

043747232

HOUSE BILL NO. 672

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to administration of the Standards of Learning assessments to members of the General Assembly, Board of Education, and local school boards and employees of the Department of Education.

Patron—Bell

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-253.13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school and preparation for life, and find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of 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 to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 2.2-4001; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor.

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

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

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

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

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

With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards

INTRODUCED

HB672

59 of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight
60 regional superintendents' study groups, establish a timetable for administering the Standards of Learning
61 assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of
62 independent testing experts, conduct a regular analysis and validation process for these assessments. In
63 prescribing such assessments, the Board shall provide local school boards the option of administering
64 tests for United States History to 1877, United States History: 1877 to the Present, and Civics and
65 Economics. The Board of Education shall make publicly available such assessments in a timely manner
66 and as soon as practicable following the administration of such tests, so long as the release of such
67 assessments does not compromise test security or deplete the bank of assessment questions necessary to
68 construct subsequent tests.

69 *The Board of Education shall provide for the administration and scoring of such Standards of*
70 *Learning assessments for those members of the General Assembly, Board of Education, and local school*
71 *boards who wish to take such assessments, upon payment of fees sufficient to reimburse the cost of such*
72 *test administration and scoring.*

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

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

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

103 Local school boards shall also develop and implement programs of prevention, intervention, or
104 remediation for students who are educationally at risk including, but not limited to, those whose scores
105 are in the bottom national quartile on Virginia State Assessment Program Tests, who fail to achieve a
106 passing score on any Standards of Learning assessment in grades three, five, and eight or who fail an
107 end-of-course test required for the award of a verified unit of credit required for the student's graduation.

108 Any student who does not pass any of the Standards of Learning assessments in grades three, five, or
109 eight shall be required to attend a summer school program or to participate in another form of
110 remediation; any student who passes one or more, but not all, of the Standards of Learning assessments
111 in grades three, five, or eight may be required to attend a remediation program. Division superintendents
112 shall require such students to take special programs of prevention, intervention, or remediation, which
113 may include attendance in public summer school programs, in accordance with clause (ii) of subsection
114 A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when applicable, a procedure
115 for early identification of students who are at risk of failing the Standards of Learning assessments in
116 grades three, five, or eight or an end-of-course test required for the award of a verified unit of credit
117 required for the student's graduation. Such programs may also include summer school for all elementary
118 and middle school grades and for all high school academic courses, as defined by regulations
119 promulgated by the Board of Education, or other forms of remediation. Summer school remediation
120 programs or other forms of remediation shall be chosen by the division superintendent to be appropriate

to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

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

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

To ensure consistency in program quality, each school board may establish a remediation program standards committee which may include, but need not be limited to, the superintendent or his designee, a teacher, a parent, and one representative of the community at large. The remediation program standards committee shall recommend the program components for the remediation programs and shall evaluate the success of the programs. Such program components may include pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

D. Local school boards shall also implement the following:

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

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

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

4. Competency-based career and technical education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as disabled that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as 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. Early identification of handicapped students and enrollment of such students in appropriate instructional programs consistent with state and federal law.

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

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

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

182 arrangement between the school board and other agencies.

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

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

189 12. Identification of students with limited English proficiency and enrollment of such students in
190 appropriate instructional programs.

191 E. Each local school board shall employ with state and local basic, special education, gifted, and
192 career and technical education funds a minimum number of licensed, full-time equivalent instructional
193 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation
194 act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning
195 with the March 31 report of average daily membership, those school divisions offering half-day
196 kindergarten shall adjust their average daily membership for kindergarten to reflect 85 percent of the
197 total kindergarten average daily memberships, as provided in the appropriation act.

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

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

219 G. Licensed instructional personnel shall be assigned by each school board in a manner that produces
220 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
221 excluding special education teachers, principals, assistant principals, counselors, and librarians, that are
222 not greater than the following ratios: (i) 24 to 1 in kindergarten with no class being larger than 29
223 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
224 teacher's aide shall be assigned to the class; (ii) 24 to 1 in grade one with no class being larger than 30
225 students; (iii) 24 to 1 in grades two and three with no class being larger than 30 students; (iv) 25 to 1 in
226 grades four through six with no class being larger than 35 students; and (v) 24 to 1 in English classes in
227 grades six through twelve.

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

229 1. May implement in kindergarten through third grade, within certain schools, lower ratios of
230 students in average daily membership to full-time equivalent teaching positions by assigning instructional
231 personnel in a manner that produces ratios of students in average daily membership to full-time
232 equivalent teaching positions, excluding special education teachers, principals, assistant principals,
233 counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, 18 to
234 1; and (ii) in schools having moderate concentrations of at-risk students, 20 to 1. For the purposes of
235 this subsection, "schools having high concentrations of at-risk students" and "schools having moderate
236 concentrations of at-risk students" shall be as defined in the appropriation act.

237 2. Shall assign instructional personnel in a manner that produces schoolwide ratios of students in
238 average daily memberships to full-time equivalent teaching positions of 25 to 1 in middle schools and
239 high schools.

240 School boards shall, however, annually, on or before January 1, report to the public the actual
241 pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual
242 ratios shall include only the teachers who teach the grade and class on a full-time basis and shall
243 exclude resource personnel. School boards shall report pupil/teacher ratios which include resource

244 teachers in the same annual report. Any classes funded through the voluntary kindergarten through third
245 grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers
246 to exceed the requirements of this subsection shall also be identified. Schools shall be identified;
247 however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil
248 identities.

249 H. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the
250 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
251 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
252 basis in any mathematics, science, English, history, social science, career and technical education, fine
253 arts, foreign language, or health education or physical education course shall be counted in the ADM in
254 the relevant school division on a pro rata basis as provided in the appropriation act. However, no such
255 nonpublic or home school student shall be counted as more than one-half a student for purposes of such
256 pro rata calculation. Such calculation shall not include enrollments of such students in any other public
257 school courses.