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**HOUSE BILL NO. 696**

Offered January 8, 2014

Prefiled January 7, 2014

*A BILL to amend and reenact §§ 22.1-199.1, 23-38.53:4, 23-38.53:5, and 23-38.53:6 of the Code of Virginia, relating to the Virginia Guaranteed Assistance Program.*

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 Referred to Committee on Education
 

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

**1. That §§ 22.1-199.1, 23-38.53:4, 23-38.53:5, and 23-38.53:6 of the Code of Virginia are amended and reenacted as follows:**

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

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

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

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

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

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

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

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

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

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or

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59 combination thereof, in order to ensure access to the statewide library and other information networks. If  
60 any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be  
61 used to provide other educational technologies identified in the relevant division's approved technology  
62 plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan  
63 programs, career and technical education laboratories or other electronic techniques designed to enhance  
64 public education and to facilitate teacher training in and implementation of effective instructional  
65 technology. The Board shall also distribute, as provided in the appropriation act, funds to support the  
66 purchase of electronic reference materials for use in the statewide automated reference system.

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

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

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

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

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

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

105 C. The General Assembly finds that effective prevention programs designed to assist children at risk  
106 of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for  
107 ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the  
108 twenty-first century; to this end, the following program is hereby established. With such funds as are  
109 appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed  
110 by the Department of Education to schools and community-based organizations to provide quality  
111 preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk  
112 five-year-olds who are not eligible to attend kindergarten.

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

118 The Department of Education, in cooperation with such other state agencies that may coordinate  
119 child day care and early childhood programs, shall establish guidelines for quality preschool education  
120 and criteria for the service components, consistent with the findings of the November 1993 study by the

Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

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

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

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

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

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

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

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

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

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

G. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong.

182 Accordingly in an effort to attract and retain high quality teachers, local school boards may offer  
183 instructional personnel serving in such schools as a member of a middle school teacher corps  
184 administered by the Department of Education incentives such as increased compensation, improved  
185 retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred  
186 compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may  
187 be determined by the board.

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

193 CHAPTER 4.4:2.

194 VIRGINIA GUARANTEED ASSISTANCE PROGRAM COLLEGE FOR ALL AND FUND.

195 **§ 23-38.53:4. State Council of Higher Education to administer; promulgation of regulations.**

196 There is hereby created ~~the Virginia Guaranteed Assistance Program~~ *College for All* to provide  
197 financial assistance to eligible students for the costs of attending a public institution of higher education  
198 in Virginia. Funds may be paid to any public institution of higher education on behalf of students who  
199 have been awarded financial assistance pursuant to § 23-38.53:6. The Council shall promulgate  
200 regulations for the implementation of the provisions of this chapter.

201 **§ 23-38.53:5. Virginia College for All Fund.**

202 A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall  
203 be known as the ~~Virginia Guaranteed Assistance~~ *College for All Fund*, *referred to in this section as "the*  
204 *Fund."* The ~~Virginia Guaranteed Assistance~~ Fund shall be established on the books of the Comptroller,  
205 and any funds remaining in such Fund at the end of each fiscal year shall not revert to the general fund  
206 but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to  
207 it. Funds may be paid to any public institution of higher education on behalf of *undergraduate* students  
208 who have been awarded financial assistance pursuant to the provisions of § 23-38.53:6. On and after  
209 July 1, 1995, any funds remaining in the Fund shall be credited to the account of the State Council of  
210 Higher Education.

211 B. The Department of the Treasury shall administer and manage the ~~Virginia Guaranteed Assistance~~  
212 Fund, subject to the authority of the State Council of Higher Education to provide for its disbursement,  
213 from such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests,  
214 and other funds as may be received on its behalf. ~~The Fund shall be disbursed for the purpose of~~  
215 ~~making grants to be determined by the use of a needs analysis methodology approved by the Council.~~  
216 ~~The first such awards shall be made after July 1, 1994. The Council shall award such grants financial~~  
217 ~~assistance to undergraduate students who are enrolled in or accepted for enrollment in any public~~  
218 ~~institution of higher education in Virginia.~~

219 **§ 23-38.53:6. Eligible institutions; eligible students; criteria for financial assistance; renewals.**

220 A. *Each public institution of higher education shall be eligible to participate in Virginia College for*  
221 *All if it (i) has at least a 20 percent completion rate for first-time, full-time undergraduate students six*  
222 *years from the date of initial enrollment; (ii) has an enrollment rate for undergraduate students eligible*  
223 *to receive federal Pell Grants equal to (a) at least 13 percent of undergraduate student enrollment by*  
224 *the beginning of the 2014-2015 academic year, (b) at least 15 percent of undergraduate student*  
225 *enrollment by the beginning of the 2015-2016 academic year, and (c) at least 18 percent of the*  
226 *undergraduate student enrollment or a percentage that is not less than 95 percent of four-year*  
227 *institutions of higher education nationally participating in Title IV of the Higher Education Act of 1965,*  
228 *as amended, by the beginning of the 2016-2017 academic year and thereafter; (iii) guarantees that all*  
229 *enrolled undergraduate students from low-income families can afford the full cost of attendance*  
230 *associated with the institution without incurring student loan debt, consistent with federal need analysis*  
231 *provisions in the Higher Education Act of 1965, as amended; and (iv) guarantees that all enrolled*  
232 *undergraduate students from middle-income families can attend and complete a degree-granting*  
233 *program within 150 percent of the standard time for completion without incurring any interest on loans*  
234 *to cover tuition, required fees, and a book allowance, subject to the availability of funds necessary to*  
235 *meet such a guarantee.*

236 B. Only *undergraduate* students who (i) are (a) domiciled residents of Virginia as defined by  
237 § 23-7.4 and who are graduates of a high school in the Commonwealth with a cumulative secondary  
238 school grade point average of at least 2.5 on a scale of 4.0 or its equivalent; or ~~(ii) are dependent~~ (b)  
239 children of active duty military personnel residing outside the Commonwealth pursuant to military orders  
240 and claiming Virginia on their State of Legal Residence Certificate and satisfying the domicile  
241 requirements for such active duty military personnel pursuant to subsection B of § 23-7.4; ~~and who are;~~  
242 ~~(ii) are~~ graduates of a high school inside or outside the Commonwealth with a cumulative secondary  
243 school grade point average of at least 2.5 on a scale of 4.0 or its equivalent; ~~and who;~~ (iii) *have*

completed a college and career ready course of study in high school, as defined by the Virginia Department of Education, or otherwise demonstrated the ability to take nonremedial credit bearing courses at the institution of higher education; (iv) come from a low-income or middle-income family, as those terms are defined by the Higher Education Advisory Committee pursuant to subdivision B 2 of § 23-38.87:20; (v) are accepted for enrollment and enroll as dependent first-time, full-time, undergraduate students in any an eligible public institution of higher education in Virginia; (vi) work or perform volunteer service for 260 total hours or 10 hours per week over the course of an academic year; and (iv) (vii) are not receiving state discretionary aid and demonstrate financial need as defined by the State Council of Higher Education shall be eligible to receive such awards. financial assistance pursuant to Virginia College for All. The Council shall establish a uniform application process for Virginia College for All.

B. C. The amount of the ~~Guaranteed Assistance Program~~ Virginia College for All grant awarded undergraduate students from low-income families shall be determined annually by the State Council of Higher Education. Eligibility for such awards shall be determined according to the Congressional methodology for determining financial need and eligibility for financial aid sufficient to guarantee that such students will not incur educational debt. The Council shall allocate funds based on the number of first-time, full-time and first-time, half-time students enrolled at each eligible institution based on data from the previous academic year or the current academic year, in the Council's discretion. Subject to the availability of additional funds for such purpose, undergraduate students from middle-income families shall receive the equivalent of an interest-free loan to cover tuition and required fees.

C. All grants and loans shall be awarded for one year; but may be renewed annually for no more than three subsequent years of study if the recipient:

1. Maintains at least a 2.0 grade point average on a scale of 4.0 or its equivalent;
2. Demonstrates continued financial need;
3. Makes satisfactory academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period during enrollment at a public institution of higher education in Virginia; and
4. Maintains continuous enrollment for not less than two semesters or three quarters in each successive academic year, unless granted an exception for cause by the State Council of Higher Education;

4. To the satisfaction of the institution of higher education, demonstrates work or volunteer service for 260 total hours or 10 hours per week over the course of an academic year, unless a financial aid officer of the institution waives this requirement in extraordinary circumstances, such as a medical or family emergency; and

5. Is on track to complete a degree-granting program within 150 percent of the standard time for completion.

D. Each undergraduate student who does not meet the criteria for grant or loan renewal pursuant to subsection C shall have his grant or loan reduced in an amount equal to the average loan indebtedness during his time of enrollment.

**2. That the provisions of this Act shall not affect the award of any current Virginia Guaranteed Assistance Program recipient.**