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## HOUSE BILL NO. 2437

Offered January 20, 1997

A *BILL* to amend and reenact §§ 7.1-42 and 22.1-253.13:1 of the Code of Virginia, relating to standard English requirements.

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Patron—Bryant

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Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:****1. That §§ 7.1-42 and 22.1-253.13:1 of the Code of Virginia are amended and reenacted as follows:**

§ 7.1-42. English designated the official language of the Commonwealth.

English shall be designated as the official language of the Commonwealth of Virginia. Except as provided by law, no state agency or local government shall be required to provide and no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than *standard English*. *Standard English includes the written and spoken language which is accepted by generally recognized authorities as grammatically correct in the United States and shall not include any dialect, jargon, patois or vernacular based on the English language.*

§ 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, however, promulgate regulations, in compliance with § 7.1-42 and in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), relating to the teaching of standard English and the use of any dialect, jargon, patois or vernacular in Virginia's public schools.*

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

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60 and lifelong learning.

61 Local school boards shall also develop and implement programs of prevention, intervention, or  
62 remediation for students who are educationally at-risk including, but not limited to, those whose scores  
63 are in the bottom national quartile on Virginia State Assessment Program Tests, or who do not pass the  
64 literacy test prescribed by the Board of Education. Division superintendents may require such students to  
65 take special programs of prevention, intervention, or remediation which may include attendance in public  
66 summer school sessions, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. Students  
67 required to attend such summer school sessions shall not be charged tuition. Based on the number of  
68 students attending and the Commonwealth's share of the per pupil costs, additional state funds shall be  
69 provided for summer remediation programs as set forth in the appropriation act.

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

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

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

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

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

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

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

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

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

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

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

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

117 F. In addition to the positions supported by basic aid and in support of regular school year remedial  
118 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time  
119 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in  
120 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy  
121 tests prescribed by the Board. State funding for remedial programs provided pursuant to this subsection

and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards. The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to establish or revise such identification criteria in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any such identification criteria or revisions thereto.

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

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

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