

LD4390476

HOUSE BILL NO. 2542

Offered January 23, 1995

A BILL to amend and reenact § 16.1-241, as it is currently effective and as it may become effective, and §§ 16.1-241.2 and 22.1-1, 22.1-253.13:1 and 58.1-4022 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-199.1 and 22.1-279.3, relating to the Virginia Omnibus Educational Act of 1995, establishing programs designed to promote educational opportunities and parental responsibility for and involvement in students' education.

Patrons—Van Landingham, Almand, Armstrong, Ball, Behm, Bennett, Christian, Clement, Connally, Cooper, Copeland, Councill, Cranwell, Crittenden, Croshaw, Cunningham, Darner, Deeds, Diamonstein, Dickinson, Grayson, Hall, Heilig, Hull, Jackson, Jones, J.C., Keating, Mayer, Melvin, Moss, Phillips, Plum, Reynolds, Robinson, Scott, Shuler, Spruill, Stump, Thomas, Van Yahres and Woodrum; Senators: Howell, Reasor and Saslaw

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-241, as it is currently effective and as it may become effective, and §§ 16.1-241.2 and 22.1-1, 22.1-253.13:1 and 58.1-4022 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-199.1 and 22.1-279.3 as follows:

§ 16.1-241. Jurisdiction.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily terminated by court order if the child subsequently has been legally adopted, or (ii) who has been convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person

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60 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person
61 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.
62 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district
63 court.

64 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may
65 require parental consent may be given for a child who has been separated from his parents, guardian,
66 legal custodian or other person standing in loco parentis and is in the custody of the court when such
67 consent is required by law.

68 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married
69 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person
70 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person
71 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,
72 (iii) he cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give
73 such consent or provide such treatment when requested by the judge to do so.

74 E. Any person charged with deserting, abandoning or failing to provide support for any person in
75 violation of law.

76 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

77 1. Who has been abused or neglected;

78 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
79 or is otherwise before the court pursuant to subdivision A 4 of this section;

80 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court
81 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the
82 conduct of the child complained of in the petition.

83 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other
84 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services
85 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
86 or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not
87 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

88 H. Judicial consent to apply for work permit for a child when such child is separated from his
89 parents, legal guardian or other person standing in loco parentis.

90 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
91 neglect of children or with any violation of law which causes or tends to cause a child to come within
92 the purview of this law, or with any other offense against the person of a child. In prosecution for
93 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
94 there is probable cause.

95 J. All offenses in which one family or household member is charged with an offense in which
96 another family or household member is the victim and all offenses under § 18.2-49.1.

97 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
98 determining whether or not there is probable cause. For purposes of this subsection, "family or
99 household member," as defined in § 16.1-228, shall also be construed to include parent and child,
100 stepparent and stepchild, brothers and sisters, and grandparent and grandchild, regardless of whether
101 such persons reside in the same home.

102 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
103 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
104 parental rights. No such petition shall be accepted, however, after the child has been placed in the home
105 of adoptive parents.

106 L. Any person who seeks spousal support after having separated from his spouse. A decision under
107 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.
108 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

109 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
110 § 16.1-279.1.

111 N. Any person who escapes or remains away without proper authority from a residential care facility
112 in which he had been placed by the court or as a result of his commitment to the Virginia Department
113 of Youth and Family Services.

114 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

115 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
116 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
117 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
118 juvenile and domestic relations district court.

119 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

120 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

121 S. Petitions filed by school boards against a ~~parent~~ *parents* pursuant to §§ 16.1-241.2 *and*

22.1-279.3.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

§ 16.1-241. (Delayed effective date) Jurisdiction.

The judges of the family court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each family court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the family court or courts of the adjoining city or county over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent, except where the jurisdiction of the family court has been terminated under the provisions of § 16.1-269.6;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought;

6. Who is charged with a traffic infraction as defined in § 46.2-100.

The authority of the family court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily terminated by court order if the child subsequently has been legally adopted, or (ii) who has been convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who is the subject of the petition was conceived as a result of such violation. The authority of the family court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1. Jurisdiction of the commitment and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H hereof, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law pursuant to Chapter 5 (§ 20-61 et seq.) of Title 20.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or is otherwise before the court pursuant to subdivision A 4 of this section;

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other

183 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services
184 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
185 or other person standing in loco parentis.

186 H. Judicial consent to apply for work permit for a child when such child is separated from his
187 parents, legal guardian or other person standing in loco parentis.

188 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
189 neglect of children or with any violation of law which causes or tends to cause a child to come within
190 the purview of this law, or with any other offense against the person of a child. In prosecution for
191 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
192 there is probable cause.

193 J. All offenses in which one family or household member is charged with an offense in which
194 another family or household member is the victim and all offenses under § 18.2-49.1.

195 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
196 determining whether or not there is probable cause. For purposes of this subsection, "family or
197 household member," as defined in § 16.1-228, shall also be construed to include parent and child,
198 stepparent and stepchild, brothers and sisters, and grandparent and grandchild, regardless of whether
199 such persons reside in the same home.

200 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
201 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
202 parental rights. No such petition shall be accepted, however, after the child has been placed in the home
203 of adoptive parents.

204 L. Any person who seeks spousal support after having separated from his spouse.

205 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
206 § 16.1-279.1.

207 N. Any person who escapes or remains away without proper authority from a residential care facility
208 in which he had been placed by the court or as a result of his commitment to the Virginia Department
209 of Youth and Family Services.

210 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

211 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
212 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
213 by a family court upon the filing of a certified copy of such order in the family court.

214 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

215 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

216 S. Suits for divorce and for annulling or affirming marriage in accordance with Title 20.

217 T. Suits for separate maintenance.

218 U. Suits for equitable distribution based on a foreign decree in accordance with § 20-107.3.

219 V. Petitions for adoption.

220 W. Petitions for change of name when incident to suits for annulling or affirming marriage, divorce,
221 or adoption or when ancillary to any action within the jurisdiction of the family court.

222 X. Petitions regarding records of birth pursuant to Chapter 7 (§ 32.1-249 et seq.) of Title 32.1.

223 Y. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions
224 pursuant to §§ 22.1-214 and 22.1-214.1.

225 Z. Petitions filed by school boards against a ~~parent~~ *parents* pursuant to §§ 16.1-241.2 *and*
226 *22.1-279.3*.

227 The ages specified in this law refer to the age of the child at the time of the acts complained of in
228 the petition.

229 § 16.1-241.2. Proceedings against certain parents.

230 A. Upon the failure of a parent to comply with the provisions of § ~~22.1-276.01~~ *22.1-279.3*, the
231 school board may, by petition to the juvenile and domestic relations court, proceed against such parent
232 for willful and unreasonable refusal to participate in efforts to improve the student's behavior as follows:

233 1. If the court finds that the parent has willfully and unreasonably failed to return the statement
234 required by subsection C of § ~~22.1-276.01~~ *22.1-279.3*, it may impose a civil penalty not to exceed \$50;

235 2. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a
236 request of the principal as set forth in subsection D of § ~~22.1-276.01~~ *22.1-279.3*, to review the school
237 board's standards of student conduct and the parent's responsibility to assist the school in disciplining the
238 student and maintaining order and to discuss improvement of the child's behavior and educational
239 progress, it may order the parent to so meet; or

240 3. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended
241 student to meet with school officials pursuant to subsection F of § ~~22.1-276.01~~ *22.1-279.3*, or upon the
242 student receiving a second suspension or being expelled, it may order (i) the student or his parent to
243 participate in such programs or such treatment as the court deems appropriate to improve the student's
244 behavior or (ii) the student or his parent to be subject to such conditions and limitations as the court

deems appropriate for the supervision, care, and rehabilitation of the student or his parent; in addition, the court may order the parent to pay a civil penalty not to exceed \$500.

The court shall not use its contempt power to enforce any order entered under this section.

B. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court *or its successor in interest* in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in ~~clause (iii)~~ *subdivision 3* of subsection G of § ~~22.1-276.04~~ 22.1-279.3. Upon the failure to pay any civil penalties imposed by this section and § ~~22.1-276.04~~ 22.1-279.3, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

C. For the purposes of this section and § ~~22.1-276.04~~ 22.1-279.3, "parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

§ 22.1-1. Definitions.

As used in this title unless the context requires otherwise or it is otherwise specifically provided:

"Board" or "State Board" means the Board of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" includes elementary, middle, and high school grades.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board of a school division.

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

A. *The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil-teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil-teacher ratios and class sizes for grades K through 3 in all of the Commonwealth's schools. With such funds as are provided in the appropriations act for this purpose, there is hereby established the statewide voluntary pupil-teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil-teacher ratio and class size reductions for grades K through 3 in all schools consistent with the provisions provided for certain schools in subsection G of § 22.1-253.13:1*

B. *The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth and, to this end, the following program is established. With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. At least five percent of the grant funds shall be used by the local school boards to provide educational technology training for instructional personnel. In order for a local school division to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into school-wide instructional programs. The grants shall be prioritized as follows:*

1. *In the 1994 biennium, the first priority for these funds shall be to automate the library media centers in Virginia's middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If a middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, vocational technology laboratories or other electronic techniques designed to enhance secondary education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriations act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.*

2. *In the 1996 biennium, the first priority for these funds shall be to automate the library media centers in Virginia's elementary schools in order to ensure access to the statewide library and other information networks. If an elementary school has already met this priority, the 1996 biennium grant*

shall be used to provide technology retrofitting for any school within the relevant school division or to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, core reference materials, laptop computer loan programs, or other electronic techniques designed to enhance elementary education and to facilitate teacher training in and implementation of effective instructional technology.

3. The Educational Technology Payments Fund is hereby established from those funds so designated in the appropriations act. Moneys designated for the Fund shall include any unexpended funds appropriated for the primary class size payments as of June 30, 1996. Such unexpended funds shall not revert to the surplus of the general fund and fifty percent of such dollars shall be transferred to the Education Technology Payments Fund and distributed to enhance access to educational technology. The remaining fifty percent of such dollars shall be available in the Educational Opportunities Initiatives Fund to be budgeted during the 1998 Session for any educational opportunities initiatives.

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

Any unobligated amounts transferred to the Educational Technology Payments Fund shall be disbursed on a pro rata basis to participating localities to be used for identified educational technology needs pursuant to each division's approved technology plan.

C. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by another such program. The grants shall be used to provide full-day and at least school-year programs for at-risk four-year-old children that include quality preschool education, health services, social services, parental involvement, and transportation. The Department of Education, in cooperation with such other state agencies as may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs. Grants shall be distributed based on an allocation formula providing the state share of a \$5,400 grant per child for sixty percent of the unserved at-risk four-year-olds in the Commonwealth, such sixty percent to be calculated by adding services for thirty percent more of the unserved at-risk children to the thirty percent of unserved at-risk children in each locality provided funding in Chapter 966 of 1994.

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

Any locality desiring to participate in this grant program shall submit a proposal through its chief administrator by May 15, 1996. The locality's chief administrator, in conjunction with the division superintendent, shall identify a lead local agency to be responsible for developing a local plan for the delivery of quality preschool services to at-risk children. Such lead agency shall include in the local plan coordination of resources and combination of funding streams in order to serve the greatest number of at-risk four-year-old children and to provide successful delivery of comprehensive services. Parties to the proposal shall include schools, child care providers, local social services agencies, Head Start programs, local health departments, and other groups identified as essential by the lead agency.

All local plans shall establish clear coordination of service methods for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served, or extending services for the entire year, such as (i) methods known as "wraparound services" for combining funds such as social services child care subsidy dollars with money for school division quality preschool education, (ii) methods known as "wrapout services" for purchasing comprehensive preschool services to at-risk four-year-old children through existing child care settings, and (iii) methods known as "expansion of service" for using grant moneys to purchase slots within existing comprehensive services programs, such as Head Start, for at-risk four-year-old children.

Local plans shall indicate the number of at-risk four-year-old children to be served, and the criteria for identification. The Department of Education, in cooperation with such other state agency as may coordinate child day care and early childhood programs, shall deliver technical assistance for the administration of this grant program and assist in developing a comprehensive, coordinated, quality

preschool program. Prior to the application deadline, the Department and its cooperating agency shall establish a pre-application session and shall distribute information on service delivery models and funding stream coordination, with technical assistance priority given to localities in which the majority of the at-risk four-year-old children are unserved.

Any unexpended funds provided for this program shall not revert to the surplus of the general fund and shall be transferred to the Educational Opportunities Initiatives Fund established in subsection D of this section to be made available to be budgeted for educational opportunities initiatives during the 1998 Session.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriations act, the Department of Education shall distribute block grants to localities to enable compliance with the requirements of subsections C and D of § 22.1-253.13:1, relating to the Standards of Quality (Standard 1: Basic skills, selected programs, and instructional personnel), as such section was in effect on January 1, 1995. Therefore, for the purpose of complying with § 22.1-253.13:1, the block grant herein established shall consist of a sum equal to the amount appropriated in Chapter 966 of 1994 for the covered programs including the at-risk add-on program, dropout prevention, specifically Project YES; Advancement Via Individual Determination (AVID); programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any college expenses of participating students; the Homework Assistance Program; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Reading Recovery; school/community health center pilots; Reading-to-learn programs; the Virginia Writing Project; and Jobs for Virginia Graduates. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

Any unexpended funds provided for the block grants shall not revert to the surplus of the general fund and shall be transferred to the Educational Opportunities Initiatives Fund established in subsection D of this section to be made available to be budgeted for educational opportunities initiatives during the 1998 Session.

E. There is hereby established, with the money generated by the Lottery and dedicated for this purpose, pursuant to § 58.1-4022, the Educational Opportunities Initiatives Fund for the purpose of supporting, as determined by the General Assembly in the appropriations act, the programs established in this section and the Standards of Quality. The Fund shall consist of the Lottery funds dedicated in § 58.1-4022, any unexpended funds appropriated for the programs described in the Standards of Quality, and any unexpended funds appropriated for the other programs established in this section in accordance with subsections B and C.

§ 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.

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 who do not pass the literacy test prescribed by the Board of Education. Division superintendents may require such students to take special programs of prevention, intervention, or remediation which may include attendance in public summer school sessions. Students required to 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 be provided for summer remediation programs as set forth in the appropriation act.

D. Local school boards shall 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 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support programs grounded in sound educational policy to reduce the number of students who drop out of school.

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

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

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

6. Early identification of handicapped students and enrollment of such students in appropriate 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 *with no class being larger than twenty-two students*; and (ii) in schools having moderate concentrations of at-risk students, twenty to one *with no class being larger than twenty-five students*. For the purposes of this subsection, "schools having high concentrations of at-risk students" *means fifty percent or more of the students are eligible for free lunch* and "schools having moderate concentrations of at-risk students" *shall be defined in the appropriation act means twenty-five percent or more of the students are eligible for free lunch*. The Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By November 1 of each year, school divisions shall forward data substantiating that each participating school has, on September 30 of each year, a pupil-teacher ratio complying with the above requirements.

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.

H. Effective July 1, 1996, licensed instructional personnel may 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 ratios: Twenty-two to one, with a targeted ratio of eighteen to one and no class being larger than twenty-two students in schools with high concentrations of at-risk students, and a targeted ratio of twenty to one and no class being larger than twenty-five students in schools with moderate concentrations of at-risk students; further, no class size may exceed twenty-five for kindergarten and twenty-eight for grades one through three. In developing the proposed 1996-1998 biennium budget for

public education, the Board of Education shall include funding for these ratios and class sizes. Effective July 1, 1996, these ratios and class sizes shall be included in the annual budget for public education.

§ 22.1-279.3. Parental responsibility and involvement requirements.

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

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

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section and (ii) a copy of the school board's standards of student conduct.

Each parent of a student 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 acknowledging that failure to so participate could result in court action against the student and the parent. Each school shall maintain records of such signed statements.

D. The principal of a student's school may request the parent to meet with the school's principal or his designee to review the school board's standards of student conduct and the parent's responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress.

E. Pursuant to § 22.1-277 and the guidelines required by § 22.1-278, the school principal shall notify the parents of any student who violates a school board policy when such violation could result in the student's suspension. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that, upon the failure of a parent to meet with school officials, the school board may petition the juvenile and domestic relations court to compel the parent to so meet.

F. No suspended student shall be admitted to the regular school program until such student and his parent 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.

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:

1. If the court finds that the parent has willfully and unreasonably failed to return the statement required by subsection C of this section, it may impose a civil penalty not to exceed fifty dollars;

2. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or

3. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order (i) the student or his parent to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior or (ii) the student or his parent to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent; in addition, the court may order the parent to pay a civil penalty not to exceed \$500.

The court shall not use its contempt power to enforce any order entered under this section.

H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision 3 of subsection G. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

§ 58.1-4022. State Lottery Fund.

A. All Fifty percent of the moneys received from the sale of lottery tickets or shares, less payment for prizes and compensation of agents as authorized by regulation and any other revenues received under this chapter, shall be placed in a special fund known as the "State Lottery Fund." Notwithstanding any

614 other provisions of law, interest earned from moneys in the State Lottery Fund shall accrue to the
615 benefit of such Fund. *The remaining fifty percent of the moneys received from the sale of lottery tickets*
616 *or shares, less payment for prizes and compensation of agents as authorized by regulation and any*
617 *other revenues received under this chapter, shall be placed in a special fund known as the "Educational*
618 *Opportunities Initiatives Fund," established pursuant to § 22.1-199.1. However, in the second year of the*
619 *1994-1996 biennium, no more than thirty-three and one-half percent of the moneys received from the*
620 *sale of lottery tickets or shares less payment for prizes and compensation of agents as authorized by*
621 *regulations and any other revenues received under this chapter, shall be placed in the special fund*
622 *known as the "Educational Opportunities Initiatives fund." Notwithstanding any other provisions of law,*
623 *interest earned from moneys in the Educational Opportunities Initiatives Fund shall also accrue to the*
624 *benefit of such Fund.*

625 B. The total costs for the operation and administration of the lottery shall be funded from the State
626 Lottery Fund and shall be in such amount as provided in the general appropriation act. Appropriations to
627 the Department during any fiscal year beginning on and after July 1, 1989, exclusive of agent
628 compensation, shall at no time exceed ten percent of the total annual estimated gross revenues to be
629 generated from lottery sales. However, should it be anticipated at any time by the Director that such
630 operational and administrative costs for a fiscal year will exceed the limitation provided herein, the
631 Director shall immediately report such information to the Board, the Governor and the Chairmen of
632 Senate Finance and House Appropriations Committees. From the moneys in the Fund, the Comptroller
633 shall establish a special reserve fund in such amount as shall be provided by regulation of the
634 Department for (i) operation of the lottery, or (ii) use if the game's pay-out liabilities exceed its cash on
635 hand.

636 C. Any start-up sums appropriated from the general fund of the Commonwealth necessary to
637 commence operation of a state lottery shall be repaid within the first twelve months of initial lottery
638 sales.

639 D. Appropriation of lottery revenues shall be made only upon actual and audited collections as
640 transferred to the general fund and shall in no event be predicated upon an estimation of such revenues.
641 No later than ten days after receipt of the audit report required by § 58.1-4023, the Comptroller shall
642 transfer to the general fund, less the special reserve fund, the audited balances of the State Lottery Fund.

643 E. As a function of the administration of this chapter, funds may be expended for the purposes of
644 reasonably informing the public concerning (i) the facts embraced in the subjects contained in
645 subdivisions 1 through 7 of subsection A of § 58.1-4007 and (ii) the fact that the net proceeds are paid
646 into the general fund of the Commonwealth; but no funds shall be expended for the primary purpose of
647 inducing persons to participate in the lottery.