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SENATE BILL NO. 709

Offered January 20, 2006

A BILL to amend and reenact §§ 22.1-227.01, 22.1-253.13:1, 23-214, 23-215, and 23-220 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23-219.1, relating to the establishment of a comprehensive integrated workforce training system coordinated by the Virginia Community College System.

Patrons—Hawkins and Ruff

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-227.01, 22.1-253.13:1, 23-214, 23-215, and 23-220 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding a section numbered 23-219.1, as follows:

§ 22.1-227.01. Career and technical education defined.

As used in this article, "career and technical education" means ~~an organized education program a comprehensive integrated workforce training system~~ offering a sequence of courses that may incorporate field, laboratory, and classroom instruction; and that emphasize career and technical occupational experiences and are designed to prepare individuals for further education and gainful employment. *Career and technical education shall be coordinated with the community colleges and local employers in accordance with the guidelines developed by the relevant regional workforce training board appointed pursuant to § 23-219.1.*

§ 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,

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59 and place of the hearings to all local school boards and any other persons requesting to be notified of
60 the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia
61 Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present
62 information prior to final adoption of any revisions of the Standards of Learning.

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

69 School boards shall implement the Standards of Learning or objectives specifically designed for their
70 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to
71 achieve the educational objectives established by the school division at appropriate age or grade levels.
72 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

73 The Board of Education shall include in the Standards of Learning for history and social science the
74 study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall
75 include consideration of disability, ethnicity, race, and gender.

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

81 C. Local school boards shall develop and implement a program of instruction for grades K through
82 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
83 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
84 and computations, proficiency in the use of computers and related technology, and scientific concepts
85 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
86 world and United States history, economics, government, foreign languages, international cultures, health
87 and physical education, environmental issues and geography necessary for responsible participation in
88 American society and in the international community; fine arts, which may include, but need not be
89 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education
90 and employment or to qualify for appropriate training; and development of the ability to apply such
91 skills and knowledge in preparation for eventual employment and lifelong learning.

92 Local school boards shall also develop and implement programs of prevention, intervention, or
93 remediation for students who are educationally at risk including, but not limited to, those who fail to
94 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
95 fail an end-of-course test required for the award of a verified unit of credit required for the student's
96 graduation.

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

99 Any student who fails all four of the Standards of Learning assessments for the relevant grade level
100 in grades three through eight shall be required to attend a summer school program or to participate in
101 another form of remediation. Division superintendents shall require such students to take special
102 programs of prevention, intervention, or remediation, which may include attendance in public summer
103 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

104 Remediation programs shall include, when applicable, a procedure for early identification of students
105 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
106 fail an end-of-course test required for the award of a verified unit of credit required for the student's
107 graduation. Such programs may also include summer school for all elementary and middle school grades
108 and for all high school academic courses, as defined by regulations promulgated by the Board of
109 Education, or other forms of remediation. Summer school remediation programs or other forms of
110 remediation shall be chosen by the division superintendent to be appropriate to the academic needs of
111 the student. Students who are required to attend such summer school programs or to participate in
112 another form of remediation shall not be charged tuition by the school division.

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

119 The Board of Education shall establish standards for full funding of summer remedial programs that
120 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~~ *shall* be based upon labor market needs, *as identified by the regional workforce training board established pursuant to § 23-219.1*, 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 *and the goals established by the regional workforce training board*. Such plan shall be developed with the input of area business and industry representatives *through the regional workforce training board* 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.

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

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

188 § 23-214. Definitions.

189 As used in this chapter:

190 (a) "Comprehensive community college" means an institution of higher education which offers
191 instruction in one or more of the following fields:

192 (1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate
193 degree programs;

194 (2) Diversified technical curricula including programs leading to the associate degree;

195 (3) Career and technical education leading directly to employment;

196 (4) Courses in general and continuing education for adults in the above fields;

197 (5) Noncredit training and retraining courses and programs of varying lengths to meet the needs of
198 business and industry in the Commonwealth.

199 "Regional workforce training board" means a board appointed by the Governor pursuant to
200 § 23-219.1 for the purpose of identifying appropriate policies relating to workforce training for the
201 community colleges and school divisions in the relevant region.

202 (b) "State Board" or "Board" means the State Board for Community Colleges.

203 (c) "Local community college board" means the board established to act in an advisory capacity to
204 the State Board and to perform such duties with respect to the operation of a single comprehensive
205 community college as may be delegated to it by the State Board.

206 (d) "Career and technical education" means ~~the training, or retraining a comprehensive, integrated~~
207 ~~workforce training system, which is given in delivered through~~ school classes (including field or
208 laboratory work incidental thereto), under public supervision and control, ~~exclusive of those career and~~
209 ~~technical education programs provided and administered by, or through, the public school system~~ and is
210 conducted as part of a program designed to fit individuals for gainful employment as semiskilled or
211 skilled, workers or technicians in recognized occupations.

212 (e) "Area career and technical school" means a career or technical school used exclusively, or
213 principally, for providing career and technical education to persons who have completed, or left, high
214 school, or are recommended for transfer by the school last attended, and who are available for full-time
215 study in preparation for entering the labor market, or for part-time study after entering the labor market.

216 (f) "System" means the Virginia Community College System.

217 § 23-215. Responsibilities of Board and System.

218 A. The State Board for Community Colleges ~~heretofore established by law is continued. The Board~~
219 ~~shall be a corporation under the style of "the State Board for Community Colleges."~~

220 The State Board shall be responsible, through the exercise of the powers and performance of the
221 duties set forth in this chapter, for the establishment, control, and administration of a statewide system
222 of publicly supported comprehensive community colleges which shall be known as the Virginia
223 Community College System. *The Virginia Community College System shall be a comprehensive,*
224 *integrated workforce training system.*

225 B. The Virginia Community College System shall be the state agency with primary responsibility for
226 coordinating ~~the comprehensive, integrated workforce training system at the postsecondary~~ *secondary* to
227 the associate degree level; ~~exclusive of the career and technical education programs provided through~~
228 ~~and administered by the public school system. Coordination of the secondary programs with the~~
229 *community college programs shall be based on participation in K-14 regional partnerships.*

230 *In coordinating the comprehensive, integrated workforce training system at the secondary to*
231 *associate degree level, the Virginia Community College System shall ensure that credit and noncredit*
232 *courses are designed to meet the needs of local employers. Further, the Virginia Community College*
233 *System shall encourage the involvement of workplace supervisors and other workplace experts who are*
234 *not professional educators in the teaching of workforce training classes.*

235 This responsibility shall not preclude other agencies from also providing such services as appropriate;
236 ~~but these; however, all such activities shall be coordinated with the community colleges.~~

237 C. In addition to other responsibilities of the Virginia Community College System, the community
238 colleges shall (i) maximize noncredit course offerings made available to business and industry at a time
239 and place that meet current and projected workforce needs, *as identified by the regional workforce*
240 *training board established pursuant to § 22.1-219.1*, and minimize the cost of noncredit offerings to
241 business and industry to the extent feasible, (ii) ~~deal~~ *coordinate the delivery of regional workforce*
242 *training* directly with employers, particularly in designing and offering courses to meet real, current, and
243 projected workforce training needs, and (iii) maximize the availability and use of distance learning

courses addressing workforce training needs. The Virginia Community College System shall report on actions taken to meet the requirements of this subsection in its annual report to the General Assembly on workforce development activities required by the appropriation act.

§ 23-219.1. *Regional workforce training boards.*

A. *The Governor shall appoint a regional workforce training board to identify appropriate policies relating to workforce training for each of the community colleges and the school divisions within the relevant region. Each regional workforce training board shall consist of no more than 15 members representing business and industry as well as public and private education in the region and may include college presidents, school superintendents, economic development professionals, Chamber of Commerce presidents, county administrators, city managers, and community-based organization members.*

B. *Notwithstanding any state law to the contrary, the work of the regional workforce training boards shall be supported through funds received pursuant to the federal Workforce Investment Act.*

C. *Each regional workforce training board shall:*

1. *Receive input from regional business and industry leaders;*

2. *Promote the development of cutting edge technology and workforce skills;*

3. *Advise local school boards, career and technical education teachers and administrators in public schools, and the community college on the design and implementation of workforce training classes to reflect changes in the workplace; and*

4. *Develop a plan of action to comply with federal Department of Labor and state policies vis-a-vis the federal Workforce Investment Act and any regulations promulgated pursuant to the Act.*

§ 23-220. *Local community college boards; cooperation with regional workforce training boards.*

A. *The State Board shall establish policies providing for the creation of a local community college board for each institution established under this chapter and the procedures and regulations under which such local boards shall operate.*

B. *A local community college board as defined in § 23-214 shall be established for each college. These boards shall assist in ascertaining educational needs, enlisting community involvement and support, and shall perform such other duties as may be prescribed by the State Board.*

C. *Each local community college board shall cooperate with the regional workforce training board in developing and implementing a comprehensive, integrated workforce training system.*