

LD4707324

HOUSE BILL NO. 1104

Offered January 25, 1994

A *BILL to amend and reenact §§ 22.1-200, 22.1-204, 22.1-205, 22.1-206, 22.1-207.1, 22.1-207.2, 22.1-208, 22.1-208.1, 22.1-209, 22.1-209.1, 22.1-209.1:1, 22.1-214, as it is currently effective and as it may become effective, 22.1-224, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4, 22.1-253.13:5, 22.1-253.13:6, 22.1-261 and 46.2-334, as it will become effective and as it may become effective, of the Code of Virginia, relating to subjects taught in public schools.*

Patron—Marshall

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-200, 22.1-204, 22.1-205, 22.1-206, 22.1-207.1, 22.1-207.2, 22.1-208, 22.1-208.1, 22.1-209, 22.1-209.1, 22.1-209.1:1, 22.1-214, as it is currently effective and as it may become effective, 22.1-224, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4, 22.1-253.13:5, 22.1-253.13:6, 22.1-261 and 46.2-334, as it will become effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 22.1-200. Subjects taught in elementary and secondary grades.

In the elementary and secondary grades of every public school the following subjects shall be taught: ~~Spelling~~ communicative arts including, but not limited to, grammar, spelling, reading, writing, and speaking; arithmetic, ~~grammar~~, geography, and other mathematical concepts and computations; science, including scientific concepts and processes; health and physical education; ~~drawing~~, civi; history; economics; geography; government; history of the United States and history of Virginia.

§ 22.1-204. Study of accident prevention.

~~In a school board may provide in one or more of the elementary or secondary grades of every the~~ school division ~~there shall be provided~~ a course of study including elementary training in accident prevention, in proper conduct on streets and highways, in the operation of motor vehicles as required by the traffic laws of this Commonwealth, and in ways and means of preventing loss of lives and damage to property through preventable fires. Such course of study ~~shall~~ may be required of every pupil completing the course of study in any such grade.

§ 22.1-205. Driver education programs.

A. The Board of Education ~~shall~~ may establish for the public school system a standardized program of driver education in the safe operation of motor vehicles. Such program shall consist of classroom training and behind the wheel driver training and shall include instruction concerning alcohol and drug abuse. Such instruction shall be developed by the Department in cooperation with the Commission on the Virginia Alcohol Safety Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services. However, any student who participates in such a program of driver education shall meet the academic requirements established by the Board, and no student in a course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the Department of Motor Vehicles. ~~The program shall include instruction concerning alcohol and drug abuse. Such instruction shall be developed by the Department in cooperation with the Virginia Alcohol Safety Action Program and the Department of Mental Health, Mental Retardation and Substance Abuse Services.~~

B. The Board ~~shall~~ may assist school divisions by preparation, publication and distribution of competent driver education instructional materials to ensure a more complete understanding of the responsibilities and duties of motor vehicle operators.

C. Each school board ~~shall determine whether to may offer the a~~ program of driver education in the safe operation of motor vehicles and, if offered, ~~may determine~~ whether such program shall be an elective or a required course. Only school divisions complying with the standardized program and regulations as may be established by the Board of Education and the provisions of § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver education.

D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be required by regulation of the Board of Education, on private or public property removed from public highways if practicable; if impracticable, then, at the request of the school board, the Commonwealth Transportation Board shall designate a suitable section of road near the school to be used for such instruction. Such section of road shall be marked with signs, which the Commonwealth Transportation Board shall supply, giving notice of its use for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle other than those used for driver training shall be operated

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60 between such signs at a speed in excess of twenty-five miles per hour. Violation of this limit shall be a
61 Class 4 misdemeanor.

62 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
63 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

64 § 22.1-206. Instruction concerning drugs and drug abuse.

65 ~~Instruction~~A school board may provide instruction concerning drugs and drug abuse shall be provided
66 by in the public schools as prescribed by the Board of Education of the school division.

67 § 22.1-207.1. Family life education.

68 The Board of Education shall may develop by December 1, 1987, standards of learning and
69 curriculum guidelines for a comprehensive, sequential family life education curriculum in grades K
70 through 12. Such curriculum guidelines shall include instruction as appropriate for the age of the student
71 in family living and community relationships, the value of postponing sexual activity, human sexuality,
72 human reproduction, and the etiology, prevention and effects of sexually transmitted diseases. All such
73 instruction shall be designed to promote parental involvement, foster positive self- concepts and provide
74 mechanisms for coping with peer pressure and the stresses of modern living according to the students'
75 developmental stages and abilities. The Board shall may also establish by December 1, 1987,
76 requirements for appropriate training for teachers of family life education.

77 By December 1, 1987, the Board of Education shall provide the House Committee on Appropriations
78 and the Senate Committee on Finance an analysis of the state and local fiscal impact of implementing a
79 mandatory statewide family life education program and a recommended apportionment of state and local
80 funding for such programs if not otherwise determined by law.

81 A school board may implement the family life education program developed by the Board of
82 Education or a locally established family life education program.

83 § 22.1-207.2. Right of parents to review certain materials; summaries distributed on request.

84 Every parent, guardian or other person in the Commonwealth having control or charge of any child
85 who is required by § 22.1-254 A to send such child to a public school shall have the right to review the
86 complete family life curricula, including all supplemental materials used in any family life education
87 program. A Each school board implementing a family life education program shall keep a complete
88 copy of all printed materials and a description of all audio-visual materials shall be kept in the school
89 library or office and make such materials available for review to any parent or guardian during
90 school office hours before and during the school year. The audio-visual materials shall be made
91 available to parents for review, upon request, on the same basis as printed materials are made available.

92 Each such school board shall develop and, when so requested by an individual parent or guardian of
93 a student participating in the family life education program, distribute to that parent or guardian, a
94 summary designed to assist parents in understanding the program implemented in its school division as
95 such program progresses and to encourage parental guidance and involvement in the instruction of the
96 students. Such information shall reflect the curricula of the program as taught in the classroom.

97 § 22.1-208. Emphasis on moral education.

98 The entire scheme of instruction in the public schools shallA school board may emphasize moral
99 education in the public schools through lessons given by teachers and imparted by appropriate reading
100 selections.

101 § 22.1-208.1. Reading to learn; Virginia Reading to Learn Project established.

102 A. In the middle and high schools of every school division, reading to learn shall be emphasized as
103 an integral part of instruction in every subject. In order to better equip middle and high school teachers
104 to provide this emphasis, there is hereby established the Virginia Reading to Learn Project.

105 B. The Project shall consist initially of six regional sites established at state universities which will
106 may include, but not be limited to, summer institutes for middle and high school teachers and program
107 planning and development support in cooperation with local school divisions.

108 C. The initial regional university sites will shall be Old Dominion University/Norfolk State
109 University, the University of Virginia, Virginia Polytechnic Institute and State University, George Mason
110 University, Virginia Commonwealth University, and James Madison University.

111 D. The Virginia Department of Education will shall distribute and monitor the funds necessary to
112 implement the Project from available appropriations according to guidelines established by the
113 Department.

114 § 22.1-209. Employment counseling and placement services.

115 A. Each school board shall may make available to secondary students employment counseling and
116 placement services to furnish information relating to the employment opportunities available to students
117 graduating from or leaving the public schools in the school division which. Such services, if offered,
118 shall include all types of employment opportunities, including but not limited to, apprenticeships, the
119 military, and career education schools.

120 B. No fee, compensation or other consideration shall be charged to or received from any student
121 utilizing such services.

C. In providing such services, the school board shall consult and cooperate with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations, and such career schools as may be approved by the Board.

D. The Board of Education may recommend methods for providing such services. The State Department of Education may provide assistance to school divisions in establishing and providing such services upon request.

§ 22.1-209.1. Model programs in elementary developmental guidance and counseling.

With such funds as are appropriated for this purpose, the Board of Education ~~shall~~ *may* establish a program to strengthen developmental guidance and counseling in the elementary schools which shall consist of grants for model projects awarded on a competitive basis to applicants responding to requests for proposals.

The Board ~~shall~~ *may* appoint an advisory committee of experts in developmental guidance and counseling to assist in the development of the criteria for awarding these grants, the contents of the request for proposals, in evaluating and in ranking the applications and in making the awards. All school divisions shall be eligible to receive such grants upon making timely application. ~~The first set of grants shall be awarded, if funds are available, by January 1, 1985.~~

§ 22.1-209.1:1. Noncompetitive grants program for school dropout prevention.

With such funds as are appropriated for this purpose, the Board of Education ~~shall~~ *may* establish a program for the prevention of school ~~dropout~~ *dropouts*. All school divisions shall be eligible to receive such grants under the following conditions:

1. The local school dropout prevention program includes components which emphasize prevention, intervention, retrieval, and parental and community involvement;

2. The program includes a component specifically designed to eliminate the poor academic achievement among disadvantaged students in the school divisions; and

3. The program includes a component for oversight and evaluation of program effectiveness.

The Board of Education ~~shall~~ *may* establish a full-time dropout prevention unit and ~~shall~~ *may* employ such professional and support staff as may be necessary to implement the grants program, provide coordination for the statewide dropout prevention program and technical assistance to school divisions and to monitor such local dropout prevention programs to ensure compliance and uniformity in the interpretation and application of such rules and regulations as may be adopted by the Board.

§ 22.1-214. (For effective date - See note) Board to prepare special education program for handicapped children.

A. The Board of Education shall prepare and supervise the implementation by each school division of a program of special education designed to educate and train handicapped children between the ages defined in § 22.1-213 and may prepare and place in operation such program for such individuals of other ages. The program developed by the Board of Education shall be designed to ensure that all handicapped children have available to them a free and appropriate education, including specially designed instruction to meet the unique needs of such children. *However, the provisions of such program shall not exceed the requirements of current federal laws and regulations, as may be amended, pertaining to the education of identified handicapped children.* The program shall require (i) that the hearing of each handicapped child be tested prior to placement in a special education program and (ii) that a complete audiological assessment, including tests which will assess inner and middle ear functioning, be performed on each child who is hearing impaired or who fails the test required in *clause* (i) ~~hereof~~. The school boards of the several school divisions, the Department for the Visually Handicapped, the Department for the Deaf and Hard-of-Hearing, the Department of Health and other state and local agencies which can or may be able to assist in providing educational and related services shall assist and cooperate with the Board of Education in the development of such program.

B. The Board of Education shall prescribe procedures to afford due process to handicapped children and their parents or guardians and to school divisions in resolving disputes as to program placements, individualized education programs, tuition eligibility and other matters as defined in state or federal statutes or regulations.

C. The Board of Education may provide for final decisions to be made by a hearing officer. The parents and the school division shall have the right to be represented by legal counsel or other representative before such hearing officer without being in violation of the provisions of § 54.1-3904.

D. Any party aggrieved by the findings and decision made pursuant to the procedures prescribed pursuant to subsections B and C of this section may bring a civil action in the circuit court for the jurisdiction in which the school division is located. In any such action the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence, shall grant such relief as the court determines appropriate.

E. Whenever the Board of Education, in its discretion, determines that a school division fails to

183 establish and maintain programs of free and appropriate public education which comply with regulations
184 established by the Board, the Board may withhold all special education moneys from the school division
185 and may use the payments which would have been available to such school division to provide special
186 education, directly or by contract, to eligible handicapped children in such manner as the Board
187 considers appropriate.

188 F. The Board of Education shall supervise educational programs for handicapped children by other
189 public agencies and shall ensure that the identification, evaluation and placement of handicapped
190 children and youth in education programs by other public agencies, as appropriate, are consistent with
191 the provisions of the Board of Education's special education regulations.

192 G. The Board of Education shall prescribe regulations to provide a range of assessment procedures
193 for the evaluation of handicapped children. These regulations shall include provision for parents to
194 participate, if they so request, in the consideration of the assessment components to be used. However,
195 such regulations shall not require any local school board to exceed the requirements of federal law or
196 regulations for the identification and evaluation of handicapped children.

197 § 22.1-214. (Delayed effective date - See notes) Board to prepare special education program for
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206 *amended, pertaining to the education of identified handicapped children.* The program shall require (i)
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239 participate, if they so request, in the consideration of the assessment components to be used. However,
240 such regulations shall not require any local school board to exceed the requirements of federal law or
241 regulations for the identification and evaluation of handicapped children.

242 § 22.1-224. Duties of State Board.

243 The Board of Education shall may:

244 1. Stimulate and encourage the development of adult education programs in every school division;

2. Stimulate and encourage coordination in the development and provision of adult education programs between school boards and other state, federal, local, public and private agencies;

3. Promulgate appropriate standards and guidelines for adult education programs;

4. Accept and administer grants, gifts, services, and funds from available sources for use in adult education programs.

§ 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,~~ the 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.

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

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 whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, ~~or may develop and implement a program of instruction for grades K-12 which emphasizes foreign languages, international cultures, environmental issues, and fine and practical arts.~~ Students who do not pass the literacy test prescribed by the Board of Education: ~~Division superintendents may be require such students required to~~ take special programs of prevention, intervention, or remediation which may include attendance in public summer school sessions. Students ~~required to~~ who attend such summer school sessions shall not be charged tuition. Based on the number of students attending and the Commonwealth's share of the per pupil costs, additional state funds ~~shall may~~ be provided for summer remediation programs as set forth in the appropriation act.

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

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

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

306 of school.

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

312 4. Competency-based vocational education programs, which integrate academic outcomes, career
313 guidance and job-seeking skills for all secondary students including those identified as handicapped that
314 reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career
315 guidance. Career guidance shall include employment counseling designed to furnish information on
316 available employment opportunities to all students, including those identified as handicapped, and
317 placement services for students exiting school. Each school board ~~shall~~ *may* develop and implement a
318 plan to ensure compliance with the provisions of this subsection.

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

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

323 7. Early identification of gifted students and enrollment of such students in appropriately
324 differentiated instructional programs.

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

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

331 10. A plan to make achievements for students who are educationally at risk a divisionwide priority
332 which ~~shall~~ *may* include procedures for measuring the progress of such students.

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

340 F. In addition to the positions supported by basic aid and in support of regular school year remedial
341 programs, state funding, *as may be appropriated for such purposes* pursuant to the appropriation act,
342 shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in
343 grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment
344 Program Tests and those who fail the literacy tests prescribed by the Board. State funding for remedial
345 programs provided pursuant to this subsection and the appropriation act may be used to support
346 programs for educationally at-risk students as identified by the local school boards. The Board of
347 Education shall establish criteria for identification of educationally at-risk students, which shall not be
348 construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to
349 time, revise these identification criteria. In order to provide appropriate opportunity for input from the
350 general public, teachers, and local school boards, the Board of Education shall conduct public hearings
351 prior to establishing or revising such identification criteria. Thirty days prior to conducting such
352 hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all
353 local school boards and any other persons requesting to be notified of the hearings and publish notice of
354 its intention to establish or revise such identification criteria in the Virginia Register of Regulations.
355 Interested parties shall be given reasonable opportunity to be heard and present information prior to final
356 adoption of any such identification criteria or revisions thereto.

357 G. Licensed instructional personnel shall be assigned by each school board in a manner that produces
358 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
359 excluding special education teachers, principals, assistant principals, counselors, and librarians, that are
360 not greater than the following ratios: (i) twenty-five to one in kindergarten with no class being larger
361 than thirty students; if the average daily membership in any kindergarten class exceeds twenty-five
362 pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with
363 no class being larger than thirty students; (iii) twenty-five to one in grades two and three with no class
364 being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being
365 larger than thirty-five students; ~~and~~ (v) twenty-four to one in English classes in grades six through
366 twelve; *and (vi) twenty-five to one in home economics and technology education classes in grades six*
367 *through eight with no laboratory class for such subjects being larger than twenty-five students. 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. *However, such student-teacher ratios established for mathematics, science, and social studies classes in grades six through eight shall not be required in such grades when team teaching is provided.*

H. After July 1, 1993, school boards shall not be required to implement additional state nonacademic requirements unless such requirements have been funded fully by the Commonwealth.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia. In revising the standards for accreditation, the Board shall seek to set pupil-teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

C. The Board shall also establish requirements for certification of teachers, principals, supervisors and other professional staff and determine eligibility for appointment as a local division superintendent.

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

E.D. In order to assess the educational progress of students, the Board of Education ~~shall~~ *may* also (i) develop appropriate assessments which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers; (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels; and (iii) prescribe and provide literacy tests in reading, writing and mathematics which shall be administered to students in grade six and to students who have not successfully passed them in grades seven and eight.

F.E. Each local school board shall maintain schools which meet the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session. Within the time specified by the Board of Education, each school board ~~shall~~ *may* submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.

G.F. Each local school board ~~shall~~ *may* also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests which match locally developed objectives.

H.G. In order to assess the educational progress of students as individuals and as groups, each local school board ~~shall~~ *may* require the administration of appropriate assessments, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Virginia State Assessment Program, the Virginia Literacy Testing Program, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria which may be established by the Board of Education, the results from the Virginia State Assessment Program and the Virginia State Literacy Testing Program to the public.

§ 22.1-253.13:4. (Effective July 1, 1994) Standard 4. Literacy passports, diplomas and certificates.

A. The General Assembly and the Board of Education recognize the need to reduce the illiteracy rate in the Commonwealth and the need to prescribe requirements for completion of high school programs

429 and, to this end, *may* establish the requirement for a Literacy Passport for all students prior to grade
430 nine and criteria for diplomas and certificates.

431 B. Each local school board ~~shall~~ *may* award Literacy Passports to all students, including handicapped
432 students, who achieve passing scores on the literacy tests established by the Board of Education.
433 Reasonable accommodation to take the literacy tests shall be provided as needed for handicapped
434 students. In order to be promoted to grade nine, students shall be required to obtain a Literacy Passport,
435 except for those students who are identified as handicapped and are progressing according to their
436 individualized education programs.

437 C. Each local school board shall award diplomas to all secondary school students who earn the units
438 of credit prescribed by the Board of Education, pass the prescribed literacy tests and meet such other
439 requirements as may be prescribed by the local school board and approved by the Board of Education.
440 Provisions shall be made for students who transfer between secondary schools as outlined in the
441 standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas
442 shall be provided for otherwise qualified handicapped students as needed.

443 D. Students identified as handicapped who complete the requirements of their individualized
444 education programs shall be awarded special diplomas by local school boards.

445 E. Students who have completed a prescribed course of study as defined by the local school board
446 shall be awarded certificates by local school boards if they do not qualify for diplomas.

447 § 22.1-253.13:5. Standard 5. Training and professional development.

448 A. The General Assembly and the Board of Education find that effective educational leadership and
449 personnel and appropriate programs of professional development and training are essential for the
450 advancement of public education in the Commonwealth.

451 B. Each member of the Board of Education ~~shall~~ *may* participate in in-service programs on
452 personnel, curriculum and current issues in education as part of his service on the Board.

453 C. The Board of Education ~~shall~~ *may* sponsor, conduct or provide advice on (i) training and
454 professional development of teachers, principals, supervisors, division superintendents and other school
455 staff and (ii) in-service programs for school board members on personnel, curriculum and current issues
456 in education.

457 D. Each local school board ~~shall~~ *may* require (i) its members to participate annually in in-service
458 programs on personnel, curriculum and current issues in education as part of their service on the local
459 board and (ii) require the division superintendent to participate annually in professional development
460 activities at the local, state or national levels.

461 E. Each local school board ~~shall~~ *may* provide (i) a program of professional development, as part of
462 the license renewal process, to assist teachers and principals in acquiring the skills needed to work with
463 gifted students and handicapped students and to increase student achievement and (ii) a program of
464 professional development for administrative personnel designed to increase proficiency in instructional
465 leadership and management.

466 § 22.1-253.13:6. Standard 6. Planning and public involvement.

467 A. The General Assembly and the Board of Education believe that careful planning is essential for
468 providing educational programs of high quality and that public involvement is a fundamental component
469 of meaningful planning for public schools.

470 B. The Board of Education ~~shall~~ *may* revise, extend and adopt biennially a statewide six-year
471 improvement plan which shall be developed with statewide participation and shall be available for public
472 inspection and copying. This plan shall include the objectives of public education in Virginia, an
473 assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes
474 and an assessment of the needs of public education in the Commonwealth. In the annual report required
475 by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have
476 been achieved and the objectives of the statewide six-year improvement plan have been met.

477 C. Each local school board ~~shall~~ *may* revise, extend and adopt biennially a divisionwide six-year
478 improvement plan which shall be developed with staff and community involvement. Prior to the
479 adoption of any divisionwide six-year improvement plan, each local school board shall make the plan
480 available for public inspection and copying and shall conduct at least one public hearing to solicit public
481 comment on the divisionwide plan. Each public school ~~shall~~ *may* prepare a biennial plan which shall be
482 given consideration by its school board in the development of the divisionwide six-year improvement
483 plan. The divisionwide six-year improvement plan shall include the objectives of the school division, an
484 assessment of the extent to which these objectives are being achieved, a forecast of enrollment changes,
485 a plan for managing enrollment changes including consideration of the consolidation of schools to
486 provide for a more comprehensive and effective delivery of instructional services to students and
487 economies in school operations, an evaluation of the appropriateness of providing certain regional
488 services in cooperation with neighboring school divisions, a plan for implementing such regional
489 services when appropriate, a technology component consistent with the six-year technology plan for
490 Virginia adopted by the Board of Education, and an assessment of the needs of the school division and

evidence of community participation in the development of the plan. A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide six-year improvement plan have been met during the previous two school years.

§ 22.1-261. Division superintendent to make list of children not enrolled; duties of attendance officer.

The division superintendent shall check the reports submitted pursuant to § 22.1-260 with the last school census and with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the division superintendent shall, within five days after receiving all reports submitted pursuant to § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. *However, the names of children identified as having dropped out of school or who have not enrolled in school by September 30 of each year shall not be required to be reported.* It shall be the duty of the attendance officer to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 46.2-334. (Effective July 1, 1994 - See note) Persons under eighteen; exception as to and procedure for licensing persons of sixteen and under eighteen.

No driver's license shall be issued to any person under the age of eighteen years except that:

1. A driver's license may be issued to a minor of the age of sixteen years on proper application and on satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course *as may be approved* by either the ~~State Department~~ Board of Education or, in the case of a course offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, *approved* by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle with safety. The application must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married, in lieu of any signature required in the preceding provisions of this section, on presentation of proper evidence of the solemnization of the marriage, the spouse of the minor may sign the application, if the spouse is over the age of eighteen years. Any parent, spouse, or guardian, as the case may be, may thereafter file with the Department a written request that the license of the minor so granted be cancelled. When such a request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent, guardian, or spouse, respectively, of the minor resides.

1a. The application for a driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1 on a form furnished by the Board of Education and certified by the division superintendent or any of his designees, *or by presentation of either a recent report card or a sworn statement or affirmation of a parent of the child that he is in compliance with the compulsory school attendance laws.* If the minor is unable to furnish such evidence, the minor shall not be granted a driver's license until evidence in a form and manner prescribed by the Board of Education is provided that the minor has received counseling on the importance of school attendance, school enrollment and completion of an educational program.

1b. A minor may present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4.

1c. The applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent, guardian, or spouse over the age of eighteen shall also certify that the applicant is a resident by signing the certification.

2. The provisions of subdivision 1 of this section requiring that an application for a driver's license be signed by the parent, guardian, or spouse over the age of eighteen shall be waived by the Commissioner if the application is accompanied by a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

3. Notwithstanding the provisions of subdivision 1 of this section requiring the successful completion of a driver education course approved by the ~~State Department~~ Board of Education, the Commissioner, on application therefor by a person at least sixteen years of age but less than eighteen years of age, shall issue to the applicant a temporary driver's license valid for six months provided he (i) certifies by signing, together with his parent, guardian, or spouse over the age of eighteen, a certification statement on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subdivision shall be renewed, nor shall any second or subsequent temporary license under this subdivision be issued to the same applicant.

§ 46.2-334. (Delayed effective date - See notes) Persons under eighteen; exception as to and procedure for licensing persons of sixteen and under eighteen.

No driver's license shall be issued to any person under the age of eighteen years except that:

1. A driver's license may be issued to a minor of the age of sixteen years on proper application and on satisfactory evidence that he (i) is a resident of the Commonwealth, (ii) has successfully completed a driver education course *as may be* approved by either the ~~State Department~~ Board of Education or, in the case of a course offered by a commercial driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, *approved* by the Department of Motor Vehicles and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle with safety. The application must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the family court of the city or county in which he resides. If the minor making the application is married, in lieu of any signature required in the preceding provisions of this section, on presentation of proper evidence of the solemnization of the marriage, the spouse of the minor may sign the application, if the spouse is over the age of eighteen years. Any parent, spouse, or guardian, as the case may be, may thereafter file with the Department a written request that the license of the minor so granted be cancelled. When such a request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a family court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the family court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent, guardian, or spouse, respectively, of the minor resides.

1a. The application for a driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1 on a form furnished by the Board of Education and certified by the division superintendent or any of his designees, *or by presentation of either a recent report card or a sworn statement or affirmation of a parent of the child that he is in compliance with the compulsory school attendance laws*. If the minor is unable to furnish such evidence, the minor shall not be granted a driver's license until evidence in a form and manner prescribed by the Board of Education is provided that the minor has received counseling on the importance of school attendance, school enrollment and completion of an educational program.

1b. A minor may present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4.

The applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent, guardian, or spouse over the age of eighteen shall also certify that the applicant is a resident by signing the certification.

2. The provisions of subdivision 1 of this section requiring that an application for a driver's license be signed by the parent, guardian, or spouse over the age of eighteen shall be waived by the Commissioner if the application is accompanied by a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

3. Notwithstanding the provisions of subdivision 1 of this section requiring the successful completion of a driver education course approved by the ~~State Department~~ Board of Education, the Commissioner, on application therefor by a person at least sixteen years of age but less than eighteen years of age, shall issue to the applicant a temporary driver's license valid for six months provided he (i) certifies by signing, together with his parent, guardian, or spouse over the age of eighteen, a certification statement on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty of or otherwise

614 responsible for an offense involving the operation of a motor vehicle. No temporary license issued under
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