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SENATE BILL NO. 205

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact §§ 22.1-199.1 and 22.1-253.13:1 of the Code of Virginia, relating to early childhood education.

 Patron—Edwards

 Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199.1 and 22.1-253.13:1 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 three 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 three 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

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

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

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

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

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

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

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

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

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

119 The Department of Education, in cooperation with such other state agencies that may coordinate
120 child day care and early childhood programs, shall establish guidelines for quality preschool education

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 or such other study relating to early childhood education as may be designated by the Board.

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 18, a full-time teacher's aide shall be assigned to the class, and (iii) the maximum class size shall be 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 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 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 60 percent to be calculated by adding services for 30 percent more of the unserved at-risk children to the 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 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 60 percent allocation, to expand services to at-risk four-year-olds beyond the 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.

On and after July 1, 2010, school boards shall be required to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs shall be coordinated with the at-risk early childhood programs established herein, consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education shall develop regulations to implement the orderly phase-in of these required programs with the existing programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten.

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. Pursuant to a turnaround specialist program administered by the Department 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 boards may offer such turnaround specialists or other administrative personnel incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

G. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle school teacher corps administered by the Department of Education incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

§ 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, preparation for life, and reaching their full potential. 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 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 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 Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with 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; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

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. 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 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 established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science 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 is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize 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 to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.

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 who fail to achieve a passing score on any Standards of Learning assessment in grades three 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 fails all four of the Standards of Learning assessments for the relevant grade level in grades three through eight shall be required to attend a summer school program or to participate in another form of remediation. 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 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 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 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.

D. Local school boards shall also implement the following:

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

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school.

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

a. Knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

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

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance and job-seeking skills for all secondary students. Programs must be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities 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.

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

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

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.

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.

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

9. A plan to notify students and their parents of the availability of dual enrollment and 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.

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.

14. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

15. *On and after July 1, 2010, early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs shall be coordinated with the current at-risk early childhood programs established pursuant to § 22.1-199.1, consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education shall develop regulations to implement the orderly phase-in of these required programs with existing programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten.*

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

367 professional development initiatives; evaluate the success of programs encouraging parental and family
368 involvement; assess changes in student outcomes prompted by family involvement; and collect and
369 disseminate among school divisions information regarding effective instructional programs and practices,
370 initiatives promoting family and community involvement, and potential funding and support sources.
371 Such unit may also provide resources supporting professional development for administrators and
372 teachers. In providing such information, resources, and other services to school divisions, the unit shall
373 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
374 Learning assessments.

375 **2. That the implementation and funding of the public school early childhood education programs**
376 **required by subdivision D 1 of § 22.1-253.13:1 shall be as set forth in the appropriation act.**
377 **Further, in accordance with the appropriation act, early childhood education programs for at-risk**
378 **children that are conducted by public schools or other local agencies may continue to be eligible**
379 **for grants described in subsection C of § 22.1-199; however, funding for the early childhood**
380 **education programs required by subdivision D 1 of § 22.1-253.13:1 of the Standards of Quality**
381 **shall only be provided to public schools.**