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**HOUSE BILL NO. 332**

Offered January 8, 2020

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*A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to reading diagnostic tests; intervention.*

Patrons—Hope and Kory; Senator: Surovell

Referred to Committee on Education

**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 the 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; computer science and computational thinking, including computer coding; 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.

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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" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

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.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

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, computer science and computational thinking, including computer coding, 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 programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments 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 may also

include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

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

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

D. Local school boards shall also implement the following:

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

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such 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;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall 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 comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.

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. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and

182 Advanced Placement courses with qualifying exam scores of three or higher.

183 11. A plan to notify students and their parents of the availability of dual enrollment and advanced  
184 placement classes; career and technical education programs, including internships, externships,  
185 apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based  
186 learning experiences; the International Baccalaureate Program and Academic Year Governor's School  
187 Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability  
188 of financial assistance to low-income and needy students to take the advanced placement and  
189 International Baccalaureate examinations. This plan shall include notification to students and parents of  
190 the agreement with a comprehensive community college in the Commonwealth to enable students to  
191 complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a  
192 high school diploma.

193 12. Identification of students with limited English proficiency and enrollment of such students in  
194 appropriate instructional programs, which programs may include dual language programs whereby such  
195 students receive instruction in English and in a second language.

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

199 ~~Local~~ *Each student in kindergarten and grade one shall participate in reading diagnostic tests that*  
200 *include a rapid automatized naming test and one or more rapid alternating stimulus tests as follows: (i)*  
201 *for students in kindergarten, a rapid automatized naming test and a rapid alternating stimulus test that*  
202 *each include colors and objects and (ii) for students in grade one, a rapid automatized naming test and*  
203 *two rapid alternating stimulus tests that each include colors, objects, letters, and numbers. Any student*  
204 *who enrolls in a public elementary school in the Commonwealth for the first time in grade two or grade*  
205 *three shall participate in the reading diagnostic tests required for students in grade one. Beginning July*  
206 *1, 2021, each local school divisions division shall provide reading intervention services evidence-based,*  
207 *structured literacy instruction to students in kindergarten through grade three who fall below the*  
208 *benchmark on any such reading diagnostic test or demonstrate deficiencies based on their individual*  
209 *performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria*  
210 *established by the Department of Education. Such structured literacy instruction shall be overseen and*  
211 *monitored by the advisor on dyslexia and related disorders appointed pursuant to subsection G of*  
212 *§ 22.1-253.13:2, when applicable. Local school divisions shall report the results of the diagnostic tests to*  
213 *the Department of Education on an annual basis, at a time to be determined by the Superintendent of*  
214 *Public Instruction. Each student who receives early intervention reading services will be assessed again*  
215 *at the end of that school year. The local school division, in its discretion, shall provide such reading*  
216 *intervention services prior to promoting a student from grade three to grade four. Reading intervention*  
217 *services may include the use of: special reading teachers; trained aides; volunteer tutors under the*  
218 *supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class*  
219 *groups while the teacher provides direct instruction to the students who need extra assistance; and*  
220 *extended instructional time in the school day or school year for these students. Funds appropriated for*  
221 *prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention*  
222 *reading may be used to meet the requirements of this subdivision.*

223 Local school divisions shall provide algebra readiness intervention services to students in grades six  
224 through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their  
225 individual performance on any diagnostic test that has been approved by the Department of Education.  
226 Local school divisions shall report the results of the diagnostic tests to the Department of Education on  
227 an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student  
228 who receives algebra readiness intervention services will be assessed again at the end of that school  
229 year. Funds appropriated for prevention, intervention, and remediation; summer school remediation;  
230 at-risk; or algebra readiness intervention services may be used to meet the requirements of this  
231 subdivision.

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

234 15. A program of physical activity available to all students in grades kindergarten through five  
235 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular  
236 school year and available to all students in grades six through 12 with a goal of at least 150 minutes per  
237 week on average during the regular school year. Such program may include any combination of (i)  
238 physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical  
239 activities deemed appropriate by the local school board. Each local school board shall implement such  
240 program during the regular school year.

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

243 17. The collection and analysis of data and the use of the results to evaluate and make decisions

about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

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 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

**2. That the reading diagnostic tests administered pursuant to the provisions of this act shall consist of the RAN/RAS tests developed and published by Maryanne Wolf and Martha Bridge Denckla or a substantially similar diagnostic tool that is evidence-based, normed, and approved by the Department of Education.**