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## HOUSE BILL NO. 1860

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on January 31, 1997)

(Prior to Substitute—Delegate Wagner)

*A BILL 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.*

**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 success.

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

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

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

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

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

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

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

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

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

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

105 F. In addition to the positions supported by basic aid and in support of regular school year remedial  
106 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time  
107 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in  
108 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy  
109 tests prescribed by the Board. State funding for remedial programs provided pursuant to this subsection  
110 and the appropriation act may be used to support programs for educationally at-risk students as  
111 identified by the local school boards. The Board of Education shall establish criteria for identification of  
112 educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14.4;  
113 however, the Board of Education may, from time to time, revise these identification criteria. In order to  
114 provide appropriate opportunity for input from the general public, teachers, and local school boards, the  
115 Board of Education shall conduct public hearings prior to establishing or revising such identification  
116 criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the  
117 date, time, and place of the hearings to all local school boards and any other persons requesting to be  
118 notified of the hearings and publish notice of its intention to establish or revise such identification  
119 criteria in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity  
120 to be heard and present information prior to final adoption of any such identification criteria or revisions  
121 thereto.

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

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

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

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