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HOUSE BILL NO. 2381

Offered January 23, 1995

A BILL to amend and reenact §§ 22.1-253.13:1 and 22.1-253.13:4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-200.1, relating to requirements for high school graduation.

Patrons—Christian, Cunningham, Hall, Jones, D.C., Jones, J.C., Robinson, Spruill and Van Landingham;
Senators: Lambert, Lucas and Miller, Y.B.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-200.1 as follows:

§ 22.1-200.1. Requirements for high school graduation; preparation of students in early childhood grades; Board of Education regulations; exception.

A. Effective on July 1, 1996, as a condition for graduation from the public secondary schools for rising ninth grade students, local school boards shall require that students (i) earn no less than four units of English; four units of mathematics, of which one unit shall be algebra 1 and two units shall be in mathematical courses above the first level of algebra; three units of laboratory science; three units of history and social sciences; three units of foreign language; two units of health and physical education; one unit of fine arts or practical arts; and four units of electives; and (ii) pass the prescribed literacy tests and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education, pursuant to § 22.1-253.13:4. The provisions of this section shall be construed in a manner to require the elimination of various proficiency levels within course offerings, except course levels designed to remediate a student's academic deficiencies, or to accommodate a student's advanced academic abilities, such as, but not limited to, advanced placement courses.

B. Units of credit earned by students who enroll in a vocational or technical program of study in the public secondary schools may be used to fulfill only the academic course requirements for high school graduation in subsection A of this section, provided that such vocational or technical program curriculum and standards are comparable in academic rigor to the courses required for high school graduation, and students enrolled in such programs are required to successfully meet the academic standards of the program.

C. The Board of Education shall require that local school boards ensure that, beginning with students entering school for the first time in the early childhood grades in the 1995-1996 school year, such students are provided the necessary foundation and assisted in acquiring the readiness skills essential for school success that will enable them to meet the rigorous academic requirements for high school graduation, which become effective on July 1, 2004.

D. Local school boards shall comply with Board of Education regulations governing the transfer of credits from other accredited public and private schools, and accredited institutions of higher education, as provided in the Standards for Accrediting Public Schools in Virginia, when granting approval for course work successfully completed by transfer students.

E. In the case of students with disabilities, a school board shall comply with federal and state laws and regulations governing special education programs, and shall provide reasonable accommodations to enable otherwise qualified students with disabilities to meet the requirements for high school graduation in subsection A of this section.

F. The Board of Education shall develop by July 1, 1995, guidelines to assist local school boards in phasing in the new academic requirements for high school graduation. The Board shall promulgate regulations to be effective on July 1, 2004, for the implementation of the provisions of this section.

§ 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

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60 regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise
61 these educational objectives. In order to provide appropriate opportunity for input from the general
62 public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to
63 establishing new educational objectives. Thirty days prior to conducting such hearings, the Board shall
64 give written notice by mail of the date, time, and place of the hearings to all local school boards and
65 any other persons requesting to be notified of the hearings and publish notice of its intention to revise
66 these educational objectives in the Virginia Register of Regulations. Interested parties shall be given
67 reasonable opportunity to be heard and present information prior to final adoption of any revisions of
68 these educational objectives.

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

79 C. Local school boards shall develop and implement a program of instruction for grades K through
80 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, and scientific
81 concepts and processes; essential skills and concepts of citizenship, including knowledge of history,
82 economics, government, foreign languages, international cultures, health, environmental issues and
83 geography necessary for responsible participation in American society and in the international
84 community; fine arts and practical arts; knowledge and skills needed to qualify for further education and
85 employment or, in the case of some handicapped children, to qualify for appropriate training; and
86 development of the ability to apply such skills and knowledge in preparation for eventual employment
87 and lifelong learning.

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

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

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

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

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

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

117 5. Academic and vocational preparation for students *which meet the requirements in § 22.1-200.1 to*
118 *enable students* who plan to continue their education beyond secondary school or who plan to enter
119 *employment to pursue academic achievement and career goals.*

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

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

8. 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.

9. 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.

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

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

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time 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.

§ 22.1-253.13:4. Standard 4. Literacy Passports, diploma 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. To this end, the General Assembly and the Board hereby establish the requirement for a Literacy Passport for all students prior to grade nine and criteria for ~~diplomas~~ *the diploma* and certificates.

183 B. Each local school board shall award Literacy Passports to all students, including students with
184 disabilities, who achieve passing scores on the literacy tests established by the Board of Education.
185 Reasonable accommodation to take the literacy tests shall be provided as needed for students with
186 disabilities. In order to be classified as a ninth grader or above, students shall be required to obtain a
187 Literacy Passport, except for those (i) students who are identified as disabled pursuant to Board
188 regulations governing special education programs for students with disabilities in Virginia and (ii)
189 students for whom English is not the first or native language who have been identified as having limited
190 English proficiency and who have been enrolled in a public school in the Commonwealth for less than
191 three years. To remain classified as a ninth grader or above, such students identified as having limited
192 English proficiency must achieve passing scores on the first literacy tests administered after three years
193 of enrollment in a public school in the Commonwealth.

194 C. *Effective on July 1, 2004, Each* each local school board shall award diplomas to all secondary
195 school students who *meet the requirements for high school graduation as provided in § 22.1-200.1* ~~earn~~
196 ~~the units of credit~~ and prescribed by the Board of Education, pass the prescribed literacy tests and meet
197 such other requirements as may be prescribed by the local school board and approved by the Board of
198 Education. Provisions shall be made for students who transfer between secondary schools as outlined in
199 the standards for accreditation. Further, reasonable accommodation to meet the requirements for
200 ~~diplomas~~ *the diploma* shall be provided for otherwise qualified students with disabilities as needed.

201 D. Students identified as disabled who complete the requirements of their individualized education
202 programs shall be awarded special diplomas by local school boards.

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