

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 61

*An Act to amend and reenact §§ 22.1-70.2, 22.1-199.2, 22.1-209.1:2, and 22.1-212.15 of the Code of Virginia and to repeal §§ 22.1-139 and 22.1-226 of the Code of Virginia, relating to reporting requirements of local school divisions.*

[H 208]

Approved March 9, 2010

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-70.2, 22.1-199.2, 22.1-209.1:2, and 22.1-212.15 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-70.2. Acceptable Internet use policies for public and private schools.

A. Every two years, each ~~division superintendent~~ shall file with the Superintendent of Public Instruction an acceptable use policy, approved by the local school board, ~~shall review, amend if necessary, and approve the school division's acceptable use policy~~ for the Internet. At a minimum, the policy shall contain provisions that (i) are designed to prohibit use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet; (ii) seek to prevent access by students to material that the school division deems to be harmful to juveniles as defined in § 18.2-390; (iii) select a technology for the division's computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372; (iv) establish appropriate measures to be taken against persons who violate the policy; and (v) include a component on Internet safety for students that is integrated in a division's instructional program. The policy may include such other terms, conditions, and requirements as deemed appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses among elementary, middle, and high school students.

*Each school division's policy shall be posted on its website in accordance with § 22.1-253.13:7. Additionally, each local school division shall certify compliance with these requirements annually to the Department of Education.*

B. The superintendent shall take such steps as he deems appropriate to implement and enforce the division's policy.

C. ~~On or before December 1, 2000, and biennially thereafter, the Superintendent of Public Instruction shall submit a report to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health which summarizes the acceptable use policies filed with the Superintendent pursuant to this section and the status thereof.~~

~~D~~ C. In addition to the foregoing requirements regarding public school Internet use policies, the principal or other chief administrator of any private school that satisfies the compulsory school attendance law pursuant to § 22.1-254 and accepts federal funds for Internet access shall select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1 and obscenity as defined in § 18.2-372.

~~E~~ D. The Superintendent of Public Instruction shall issue guidelines to school divisions regarding instructional programs related to Internet safety.

§ 22.1-199.2. Standards for remediation programs established.

~~A~~. The Board of Education shall promulgate regulations for establishing standards for remediation programs that receive state funding, without regard to state funding designations, which shall be designed to strengthen and improve the effectiveness of such programs in increasing the scholastic achievement of students with academic deficiencies. Such standards shall require ~~(i)~~ school divisions to evaluate remediation programs, annually, in terms of the pass rate on the Standards of Learning tests and ~~(ii) that school divisions report, on such forms as may be required by the Board for such purpose, data pertaining to the demographic and educational characteristics of students who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or clause (ii) of subsection A of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include, but not be limited to, the number of students failing any Standards of Learning assessments for grades three through eight and any end-of-course tests required for the award of a verified unit of credit required for the student's graduation; a demographic profile of the students attending such programs; the academic status of each such student; the types of instruction offered, the length of the program, and the local costs of the program; the number of ungraded and disabled students, and those with limited English proficiency (ESL); and the number of students failing the Standards of Learning assessments for grades three through eight or end-of-course tests required for the award of a verified unit of credit required for the student's graduation who attend remediation programs. School divisions shall also report to the Board~~

the number of students who successfully complete the objectives of remedial programs that they attended due to their performance on the Standards of Learning assessments.

The Board shall also establish in regulations, a formula for determining the level of funding necessary to assist school divisions in providing transportation services to students required to attend remediation programs.

B. The Board of Education shall cause the collection, compilation, and analysis of the data required to be reported by local school divisions in subsection A of this section to accomplish a statewide review and evaluation of remediation programs. The Board shall report its analysis of the data submitted by school divisions and a statewide assessment of remediation programs, and any recommendations, to the Governor and the General Assembly annually, prior to the commencement of the regular session of the General Assembly.

§ 22.1-209.1:2. Regional 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 regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 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 a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned to any regional 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.

B. 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~~ offer a regional 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 relationship skills.

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

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

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

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

12. A current program of staff development and training.

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

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

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

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

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

§ 22.1-212.15. Report of public charter schools.

~~School boards shall submit annual evaluations of any public charter schools to the Board of Education. The Board shall review the evaluations against any Board regulations and policies waived for the public charter schools to determine the efficacy of such waivers and whether the public charter schools accomplished established goals and objectives. School boards shall also submit annually to the Board a comparison of the performance of public charter school students and students enrolled in the regular schools of such relevant school division and a report of the number of students enrolled in such public charter schools at the end of the school year.~~

~~The Board shall report annually its findings and evaluations of any the number of public charter schools established in the Commonwealth, as well as the number of charters denied, in its annual report to the Governor and the General Assembly pursuant to § 22.1-18.~~

**2. That §§ 22.1-139 and 22.1-226 of the Code of Virginia are repealed.**