

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to enhancements of drop out prevention programs.

[H 1525]

Approved

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-253.13:1. Standard 1. 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

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57 success.

58 2. Programs based on prevention, intervention, or retrieval designed to increase the number of
 59 students who earn a high school diploma or general education development (GED) certificate. As
 60 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support
 61 programs grounded in sound educational policy to reduce the number of students who drop out of
 62 school. *From such funds as may be appropriated for this purpose, sufficient funds shall be provided to*
 63 *hold all local school divisions harmless by providing no-loss funding which maintains the level of each*
 64 *school division's funding as allocated for drop out prevention programs on July 1, 1996, if the level of*
 65 *funding for such school division's drop out prevention programs would be less than its level of funding*
 66 *for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall*
 67 *develop and implement a funding mechanism to ensure that no school board is penalized in its state*
 68 *funding for drop out prevention programs for reducing the drop out rate in its school division.*

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

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

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

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

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

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

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

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

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

102 F. In addition to the positions supported by basic aid and in support of regular school year remedial
 103 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time
 104 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in
 105 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy
 106 tests prescribed by the Board. State funding for remedial programs provided pursuant to this subsection
 107 and the appropriation act may be used to support programs for educationally at-risk students as
 108 identified by the local school boards. The Board of Education shall establish criteria for identification of
 109 educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4;
 110 however, the Board of Education may, from time to time, revise these identification criteria. In order to
 111 provide appropriate opportunity for input from the general public, teachers, and local school boards, the
 112 Board of Education shall conduct public hearings prior to establishing or revising such identification
 113 criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the
 114 date, time, and place of the hearings to all local school boards and any other persons requesting to be
 115 notified of the hearings and publish notice of its intention to establish or revise such identification
 116 criteria in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity
 117 to be heard and present information prior to final adoption of any such identification criteria or revisions

118 thereto.

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

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

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