

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 965

An Act to amend and reenact §§ 2.2-4018, 22.1-253.13:3, 22.1-253.13:6, and 22.1-253.13:8 of the Code of Virginia, relating to school corrective action plans.

[H 1294]

Approved April 15, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4018, 22.1-253.13:3, 22.1-253.13:6, and 22.1-253.13:8 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4018. Exemptions from operation of Article 3.

The following agency actions otherwise subject to this chapter shall be exempted from the operation of this article.

1. The assessment of taxes or penalties and other rulings in individual cases in connection with the administration of the tax laws.

2. The award or denial of claims for workers' compensation.

3. The grant or denial of public assistance or social services.

4. Temporary injunctive or summary orders authorized by law.

5. The determination of claims for unemployment compensation or special unemployment.

6. The suspension of any license, certificate, registration or authority granted any person by the Department of Health Professions or the Department of Professional and Occupational Regulation for the dishonor, by a bank or financial institution named, of any check, money draft or similar instrument used in payment of a fee required by statute or regulation.

7. *The determination of accreditation or academic review status of a public school or public school division or approval by the Board of Education of a school division corrective action plan required by § 22.1-253.13:3.*

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

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 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~~ 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.

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~~ 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.

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.

D. 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. In order 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 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. The Board of Education is authorized to pursue all available civil remedies for breaches in test security. 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.

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~~ *are fully accredited pursuant to 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.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plans for any plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's six-year improvement plan pursuant to § 22.1-253.13:6.

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.

§ 22.1-253.13:6. 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 shall be 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 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. 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 make 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 (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 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 regional services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional 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; and (ix) any corrective action plan required pursuant to § 22.1-253.13:3.

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.

§ 22.1-253.13:8. These standards to be the only standards of quality; provision of services; Board of Education to seek compliance.

The standards of quality prescribed above 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 act and to the extent funding is provided by the General Assembly.

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 may petition* 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~~ *to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.*

2. That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.