

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 627

An Act to amend and reenact §§ 22.1-199.2, 22.1-209.1:4, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4, and 22.1-254.01 of the Code of Virginia, relating to the Literacy Passport Test.

[S 120]

Approved April 15, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:3 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia. In revising the standards for accreditation, the Board shall seek to set pupil-teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

C. The Board shall also establish requirements for certification of teachers, principals, supervisors and other professional staff and determine eligibility for appointment as a local division superintendent.

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

E. In order to assess the educational progress of students, the Board of Education shall also (i) develop appropriate assessments which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers; (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels; and (iii) prescribe and provide literacy tests in reading, writing and mathematics which shall be administered to students in grade six and to students who have not successfully passed them in grades seven and eight.

F. Each local school board shall maintain schools which meet the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.

G. Each local school board shall also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning Assessment materials or other criterion-referenced tests which match locally developed objectives.

H. In order to assess the educational progress of students as individuals and as groups, each local school board shall require the administration of appropriate assessments, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Virginia State Assessment Program, the Virginia State Literacy Testing Program, the *Standards of Learning Assessments*, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria which may be established by the Board of Education, the results from the Virginia State Assessment Program, the

Standards of Learning Assessments, and the Virginia State Literacy Testing Program to the public.

§ 22.1-253.13:4. Standard 4. Literacy Passports, diplomas and certificates.

A. The General Assembly and the Board of Education recognize the need to reduce the illiteracy rate in the Commonwealth and the need to prescribe requirements for completion of high school programs. To this end, the General Assembly and the Board hereby establish the requirement for a Literacy Passport for all students prior to grade nine and criteria for diplomas and certificates. All school boards are encouraged to utilize the pre-test for fourth graders.

B. Each local school board shall award Literacy Passports to all students, including students with disabilities, who achieve passing scores on the literacy tests established by the Board of Education. Reasonable accommodation to take the literacy tests shall be provided as needed for students with disabilities. In order to be classified as ninth graders or above, students shall be required to obtain a Literacy Passport, except for those (i) students who are identified as disabled pursuant to Board regulations governing special education programs for students with disabilities in Virginia and (ii) students for whom English is not the first or native language who have been identified as having limited English proficiency and who have been enrolled in a public school in the Commonwealth for less than three years. To remain classified as ninth graders or above, such students identified as having limited English proficiency must achieve passing scores on the first literacy tests administered after three years of enrollment in a public school in the Commonwealth.

To meet the goal of this subsection, each school board shall analyze its pass/fail rates and evaluate the needs of students who do not pass the tests required to obtain the Literacy Passport. The analysis and evaluation shall be used to design the remediation programs required in subsection C of § 22.1-253.13:1.

C. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed literacy tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

D. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

E. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas.

2. That §§ 22.1-199.2, 22.1-209.1:4, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4, and 22.1-254.01 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-199.2. Standards for remedial summer school programs established; reporting required.

A. The Board of Education shall establish standards for remedial summer school programs, which shall be designed to strengthen and improve the effectiveness of such programs in increasing the scholastic achievement of students with academic deficiencies. Such standards shall require (i) an evaluation of the remedial summer school program offered by the school division to assess such students' educational needs and program effectiveness, and (ii) that school divisions report, on such forms as may be required by the Board for such purpose, data pertaining to the demographic and educational characteristics of students who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or subsection E of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include, but not be limited to, ~~the number of students failing the Literacy Passport Test, any or all components, for each administration of the test;~~ a demographic profile of the students attending such programs; the academic status of each such student; the types of instruction offered, the length of the program, and the local costs of the program; *and* the number of ungraded and disabled students, and those with limited English proficiency (ESL); ~~and the number of students failing the literacy tests who attend remedial summer school.~~

B. The Board of Education shall cause the collection, compilation, and analysis of the data required to be reported by local school divisions in subsection A of this section to accomplish a statewide review and evaluation of remedial summer school programs. The Board shall report its analysis of the data submitted by school divisions and a statewide assessment of remedial summer school programs, and any recommendations, to the Governor and the General Assembly annually, beginning on December 1, 1997.

§ 22.1-209.1:4. Virginia Innovative Remedial Education Pilot Program created.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish the Virginia Innovative Remedial Education Pilot Program (the "Program") to explore innovative options and instructional approaches for the remediation of students with academic deficiencies. On and after July 1, 1997, the Program shall consist of up to ten pilot projects located in regions throughout the Commonwealth to provide equitable geographical distribution of such projects. Grants for all such projects shall be awarded on a competitive basis to applicants responding to requests for proposals, giving priority to applicant school divisions that propose to explore creative alternatives and new, pedagogically sound instructional methods to address the following: (i) the educational needs of students

who are educationally at risk or who have failed the Literacy Passport Test; (ii) students who have been identified for remediation pursuant to §§ 22.1-253.13:1, 22.1-254, and 22.1-254.01; or (iii) barriers to effective remediation of students with academic deficiencies. The Board of Education shall promulgate regulations for the implementation of the Program. The Board shall promulgate such regulations to be effective in 280 days or less of the enactment of this section.

B. Upon appropriation of funds for the purposes of this section, the Department of Education shall issue a request for proposals for projects to pilot creative alternatives and new, pedagogically sound instructional methods for remediating students. The first such grants shall be awarded by January 1, 1999. Applications for grants shall include the following components:

1. Specific, measurable goals and objectives and an evaluation component to determine the effectiveness of such innovative pilot projects in accelerating the academic achievement of participating students, reducing the need for remediation, ~~increasing the number of students who pass the Literacy Passport Test~~, and reducing problems associated with poor student academic performance.

2. A plan for the attraction and participation of teachers specially trained to work with at-risk students, and supportive administrators and staff.

3. A current program of staff development and training.

4. A procedure for obtaining the participation in and support for the pilot project by the pupil's parent and his family.

5. A curriculum developed to accommodate new teaching strategies; student-initiated and group learning; intensive, accelerated instruction designed to establish high standards and academic achievement for participating students; mentoring and individual tutoring; and the use of manipulatives and educational technology.

6. A low pupil-teacher ratio to promote a high level of interaction between the students and the teacher.

7. A procedure for providing pretesting and post-testing and early intervention services at the fourth grade level, and for disseminating the best educational practices resulting from such pilot projects.

8. The identification of and solutions to barriers to remediation, such as transportation, length of the remedial summer school program, and attendant social and economic problems of students and their families.

9. Community outreach to build strong school, business, and community partnerships; to develop joint ventures and linkages between schools and institutions of higher education; to promote family involvement in the educational process; and to emphasize local solutions to local problems.

10. The number of children who may be assigned to the pilot project.

11. A plan for transitioning the participating students into the relevant school division's regular program, or into advanced-level classes.

C. The Board shall require submission of interim evaluation reports of each pilot project biannually and shall compile these reports and other program materials and report the status of such projects on a periodic basis to the relevant standing committees and subcommittees of the General Assembly. The Board shall report the effectiveness of such projects and their components and the Program annually to the Governor and the General Assembly, beginning on October 1, 1999.

§ 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 tests prescribed by the Board of Education.~~ Such programs shall include summer school or other forms of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation which may include attendance in public summer school programs, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent. Students required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the local school division. 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 and other remediation programs as set forth in the appropriation act. ~~Any student who does not pass the literacy tests shall be required to attend a summer school program or participate in another form of remediation.~~ Such summer school program or other form of remediation shall be chosen by the school division to be appropriate to the academic needs of the student. ~~State funds shall be provided, as set forth in the appropriation act, for the attendance in remediation programs conducted by local school divisions for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year.~~

To ensure consistency in program quality, each school board may establish a remediation program standards committee which may include, but need not be limited to, the superintendent or his designee, a teacher, a parent, and one representative of the community at large. The remediation program standards committee shall recommend the program components for the remediation programs and shall evaluate the success of the programs. Such program components may include transition mechanisms for children to ensure the smooth movement between remediation programs and regular programs, pupil/teacher ratios, objectives, and time, site, and duration of the various programs.

Such remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of *academic failure* ~~of the literacy tests~~. The identified students shall be provided appropriate remediation activities.

Effective on July 1, 1998, the Board of Education shall establish standards for full funding of summer remedial programs which shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

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. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to hold all local school divisions harmless by providing no-loss funding which maintains the level of each school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of funding for such school division's drop-out prevention programs would be less than its level of funding for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall

develop and implement a funding mechanism to ensure that no school board is penalized in its state funding for drop-out prevention programs for reducing the drop out rate in its school division.

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~~ and those who fail the *literary tests Standards of Learning Assessments* 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.

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

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia. In revising the standards for accreditation, the Board shall seek to set pupil-teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

C. The Board shall also establish requirements for certification of teachers, principals, supervisors and other professional staff and determine eligibility for appointment as a local division superintendent.

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

E. In order to assess the educational progress of students, the Board of Education shall also (i) develop appropriate assessments which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers; *and* (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels; ~~and (iii) prescribe and provide literacy tests in reading, writing and mathematics which shall be administered to students in grade six and to students who have not successfully passed them in grades seven and eight.~~

F. Each local school board shall maintain schools which meet the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.

G. Each local school board shall also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning Assessment materials or other criterion-referenced tests which match locally developed objectives.

H. In order to assess the educational progress of students as individuals and as groups, each local school board shall require the administration of appropriate assessments, which may include

criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Virginia State Assessment Program, the Virginia *State* Literacy Testing Program, the *Standards of Learning Assessments*, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria which may be established by the Board of Education, the results from the Virginia State Assessment Program and the Virginia State Literacy Testing Program *Standards of Learning Assessments* to the public.

§ 22.1-253.13:4. Standard 4. Diplomas and certificates.

A. The General Assembly and the Board of Education recognize the need to reduce the illiteracy rate in the Commonwealth and the need to prescribe requirements for completion of high school programs. To this end, the General Assembly and the Board hereby establish the requirement for a Literacy Passport for all students prior to grade nine and criteria for diplomas and certificates. All school boards are encouraged to utilize the pre-test for fourth graders.

B. Each local school board shall award Literacy Passports to all students, including students with disabilities, who achieve passing scores on the literacy tests established by the Board of Education. Reasonable accommodation to take the literacy tests shall be provided as needed for students with disabilities. In order to be classified as ninth graders or above, students shall be required to obtain a Literacy Passport, except for those (i) students who are identified as disabled pursuant to Board regulations governing special education programs for students with disabilities in Virginia and (ii) students for whom English is not the first or native language who have been identified as having limited English proficiency and who have been enrolled in a public school in the Commonwealth for less than three years. To remain classified as ninth graders or above, such students identified as having limited English proficiency must achieve passing scores on the first literacy tests administered after three years of enrollment in a public school in the Commonwealth.

To meet the goal of this subsection, each school board shall analyze its pass/fail rates and evaluate the needs of students who do not pass the tests required to obtain the Literacy Passport. The analysis and evaluation shall be used to design the remediation programs required in subsection C of § 22.1-253.13:1.

C. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed literacy tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

D. B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

E. C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas.

§ 22.1-254.01. Certain students required to attend summer school or after-school sessions.

In the event that a student is required to take a special program of prevention, intervention, or remediation in a public summer school program or to participate in another form of remediation as provided in subsection C of § 22.1-253.13:1 and in accordance with subsection E of § 22.1-254, and the division superintendent determines that remediation of the student's poor academic performance, or passage of the literacy passport test *Standards of Learning Assessments*, or promotion is directly related to the student's attendance in such summer school program or participation in another form of remediation, and after a reasonable effort to seek the student's attendance in such session has failed, including direct notification of the parents or guardians of such student of the attendance requirement and failure of the parents or guardians to secure the student's attendance, the division superintendent may seek immediate compliance with the compulsory school attendance law as set forth in § 22.1-254.

3. That the provisions of the second enactment shall be effective July 1, 2003.

4. That effective July 1, 1998, the Literacy Passport Tests administered as described in clause (iii) of subsection E of § 22.1-253.13:3 shall be phased out as follows: in school year 1997-1998, the Literacy Passport shall be administered to students in grades six, seven, and eight, and to graded students and ungraded students, as applicable, in grades nine, ten, eleven, and twelve, and to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. For students in grade six in school year 1997-1998, the test results shall be for informational purposes only and shall not be used as a graduation requirement or for classification as a ninth grader but shall be used for remediation purposes. In school year 1998-1999, the Literacy Passport shall be administered to students in grade eight, and to graded students and ungraded students, as applicable, in grades nine, ten, eleven, and twelve, and to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. In school year 1999-2000, the Literacy Passport shall be administered to graded students and ungraded students, as applicable, in grades nine, ten, eleven, and twelve, and to adults and students returning to upgrade a certificate of completion or special

diploma to a standard or advanced studies diploma. In school year 2000-2001, the Literacy Passport shall be administered to graded students and ungraded students, as applicable, in grades ten, eleven, and twelve, and to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. In school year 2001-2002, the Literacy Passport shall be administered to graded students and ungraded students, as applicable, in grades eleven and twelve, and to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. In school year 2002-2003, 2003-2004, and 2004-2005, the Literacy Passport shall be administered to graded students and ungraded students, as applicable, in grade twelve, and to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. After school year 2004-2005, the Literacy Passport shall be administered to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma. Each local school board shall award Literacy Passports to individuals, including individuals with disabilities, who achieve passing scores on the Literacy Passport Tests administered pursuant to this schedule. Reasonable accommodation to take these tests shall be provided as needed for individuals with disabilities.

5. That for the purpose of determining the future fiscal impact of requiring remediation for those students failing the Standards of Learning (SOL) Assessments, the Board of Education shall, following the 1998 and 1999 administrations of the SOL Assessments, determine the degree to which the current funding mechanisms are sufficient to address the remedial needs of those students failing the SOL Assessments. The Board shall provide to the Governor and Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health, by December 1, 1998, an interim report addressing their initial findings, and by December 1, 1999, a final report on the findings for both years and any recommendations to the current remedial and at-risk funding programs, for the 2000-2002 biennial budget, to ensure access to remedial services for those students failing the SOL Assessments.