

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to the inclusion of certain students in average daily membership.

[H 1860]

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, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. 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~~ drop-out prevention programs on July 1, 1996, if the
 65 level of funding for such school division's ~~drop out~~ drop-out prevention programs would be less than its
 66 level of funding for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of
 67 Education shall develop and implement a funding mechanism to ensure that no school board is penalized
 68 in its state funding for ~~drop out~~ drop-out prevention programs for reducing the drop out rate in its
 69 school division.

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

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

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

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

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

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

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

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

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

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

118 to be heard and present information prior to final adoption of any such identification criteria or revisions
119 thereto.

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

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

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

142 *H. Students enrolled in a public school on a less than full-time basis shall be counted in average*
143 *daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a*
144 *nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in*
145 *public school on a less than full-time basis in any mathematics, science, English, history, social science,*
146 *vocational education, fine arts, or foreign language course shall be counted in the average daily*
147 *membership (ADM) in the relevant school division on a pro rata basis as provided in the appropriation*
148 *act. However, no such nonpublic or home school student shall be counted as more than one-half a*
149 *student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such*
150 *students in any other public school courses.*