

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 22.1-79.1, 22.1-92, 22.1-93, 22.1-199.1, 22.1-212.2, 22.1-212.2:2, and
3 22.1-217.01 of the Code of Virginia and to repeal §§ 22.1-208.1, 22.1-208.2, 22.1-208.2:1,
4 22.1-208.2:2, 22.1-209.01, 22.1-209.1, 22.1-209.1:1, 22.1-209.1:6, 22.1-212.2:3, 22.1-274.01, and
5 22.1-291 of the Code of Virginia, relating to outdated language and unfunded educational programs.

6 [H 1885]
7 Approved

8 Be it enacted by the General Assembly of Virginia:

9 1. That §§ 22.1-79.1, 22.1-92, 22.1-93, 22.1-199.1, 22.1-212.2, 22.1-212.2:2, and 22.1-217.01 of the
10 Code of Virginia are amended and reenacted as follows:

11 § 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

12 A. Each local school board shall set the school calendar so that the first day students are required to
13 attend school shall be after Labor Day. The Board of Education may waive this requirement based on a
14 school board certifying that it meets one of the good cause requirements of subsection B.

15 B. For purposes of this section, "good cause" means:

16 1. A school division has been closed an average of eight days per year during any five of the last 10
17 years because of severe weather conditions, energy shortages, power failures, or other emergency
18 situations;

19 2. A school division is providing, in the school year for which the waiver is sought, an instructional
20 program or programs in one or more of its elementary or middle or high schools, excluding the
21 ~~electronic classroom~~ *Virtual Virginia*, which are dependent on and provided in one or more elementary
22 or middle or high schools of another school division that qualifies for such waiver. However, any waiver
23 granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for
24 those schools where such dependent programs are provided; or

25 3. A school division is providing its students, in the school year for which the waiver is sought, with
26 an experimental or innovative program which requires an earlier opening date than that established in
27 subsection A of this section and which has been approved by the Department of Education pursuant to
28 the regulations of the Board of Education establishing standards for accrediting public schools. However,
29 any waiver or extension of the school year granted by the Board of Education pursuant to this
30 subdivision or its standards for accrediting public schools for such an experimental or innovative
31 program shall only apply to the opening date for those schools where such experimental or innovative
32 programs are offered generally to the student body of the school. For the purposes of this subdivision,
33 experimental or innovative programs shall include instructional programs that are offered on a
34 year-round basis by the school division in one or more of its elementary or middle or high schools.

35 C. Individual schools may propose, and local school boards may approve, pursuant to guidelines
36 developed by the Board of Education, alternative school schedule plans providing for the operation of
37 schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is
38 provided for grades one through twelve and 540 hours for kindergarten. No alternative plan that reduces
39 the instructional time in the core academics of English, mathematics, social studies, and science shall be
40 approved.

41 § 22.1-92. Estimate of moneys needed for public schools; notice of costs to be distributed.

42 A. It shall be the duty of each division superintendent to prepare, with the approval of the school
43 board, and submit to the governing body or bodies appropriating funds for the school division, by the
44 date specified in § 15.2-2503, the estimate of the amount of money deemed to be needed during the next
45 fiscal year for the support of the public schools of the school division. The estimate shall set up the
46 amount of money deemed to be needed for each major classification prescribed by the Board of
47 Education and such other headings or items as may be necessary.

48 Upon preparing the estimate of the amount of money deemed to be needed during the next fiscal
49 year for the support of the public schools of the school division, each division superintendent shall also
50 prepare and distribute, within a reasonable time as prescribed by the Board of Education, notification of
51 the estimated average per pupil cost for public education in the school division for the coming school
52 year to each parent, guardian, or other person having control or charge of a child enrolled in the
53 relevant school division, in accordance with the budget estimates provided to the local governing body
54 or bodies. Such notification shall also include actual per pupil state and local education expenditures for
55 the previous school year. The notice may also include federal funds expended for public education in
56 the school division.

57 The notice shall be ~~printed on~~ *made available in a form prescribed provided* by the Board
 58 Department of Education and shall be ~~distributed separately or with any other materials being currently~~
 59 ~~transmitted to the parents, guardians or other persons having control or charge of students published on~~
 60 ~~the school division's website or in hard copy upon request.~~ To promote uniformity and allow for
 61 comparisons, the Board Department of Education shall develop a ~~one-page~~ form for this notice and
 62 distribute such form to the school ~~superintendents divisions for duplication and distribution~~ *publication.*

63 B. Before any school board gives final approval to its budget for submission to the governing body,
 64 the school board shall hold at least one public hearing to receive the views of citizens within the school
 65 division. A school board shall cause public notice to be given at least ten days prior to any hearing by
 66 publication in a newspaper having a general circulation within the school division. The passage of the
 67 budget by the local government shall be conclusive evidence of compliance with the requirements of
 68 this section.

69 § 22.1-93. Approval of annual budget for school purposes.

70 Notwithstanding any other provision of law, including but not limited to Chapter 25 (§ 15.2-2500 et
 71 seq.) of Title 15.2, the governing body of a county shall prepare and approve an annual budget for
 72 educational purposes by May first or within thirty days of the receipt by the county of the estimates of
 73 state funds, whichever shall later occur, and the governing body of a municipality shall prepare and
 74 approve an annual budget for educational purposes by May fifteen or within thirty days of the receipt by
 75 the municipality of the estimates of state funds, whichever shall later occur. Upon approval, each local
 76 school division shall publish the approved annual budget, including the estimated required local match,
 77 on the division's website, if any, ~~or if there is no division website,~~ and the document shall otherwise
 78 also be made available in hard copy as needed to citizens for inspection.

79 The Superintendent of Public Instruction shall, no later than the fifteenth day following final
 80 adjournment of the Virginia General Assembly in each session, submit estimates to be used for
 81 budgetary purposes relative to the Basic School Aid Formula to each school division and to the local
 82 governing body of each county, city and town that operates a separate school division. Such estimates
 83 shall be for each year of the next biennium or for the then next fiscal year.

84 § 22.1-199.1. Programs designed to promote educational opportunities.

85 A. The General Assembly finds that Virginia educational research supports the conclusion that poor
 86 children are more at risk of educational failure than children from more affluent homes and that reduced
 87 pupil/teacher ratios and class sizes result in improved academic performance among young children; to
 88 this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class
 89 sizes for grades K through three in those schools in the Commonwealth with high or moderate
 90 concentrations of at-risk students.

91 With such funds as are provided in the appropriation act for this purpose, there is hereby established
 92 the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching
 93 the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K
 94 through three in schools with high or moderate concentrations of at-risk students, consistent with the
 95 provisions provided in the appropriation act.

96 In order to facilitate these primary grade ratio and class size reductions, the Department of Education
 97 shall calculate the state funding of these voluntary ratio and class size reductions based on the
 98 incremental cost of providing the lower class sizes according to the greater of the division average
 99 per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching
 100 funds for these voluntary ratio and class size reductions based on the composite index of local ability to
 101 pay. School divisions shall notify the Department of Education of their intention to implement the
 102 reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By
 103 March 31 of each year, school divisions shall forward data substantiating that each participating school
 104 has a complying pupil/teacher ratio.

105 In developing each proposed biennium budget for public education, the Board of Education shall
 106 include funding for these ratios and class sizes. These ratios and class sizes shall be included in the
 107 annual budget for public education.

108 B. The General Assembly finds that educational technology is one of the most important
 109 components, along with highly skilled teachers, in ensuring the delivery of quality public school
 110 education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate
 111 technological studies within the teaching of all disciplines. Further, the General Assembly notes that
 112 educational technology can only be successful if teachers and administrators are provided adequate
 113 training and assistance. To this end, the following program is established.

114 With such funds as are appropriated for this purpose, the Board of Education shall award to the
 115 several school divisions grants for expanded access to educational technology. Funding for educational
 116 technology training for instructional personnel shall be provided as set forth in the appropriation act.

117 Funds for improving the quality and capacity of educational technology shall also be provided as set

118 forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource
 119 assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii)
 120 funds for implementing the Family Involvement in Technology program as established in § 22.1-212.2:3,
 121 and (iii) funds to maintain the currency of career and technical education programs. Any local school
 122 board accepting funds to hire technology resource assistants, implement the Family Involvement in
 123 Technology program or maintain currency of career and technical education programs shall commit to
 124 providing the required matching funds, based on the composite index of local ability to pay.

125 Each qualifying school board shall establish an individualized technology plan, which shall be
 126 approved by the Superintendent of Public Instruction, for integrating technology into the classroom and
 127 into schoolwide instructional programs, including career and technical education programs. The grants
 128 shall be prioritized as follows:

129 1. In the 1994 biennium, the first priority for these funds shall be to automate the library media
 130 centers and provide network capabilities in Virginia's elementary, middle and high schools, or
 131 combination thereof, in order to ensure access to the statewide library and other information networks. If
 132 any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be
 133 used to provide other educational technologies identified in the relevant division's approved technology
 134 plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan
 135 programs, career and technical education laboratories or other electronic techniques designed to enhance
 136 public education and to facilitate teacher training in and implementation of effective instructional
 137 technology. The Board shall also distribute, as provided in the appropriation act, funds to support the
 138 purchase of electronic reference materials for use in the statewide automated reference system.

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

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

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

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

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

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

177 C. The General Assembly finds that effective prevention programs designed to assist children at risk
 178 of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for

179 ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the
180 twenty-first century; to this end, the following program is hereby established. With such funds as are
181 appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed
182 by the Department of Education to schools and community-based organizations to provide quality
183 preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk
184 five-year-olds who are not eligible to attend kindergarten.

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

190 The Department of Education, in cooperation with such other state agencies that may coordinate
191 child day care and early childhood programs, shall establish guidelines for quality preschool education
192 and criteria for the service components, consistent with the findings of the November 1993 study by the
193 Board of Education, the Department of Education, and the Council on Child Day Care and Early
194 Childhood Programs.

195 The guidelines for quality preschool education and criteria for preschool education services may be
196 differentiated according to the agency providing the services in order to comply with various relevant
197 federal or state requirements. However, the guidelines for quality preschool education and the criteria for
198 preschool education services shall require when such services are being provided by the public schools
199 of the Commonwealth, and may require for other service providers, that (i) one teacher shall be
200 employed for any class of nine students or less, (ii) if the average daily membership in any class
201 exceeds nine students but does not exceed 18, a full-time teacher's aide shall be assigned to the class,
202 and (iii) the maximum class size shall be 18 students.

203 School divisions may apply for and be granted waivers from these guidelines by the Department of
204 Education.

205 During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated
206 for this purpose, distribute grants, based on an allocation formula providing the state share of the grant
207 per child, as specified in the appropriation act, for 30 percent of the unserved at-risk four-year-olds in
208 the Commonwealth pursuant to the funding provided in the appropriation act.

209 During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are
210 appropriated for this purpose, based on an allocation formula providing the state share of the grant per
211 child, as specified in the appropriation act, for at least 60 percent of the unserved at-risk four-year-olds
212 and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such 60 percent to
213 be calculated by adding services for 30 percent more of the unserved at-risk children to the 30 percent
214 of unserved at-risk children in each locality provided funding in the appropriation act.

215 Local school boards may elect to serve more than 60 percent of the at-risk four-year-olds and may
216 use federal funds or local funds for this expansion or may seek funding through this grant program for
217 such purposes. Grants may be awarded, if funds are available in excess of the funding for the 60 percent
218 allocation, to expand services to at-risk four-year-olds beyond the 60 percent goal.

219 In order for a locality to qualify for these grants, the local governing body shall commit to providing
220 the required matching funds, based on the composite index of local ability to pay. Localities may use,
221 for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying
222 programs and shall also continue to pursue and coordinate other funding sources, including child care
223 subsidies. Funds received through this program shall be used to supplement, not supplant, any local
224 funds currently provided for preschool programs within the locality.

225 D. The General Assembly finds that local autonomy in making decisions on local educational needs
226 and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public
227 schools only when coupled with sufficient state funding; to this end, the following block grant program
228 is hereby established. With such funds as are provided in the appropriation act, the Department of
229 Education shall distribute block grants to localities to enable compliance with the Commonwealth's
230 requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such
231 compliance, the block grant herein established shall consist of a sum equal to the amount appropriated
232 in the appropriation act for the covered programs, including the at-risk add-on program; dropout
233 prevention, specifically Project YES; Project Discovery; English as a second language programs,
234 including programs for overage, nonschooled students; Advancement Via Individual Determination
235 (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed
236 Assistance Program, except that such funds shall not be used to pay any college expenses of
237 participating students; Reading Recovery; and school/community health centers. Each school board may
238 use any funds received through the block grant to implement the covered programs and other programs
239 designed to save the Commonwealth's children from educational failure.

240 E. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as
 241 may be appropriated for this purpose, each school board may employ additional classroom teachers,
 242 remedial teachers, and reading specialists for each of its elementary schools over the requirements of the
 243 Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers,
 244 and reading specialists shall be apportioned as provided in the appropriation act.

245 F. Pursuant to a turnaround specialist program administered by the Department of Education, local
 246 school boards may enter into agreements with individuals to be employed as turnaround specialists to
 247 address those conditions at the school that may impede educational progress and effectiveness and
 248 academic success. Local school boards may offer such turnaround specialists or other administrative
 249 personnel incentives such as increased compensation, improved retirement benefits in accordance with
 250 Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with
 251 § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

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

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

265 § 22.1-212.2. Virtual Virginia.

266 From such funds as are appropriated, the ~~Board~~ Department of Education shall establish a ~~Statewide~~
 267 ~~Electronic Classroom Program~~ *statewide electronic classroom to be known as the Virtual Virginia*
 268 ~~Program. The Statewide Electronic Classroom Program~~ *Virtual Virginia* shall be made available to every
 269 public high school.

270 The ~~Board~~ Department may utilize the services of the Commonwealth's ~~five~~ educational television
 271 stations and ~~earth satellite stations~~ *other providers*, as well as any other appropriate technology for the
 272 purposes of implementing ~~the Statewide Electronic Classroom Program~~ *Virtual Virginia*.

273 The services of this program shall be limited to educational purposes. Educational purposes shall
 274 include, but not be limited to, ~~classroom~~ instruction in subject areas ~~which that~~ are not available in all
 275 schools and inservice training for instructional, administrative and support personnel.

276 § 22.1-212.2:2. Educational technology foundations and public school foundations.

277 A. As used in this section:

278 "Educational technology" means any software, hardware, or other equipment or infrastructure or
 279 technical assistance or instruction in the use of such software, hardware or other equipment or
 280 infrastructure ~~which that~~ may be required to implement a local school board's approved plan for
 281 educational technology; ~~the Family Involvement in Technology program pursuant to § 22.1-212.2:3,~~ or
 282 the Board of Education's comprehensive technology plan for Virginia described in § 22.1-253.13:6.

283 "Educational technology foundation" means a nonstock, nonprofit corporation, established for the
 284 express purpose of implementing a public/private partnership to expand access to and improve the
 285 quality of educational technology in a school division.

286 "Public school foundation" means a nonstock, nonprofit corporation, established for the express
 287 purpose of implementing a public/private partnership to implement public school improvement projects
 288 approved by the local school board.

289 "Public school improvement project" means any project designed to achieve an educational purpose
 290 that may be identified in Title 22.1.

291 B. Any school board may establish educational technology and public school foundations. Such
 292 foundations may be established directly by the school board or by the school board and other
 293 organizations or persons, on behalf of the school board by a third party, or through a contract with a
 294 corporation as defined in this section. Such foundations may be established as a cooperative regional
 295 effort by two or more school boards.

296 C. Upon establishing or contracting with such nonstock, nonprofit corporation, whether or not other
 297 organizations, school boards or persons are involved, a school board shall:

- 298 1. Review and approve the articles of incorporation and bylaws;
- 299 2. Establish a system of accounting to protect public funds;
- 300 3. Establish agreement that, upon dissolution of such corporation, any assets remaining after payment

301 of just debts shall be transferred to and become the property of the school board or, if a regional effort,
302 the procedure by which the property may be divided among the school boards;

303 4. Require, in any instance in which the school board advances, contributes or loans funds to the
304 corporation, that such contract shall provide for the posting of a bond with surety by the officers of such
305 corporation conditioned to protect the rights of the school board;

306 5. Establish terms for the allocation of any profits or revenues between the school board and the
307 corporation; and

308 6. Take such other steps as may be necessary to comply with applicable law.

309 D. A school board may (i) advance, contribute or loan funds to such foundations and (ii) establish an
310 escrow fund for the purpose of funding various educational technology projects, in the case of an
311 educational technology foundation, or public school improvement projects approved by the local school
312 board, in the case of a public school foundation.

313 E. A school board that makes purchases through its public school foundation or purchases
314 educational technology through its educational technology foundation, either as may be established
315 pursuant to this section shall be exempt from the provisions of the Virginia Public Procurement Act
316 (§ 2.2-4300 et seq.), as provided in subsection E of § 2.2-4300, except, relative to such purchases, the
317 school board shall comply with the provisions of § 2.2-4311 and §§ 2.2-4367 through 2.2-4377.

318 § 22.1-217.01. Information on educational and other services for students identified as hearing or
319 visually impaired.

320 The Department of Education shall annually prepare and distribute to local school boards packets of
321 information describing the educational and other services available through the Virginia School for the
322 Deaf and the Blind at Staunton, the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton,
323 the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind
324 and Vision Impaired to students who are identified as hearing impaired or visually impaired. Local
325 school boards shall annually distribute this information to the parents of those students who are
326 identified as hearing impaired or visually impaired.

327 2. That §§ 22.1-208.1, 22.1-208.2, 22.1-208.2:1, 22.1-208.2:2, 22.1-209.01, 22.1-209.1, 22.1-209.1:1,
328 22.1-209.1:6, 22.1-212.2:3, 22.1-274.01, and 22.1-291 of the Code of Virginia are repealed.