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SENATE BILL NO. 966

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on January 20, 2011)

(Patrons Prior to Substitute—Senators Northam, Lucas [SB 803], and Miller, J.C. [SB 934])

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to physical education in elementary and middle schools.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

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

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

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

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

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

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

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

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

68 C. Local school boards shall develop and implement a program of instruction for grades K through
69 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
70 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
71 and computations, proficiency in the use of computers and related technology, and scientific concepts
72 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
73 world and United States history, economics, government, foreign languages, international cultures, health
74 and physical education, environmental issues and geography necessary for responsible participation in
75 American society and in the international community; fine arts, which may include, but need not be
76 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
77 education, gainful employment, or training in a career or technical field; and development of the ability
78 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
79 achieve economic self-sufficiency.

80 Local school boards shall also develop and implement programs of prevention, intervention, or
81 remediation for students who are educationally at risk including, but not limited to, those who fail to
82 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
83 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include
84 components that are research-based.

85 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning
86 assessments for the relevant grade level in grades three through eight may be required to attend a
87 remediation program.

88 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
89 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
90 award of a verified unit of credit shall be required to attend a remediation program or to participate in
91 another form of remediation. Division superintendents shall require such students to take special
92 programs of prevention, intervention, or remediation, which may include attendance in public summer
93 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

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

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

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

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

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

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

3. Career and technical education programs incorporated into the K through 12 curricula that include:
 a. Knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

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

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

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

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

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

14. A program of *daily physical fitness education* available to all students ~~with a goal in grades kindergarten through eight consisting of~~ at least 150 minutes per week on average during the regular school year. ~~Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board.~~ Each local school board shall incorporate into its local wellness policy a goal for the implementation of *such a similar program for high school students* during the regular school year.

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

16. 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 disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall

183 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
184 Learning assessments.
185 **2. That the provisions of this act shall become effective beginning with the 2014 - 2015 school**
186 **year.**