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HOUSE BILL NO. 576

Offered January 14, 2004

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A BILL to amend and reenact §§ 22.1-199.1 and 51.1-141 of the Code of Virginia, relating to employment and retirement benefits for certain employees of local public school boards.

 Patron—Hamilton

 Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-199.1 and 51.1-141 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

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

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

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

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

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

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or

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

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

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

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

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

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

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

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

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

118 The Department of Education, in cooperation with such other state agencies that may coordinate
119 child day care and early childhood programs, shall establish guidelines for quality preschool education
120 and criteria for the service components, consistent with the findings of the November 1993 study by the

Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements. However, the guidelines for quality preschool education and the criteria for preschool education services shall require when such services are being provided by the public schools of the Commonwealth, and may require for other service providers, that (i) one teacher shall be employed for any class of nine students or less, (ii) if the average daily membership in any class exceeds nine students but does not exceed ~~eighteen~~18, a full-time teacher's aide shall be assigned to the class, and (iii) the maximum class size shall be ~~eighteen~~18 students.

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

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for ~~thirty~~30 percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act.

During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least ~~sixty~~60 percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such ~~sixty~~60 percent to be calculated by adding services for ~~thirty~~30 percent more of the unserved at-risk children to the ~~thirty~~30 percent of unserved at-risk children in each locality provided funding in the appropriation act.

Local school boards may elect to serve more than ~~sixty~~60 percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the ~~sixty~~60 percent allocation, to expand services to at-risk four-year-olds beyond the ~~sixty~~60 percent goal.

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any college expenses of participating students; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

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

F. The General Assembly finds that specialized leadership skills, training, and authority may be required to enable a school to be academically successful. Accordingly, pursuant to a turnaround specialist program adopted by the Board of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school divisions may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with subsection B of § 51.1-141, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives

182 as may be determined by the board.

183 G. The General Assembly finds that certain schools have particular difficulty hiring teachers for
184 certain subject areas and that the need for such teachers in these schools is particularly strong.
185 Accordingly in an effort to attract and retain high quality teachers, local school boards may offer
186 instructional personnel within such schools incentives such as increased compensation, improved
187 retirement benefits in accordance with subsection C of § 51.1-141, increased deferred compensation in
188 accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by
189 the board.

190 § 51.1-141. Service equivalents.

191 A. The Board shall determine how much service in any month is the equivalent of a month of
192 service or how much service in any year is the equivalent of a year of service. ~~The~~ Except as provided
193 in subsections B and C, the Board shall not allow more than one year of service credit for all service
194 rendered in any period of ~~twelve~~ 12 consecutive months.

195 B. The Board shall allow additional service credit to turnaround specialists described in subsection
196 F of § 22.1-199.1, as certified by the local school board, even if more than one year of service is to be
197 credited for all service rendered in any period of 12 consecutive months. The Board shall grant the
198 additional service credit only for the number of months of service that is actually performed, including
199 less than 12 months, by such persons under any contract that offers improved retirement benefits, as
200 permitted in subsection F of § 22.1-199.1. In no event, however, shall the Board credit such persons
201 pursuant to such contract with more than two years of service credit for service rendered in 12
202 consecutive months. Such turnaround specialists receiving a retirement benefit pursuant to an early
203 retirement incentive program from any local school division within the Commonwealth shall not be
204 eligible to receive additional service credit.

205 C. The Board shall allow additional service credit to licensed instructional personnel as certified by
206 the local school board for service in a middle school critical shortage program, as defined in this
207 subsection, as certified by the local school board, even if more than one year of service is to be credited
208 for all service rendered by such persons in any period of 12 consecutive months. The Board shall grant
209 the additional service credit only for the number of months of service that is actually performed,
210 including less than 12 months, by such instructional personnel in a middle school critical shortage
211 program. In no event, however, shall the Board credit such persons with more than two years of service
212 credit for service rendered in 12 consecutive months while participating in a middle school critical
213 shortage program. Such licensed instructional personnel receiving a retirement benefit pursuant to an
214 early retirement incentive program from any local school division within the Commonwealth shall not be
215 eligible to receive additional service credit.

216 For purposes of this subsection, "middle school critical shortage program" means a program
217 adopted by the State Board of Education in which licensed instructional personnel are accepted into the
218 program and are assigned to a local school division to teach in a subject matter in grades six, seven, or
219 eight where there is a critical shortage of teachers, as determined by the Board. The contract between
220 such persons and the relevant local school board shall specify that the contract is for service in a
221 middle school critical shortage program.