making available any answer keys;

6. Failing to follow test security procedures established by the Department of Education;

7. Providing a false certification on any test security form required by the Department of Education;

8. Retaining a copy of secure test questions; and

9. Participating in, directing, aiding, assisting in, or encouraging any of the acts prohibited by this section.

For the purposes of this section, "secure test" means an item, question, or test that has not been made publicly available by the Department of Education.

Nothing in this section shall be construed to prohibit educational personnel from providing input to administrators or other authorized personnel, including school board members and members of the General Assembly, except when done in a manner that violates test integrity or security regarding the accuracy, clarity, or propriety of test items or test administration procedures.

B. Nothing in this section shall be construed to prohibit or restrict the reasonable and necessary actions of the Board of Education, the Superintendent of Public Instruction, or the Department of Education in test development or selection, test form construction, standard setting, test scoring and

reporting, or any other related activities which, in the judgment of the Superintendent of Public Instruction or the Board of Education, are necessary and appropriate.

C. Any suspension or revocation imposed for the acts enumerated in this section shall be rendered pursuant to Board regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and § 22.1-298, governing the licensure of teachers.

2. That no educational standard set forth in this act, for which state funding is required, shall take effect unless the state's share of funding that standard is included in the 2004 Appropriation Act, passed during the 2004 Session of the General Assembly and signed by the Governor.