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SENATE BILL NO. 340

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 25, 1994)

(Patron Prior to Substitute—Senator Schewel)

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-199.1 and 22.1-276.01, relating to increasing educational opportunities; penalty.

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 and that the Code of Virginia is amended by adding sections numbered 22.1-199.1 and 22.1-276.01 as follows:

§ 22.1-199.1. Program for improving educational opportunities.

In recognition of the importance of setting long-term educational improvement goals and the significance of early childhood education, educational technology, and parental and community involvement, the General Assembly establishes the following objectives:

1. By the year 2000, the General Assembly shall seek to ensure that licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions in grades kindergarten through three, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following: a statewide ratio of twenty to one and a targeted ratio of sixteen to one in schools with high concentrations of at-risk students.

2. Effective July 1, 1995, the availability of voluntary programs for at-risk four-year-old children shall be increased as provided in the appropriation act.

3. Effective July 1, 1994, access to educational technology shall be expanded as set forth in the appropriation act. "Educational technology" means distance learning, integrated learning systems (ILS), multimedia library packages, laptop computer loan programs, vocational technology/diversified technology laboratories (DTL), or other electronic techniques designed to enhance education and teacher training in the use of instructional technology.

4. Effective July 1, 1994, with such funds as are appropriated for this purpose, incentives for parental and community involvement shall be strengthened as set forth in § 22.1-276.01.

§ 22.1-253.13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

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 and preparation for life, and find that the quality of education is dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to ensure the availability of high quality instructional personnel and adequate commitment of other resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives. In order 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 new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 these educational objectives 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 these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. However, no revisions shall be implemented prior to July 1, 1994. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving and decision making, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty. School boards shall implement these objectives 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 utilized by the school division at appropriate age or grade levels. With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students.

HOUSE SUBSTITUTE

SB340H1

60 C. Local school boards shall develop and implement a program of instruction for grades K through
61 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, and scientific
62 concepts and processes; essential skills and concepts of citizenship, including knowledge of history,
63 economics, government, foreign languages, international cultures, health, environmental issues and
64 geography necessary for responsible participation in American society and in the international
65 community; fine arts and practical arts; knowledge and skills needed to qualify for further education and
66 employment or, in the case of some handicapped children, to qualify for appropriate training; and
67 development of the ability to apply such skills and knowledge in preparation for eventual employment
68 and lifelong learning.

69 Local school boards shall also develop and implement programs of prevention, intervention, or
70 remediation for students who are educationally at risk including, but not limited to, those whose scores
71 are in the bottom national quartile on Virginia State Assessment Program Tests, or who do not pass the
72 literacy test prescribed by the Board of Education. Division superintendents may require such students to
73 take special programs of prevention, intervention, or remediation which may include attendance in public
74 summer school sessions. Students required to attend such summer school sessions shall not be charged
75 tuition. Based on the number of students attending and the Commonwealth's share of the per pupil costs,
76 additional state funds shall be provided for summer remediation programs as set forth in the
77 appropriation act.

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

79 1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance
80 success.

81 2. Programs based on prevention, intervention, or retrieval designed to increase the number of
82 students who earn a high school diploma or general education development (GED) certificate. As
83 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support
84 programs grounded in sound educational policy to reduce the number of students who drop out of
85 school.

86 3. Career education programs infused into the K through 12 curricula that promote knowledge of
87 careers and all types of employment opportunities including but not limited to, apprenticeships, the
88 military, and career education schools, and emphasize the advantages of completing school with
89 marketable skills. School boards may include career exploration opportunities in the middle school
90 grades.

91 4. Competency-based vocational education programs, which integrate academic outcomes, career
92 guidance and job-seeking skills for all secondary students including those identified as handicapped that
93 reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career
94 guidance. Career guidance shall include employment counseling designed to furnish information on
95 available employment opportunities to all students, including those identified as handicapped, and
96 placement services for students exiting school. Each school board shall develop and implement a plan to
97 ensure compliance with the provisions of this subsection.

98 5. Academic and vocational preparation for students who plan to continue their education beyond
99 secondary school or who plan to enter employment.

100 6. Early identification of handicapped students and enrollment of such students in appropriate
101 instructional programs consistent with state and federal law.

102 7. Early identification of gifted students and enrollment of such students in appropriately
103 differentiated instructional programs.

104 8. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in
105 these standards. Such students shall be counted in average daily membership (ADM) in accordance with
106 the regulations of the Board of Education.

107 9. Adult education programs for individuals functioning below the high school completion level.
108 Such programs may be conducted by the school board as the primary agency or through a collaborative
109 arrangement between the school board and other agencies.

110 10. A plan to make achievements for students who are educationally at risk a divisionwide priority
111 which shall include procedures for measuring the progress of such students.

112 E. Each local school board shall employ with state and local basic, special education, gifted, and
113 vocational education funds a minimum number of licensed, full-time equivalent instructional personnel
114 for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.
115 Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with
116 the March 31 report of average daily membership, those school divisions offering half-day kindergarten
117 shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total
118 kindergarten average daily memberships.

119 F. In addition to the positions supported by basic aid and in support of regular school year remedial
120 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time
121 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in

the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests prescribed by the Board. State funding for remedial programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order 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 or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 establish or revise such identification criteria 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 such identification criteria or revisions thereto.

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-five to one in kindergarten with no class being larger than thirty students; if the average daily membership in any kindergarten class exceeds twenty-five pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-five to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

Further, pursuant to the appropriation act, school boards may implement in kindergarten through third grade, within certain schools, lower ratios of students in average daily membership to full-time equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be defined in the appropriation act.

In addition, instructional personnel shall be assigned by each school board in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

§ 22.1-276.01. Parental responsibility and involvement requirements.

A. Within three weeks of the beginning of the school year, school boards shall send, simultaneously with any other materials customarily distributed at that time, to the parents, guardians, or legal custodians of each enrolled student, a notice of the requirements of this section.

B. Within one calendar month of the opening of school, each school board shall provide every parent, guardian, or legal custodian of an enrolled student a copy of the school board's standards of student conduct. Each such parent, guardian, or legal custodian shall sign and return to the school in which the student is enrolled a statement acknowledging the requirements of the school board's standards of student conduct and recognizing his responsibility to assist the school in disciplining the student and maintaining order and that failure to assist or cooperate could result in court action against the student and such parent, guardian, or legal custodian. Each school shall maintain records of such signed statements. The intentional refusal to sign and return the statement shall be punishable by a civil penalty not to exceed fifty dollars.

C. A school board shall notify the parents, guardians, or legal custodians of any student who violates a school board policy that could result in the student's suspension. The notice shall state (i) the date and particulars of the violation, (ii) the requirement that the parent, guardian, or legal custodian accompany the student to meet with school officials, and (iii) the obligation of the parent, guardian, or legal custodian to take actions to improve the student's behavior.

D. No suspended student shall be admitted to the regular school program until such student and his parent, guardian, or legal custodian have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that special circumstances exist and that readmission of the student is appropriate.

E. Upon the failure of a parent, guardian, or legal custodian to accompany a suspended student to meet with school officials, or upon the student receiving a second suspension or being expelled, the school board may by petition to the juvenile and domestic relations court proceed against such parent,

183 guardian, or legal custodian for willful refusal to cooperate or participate in efforts to improve the
184 student's behavior. If the court finds that the parent, guardian, or legal custodian has willfully refused
185 to cooperate or participate, it may order the student or his parent, guardian, or legal custodian to (i)
186 participate in such programs or cooperate in such treatment as the court deems appropriate to improve
187 the student's behavior or (ii) be subject to such conditions and limitations as the court deems
188 appropriate for the supervision, care and rehabilitation of the student or parent, guardian, or legal
189 custodian. In addition, the court may order such parent, guardian, or legal custodian to pay a civil
190 penalty not to exceed \$500.

191 F. A school board shall provide opportunities for parental and community involvement in every
192 school in the school division.

193 G. The civil penalties established pursuant to this section shall be paid into a fund maintained by the
194 appropriate local governing body to support programs or treatments designed to improve the behavior
195 of such students as described in subsection E. Upon any failure to pay the civil penalties imposed by
196 this section, the attorney for the appropriate county, city, or town shall enforce the collection of such
197 civil penalties.