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HOUSE BILL NO. 2112

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 4, 2009)

(Patron Prior to Substitute—Delegate Spruill)

A BILL to amend and reenact §§ 22.1-209.1:2, 22.1-225, and 22.1-253.13:1 of the Code of Virginia, relating to financial literacy education.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-209.1:2, 22.1-225, and 22.1-253.13:1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-209.1:2. Alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of alternative education options for elementary, middle, and high school students in compliance with subdivision D 67 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Correctional Education and the relevant division superintendent as requiring an alternative education program. However, no child shall be assigned to any alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program. On and after July 1, 1994, the program shall consist of up to 10 regional pilot projects; any additional pilot projects shall be located in regions throughout the state to provide greater geographical distribution of such projects. All such projects shall be awarded on a competitive basis to applicants responding to requests for proposals, giving priority in awarding any new sites, to the extent practicable, to applicants in areas with high student suspension and expulsion rates that meet the requirements in subsection B of this section. The Board of Education shall promulgate regulations for the implementation of the program.

B. Upon the appropriation of funds for the purposes of this section, the Department of Education shall issue a request for proposals for regional projects to pilot selected alternative education options by July 1, 1993. The first such grants shall be awarded by August 20, 1993.

In the 2001 fiscal year, and upon the appropriation of funds for these purposes, the Department of Education shall issue a request for proposals for regional pilot projects for selected alternative education options for elementary school students. The first such grants shall be awarded by September 1, 2001.

Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to pilot an alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Correctional Education.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal

60 relationship skills.

61 8. Community outreach to build strong school, business, and community partnerships, and to promote
62 parental involvement in the educational process of participating children.

63 9. Specific, measurable goals and objectives and an evaluation component to determine the program's
64 effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth
65 committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement
66 levels and rehabilitative success of participating students, admission to institutions of higher education
67 and other postsecondary education and training programs, and improving staff retention rates.

68 10. The number of children who may be assigned to the regional pilot alternative education program
69 during the school year.

70 11. A plan for transitioning the enrolled students into the relevant school division's regular program.

71 12. A current program of staff development and training.

72 C. Beginning with the first year of program implementation, the Department of Education shall be
73 entitled to deduct annually from the locality's share for the education of its students a sum equal to the
74 actual local expenditure per pupil for the support of those students placed by the relevant school division
75 in any such pilot program. The amount of the actual transfers shall be based on data accumulated during
76 the prior school year.

77 D. A school board shall require written notification to the pupil's parent, guardian, or other person
78 having charge or control, when a pupil commits an offense in violation of school board policies, which
79 school officials determine was committed without the willful intent to violate such policies, or when the
80 offense did not endanger the health and safety of the individual or other persons, of the nature of the
81 offense no later than two school days following its occurrence. A school board shall require the
82 principal of the school where the child is in attendance or other appropriate school personnel to develop
83 appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

84 E. The Board shall require submission of interim evaluation reports of each pilot program biannually
85 and shall compile these reports and other program materials and report the status of such programs on a
86 periodic basis, as may be established, during the 1993 legislative interim to the Special Joint
87 Subcommittee on School Crime and Violence. The Board shall report the effectiveness of such programs
88 and their components annually to the Governor and the General Assembly beginning by December 1,
89 1994.

90 F. For the purposes of this section, "regional pilot program" means a program supported and
91 implemented by two or more school divisions which are either geographically contiguous or have a
92 community of interest.

93 G. For the purposes of this section, "one school year" means no more than 180 teaching days.

94 § 22.1-225. Authority of school boards.

95 A. Local school boards shall provide adult education programs, in compliance with *subdivision D 8*
96 *of § 22.1-253.13:1* ~~§ 7~~, for residents of the school division and, in their discretion, may charge
97 appropriate fees to persons admitted to such programs.

98 B. With such funds as may be appropriated for the purposes of this article, school boards shall seek
99 to ensure that every adult participating in such program has an opportunity to earn a general educational
100 development (GED) certificate or a high school diploma.

101 § 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other
102 educational objectives.

103 A. The General Assembly and the Board of Education believe that the fundamental goal of the
104 public schools of this Commonwealth must be to enable each student to develop the skills that are
105 necessary for success in school, preparation for life, and reaching their full potential. The General
106 Assembly and the Board of Education find that the quality of education is dependent upon the provision
107 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
108 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote
109 student achievement; (iii) quality instruction that enables each student to become a productive and
110 educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of
111 other resources. In keeping with this goal, the General Assembly shall provide for the support of public
112 education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

113 B. The Board of Education shall establish educational objectives known as the Standards of
114 Learning, which shall form the core of Virginia's educational program, and other educational objectives,
115 which together are designed to ensure the development of the skills that are necessary for success in
116 school and for preparation for life in the years beyond. At a minimum, the Board shall establish
117 Standards of Learning for English, mathematics, science, and history and social science. The Standards
118 of Learning shall not be construed to be regulations as defined in § 2.2-4001.

119 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
120 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
121 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, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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. Such programs shall include components that are research-based.

Any student who achieves a passing score on 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 to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special

183 programs of prevention, intervention, or remediation, which may include attendance in public summer
184 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

185 Remediation programs shall include, when applicable, a procedure for early identification of students
186 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
187 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
188 include summer school for all elementary and middle school grades and for all high school academic
189 courses, as defined by regulations promulgated by the Board of Education, or other forms of
190 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the
191 division superintendent to be appropriate to the academic needs of the student. Students who are
192 required to attend such summer school programs or to participate in another form of remediation shall
193 not be charged tuition by the school division.

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

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

207 D. Local school boards shall also implement the following:

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

210 2. Programs based on prevention, intervention, or remediation designed to increase the number of
211 students who earn a high school diploma and to prevent students from dropping out of school. Such
212 programs shall include components that are research-based.

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

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

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

218 c. Competency-based career and technical education programs that integrate academic outcomes,
219 career guidance and job-seeking skills for all secondary students. Programs must be based upon labor
220 market needs and student interest. Career guidance shall include counseling about available employment
221 opportunities and placement services for students exiting school. Each school board shall develop and
222 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
223 developed with the input of area business and industry representatives and local community colleges and
224 shall be submitted to the Superintendent of Public Instruction in accordance with the timelines
225 established by federal law.

226 4. *Educational objectives in grades K through 12 that emphasize economic education and financial*
227 *literacy pursuant to § 22.1-200.03.*

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

230 56. Early identification of gifted students and enrollment of such students in appropriately
231 differentiated instructional programs.

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

235 78. Adult education programs for individuals functioning below the high school completion level.
236 Such programs may be conducted by the school board as the primary agency or through a collaborative
237 arrangement between the school board and other agencies.

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

240 910. A plan to notify students and their parents of the availability of dual enrollment and advanced
241 placement classes, the International Baccalaureate Program, and Academic Year Governor's School
242 Programs, the qualifications for enrolling in such classes and programs, and the availability of financial
243 assistance to low-income and needy students to take the advanced placement and International
244 Baccalaureate examinations.

245 1011. Identification of students with limited English proficiency and enrollment of such students in
246 appropriate instructional programs.

247 1112. Early identification, diagnosis, and assistance for students with reading and mathematics
248 problems and provision of instructional strategies and reading and mathematics practices that benefit the
249 development of reading and mathematics skills for all students.

250 1213. Incorporation of art, music, and physical education as a part of the instructional program at the
251 elementary school level.

252 1314. A program of physical fitness available to all students with a goal of at least 150 minutes per
253 week on average during the regular school year. Such program may include any combination of (i)
254 physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities
255 deemed appropriate by the local school board. Each local school board shall incorporate into its local
256 wellness policy a goal for the implementation of such program during the regular school year.

257 1415. A program of student services for grades kindergarten through 12 that shall be designed to aid
258 students in their educational, social, and career development.

259 1516. The collection and analysis of data and the use of the results to evaluate and make decisions
260 about the instructional program.

261 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
262 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
263 resources and technical assistance to increase the capacity for school divisions to deliver quality
264 instruction; and (iii) assist school divisions in implementing those programs and practices that will
265 enhance pupil academic performance and improve family and community involvement in the public
266 schools. Such unit shall identify and analyze effective instructional programs and practices and
267 professional development initiatives; evaluate the success of programs encouraging parental and family
268 involvement; assess changes in student outcomes prompted by family involvement; and collect and
269 disseminate among school divisions information regarding effective instructional programs and practices,
270 initiatives promoting family and community involvement, and potential funding and support sources.
271 Such unit may also provide resources supporting professional development for administrators and
272 teachers. In providing such information, resources, and other services to school divisions, the unit shall
273 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
274 Learning assessments.