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**HOUSE BILL NO. 478**

Offered January 19, 1998

*A BILL to amend and reenact §§ 22.1-207.1, 22.1-253.13:1, and 22.1-253.13:3 of the Code of Virginia, relating to family life education in the public schools.*

Patrons—Diamonstein, Almand, Barlow, Baskerville, Behm, Bloxom, Brink, Councill, Cranwell, Crittenden, Darner, Davies, Grayson, Hall, Jones, J.C., Keating, Melvin, Moran, Plum, Puller, Rhodes, Scott, Shuler, Van Yahres, Watts and Woodrum; Senators: Howell and Ticer

Consent to introduce

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-207.1, 22.1-253.13:1, and 22.1-253.13:3 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-207.1. Family life education.

The Board of Education shall develop ~~by December 1, 1987, standards of learning~~ *Standards of Learning* and curriculum guidelines for a comprehensive, sequential family life education curriculum in grades K through 12. Such curriculum guidelines shall include instruction as appropriate for the age of the student in family living and community relationships, the value of postponing sexual activity, human sexuality, human reproduction, and the etiology, prevention and effects of sexually transmitted diseases. All such instruction shall be designed to promote parental involvement, foster positive self concepts and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students' developmental stages and abilities. The Board shall also establish ~~by December 1, 1987,~~ requirements for appropriate training for teachers of family life education.

~~By December 1, 1987, the Board of Education shall provide the House Committee on Appropriations and the Senate Committee on Finance an analysis of the state and local fiscal impact of implementing a mandatory statewide family life education program and a recommended apportionment of state and local funding for such programs if not otherwise determined by law.~~

*Each local school board shall implement the Standards of Learning for the family life education program promulgated by the Board of Education or a family life education program consistent with the guidelines developed by the Board of Education.*

§ 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

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60 utilized by the school division at appropriate age or grade levels. With such funds as are available for  
61 this purpose, the Board of Education may prescribe assessment methods to determine the level of  
62 achievement of these objectives by all students.

63 C. Local school boards shall develop and implement a program of instruction for grades K through  
64 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, and scientific  
65 concepts and processes; essential skills and concepts of citizenship, including knowledge of history,  
66 economics, government, foreign languages, international cultures, health, environmental issues and  
67 geography necessary for responsible participation in American society and in the international  
68 community; fine arts and practical arts; knowledge and skills needed to qualify for further education and  
69 employment or, in the case of some handicapped children, to qualify for appropriate training; and  
70 development of the ability to apply such skills and knowledge in preparation for eventual employment  
71 and lifelong learning.

72 Local school boards shall also develop and implement programs of prevention, intervention, or  
73 remediation for students who are educationally at-risk including, but not limited to, those whose scores  
74 are in the bottom national quartile on Virginia State Assessment Program Tests, or who do not pass the  
75 literacy tests prescribed by the Board of Education. Such programs shall include summer school or other  
76 forms of remediation. Division superintendents shall require such students to take special programs of  
77 prevention, intervention, or remediation which may include attendance in public summer school  
78 programs, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. The requirement for  
79 remediation may, however, be satisfied by the student's attendance in a program of prevention,  
80 intervention or remediation which has been selected by his parent and is either (i) conducted by an  
81 accredited private school or (ii) a special program which has been determined to be comparable to the  
82 required public school remediation program by the division superintendent. The costs of such private  
83 school remediation program or other special remediation program shall be borne by the student's parent.  
84 Students required to attend such summer school programs or to participate in another form of  
85 remediation shall not be charged tuition by the local school division. Based on the number of students  
86 attending and the Commonwealth's share of the per pupil costs, additional state funds shall be provided  
87 for summer and other remediation programs as set forth in the appropriation act. Any student who does  
88 not pass the literacy tests shall be required to attend a summer school program or participate in another  
89 form of remediation. Such summer school program or other form of remediation shall be chosen by the  
90 school division to be appropriate to the academic needs of the student. State funds shall be provided, as  
91 set forth in the appropriation act, for the attendance in remediation programs conducted by local school  
92 divisions for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year.

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

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

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

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

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

113 2. Programs based on prevention, intervention, or retrieval designed to increase the number of  
114 students who earn a high school diploma or general education development (GED) certificate. As  
115 provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support  
116 programs grounded in sound educational policy to reduce the number of students who drop out of  
117 school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to  
118 hold all local school divisions harmless by providing no-loss funding which maintains the level of each  
119 school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of  
120 funding for such school division's drop-out prevention programs would be less than its level of funding  
121 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.

11. *A family life education program consistent with the Standards of Learning or with the guidelines developed by the Board of Education pursuant to § 22.1-207.1.*

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. 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

183 being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being  
184 larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through  
185 twelve.

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

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

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

207 § 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

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

210 B. The Board of Education shall promulgate regulations establishing standards for accreditation  
211 pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited  
212 to, student outcome measures; requirements and guidelines for instructional programs, *including a*  
213 *requirement that schools implement the Standards of Learning for the family life education program*  
214 *promulgated by the Board of Education or a family life education program consistent with guidelines*  
215 *developed by the Board of Education*; administrative and instructional staffing levels and positions;  
216 pupil personnel services; special education program standards; auxiliary education programs such as  
217 library and media services; course and credit requirements for graduation from high school; community  
218 relations; and the philosophy, goals, and objectives of public education in Virginia. In revising the  
219 standards for accreditation, the Board shall seek to set pupil-teacher ratios for educable mentally retarded  
220 (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with  
221 specific learning disabilities. The Board shall review annually the accreditation status of all schools in  
222 the Commonwealth.

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

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

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

243 F. Each local school board shall maintain schools which meet the standards of accreditation as  
244 prescribed by the Board of Education. The accreditation status of all schools in each local school

245 division shall be reviewed annually in public session. Within the time specified by the Board of  
246 Education, each school board shall submit corrective action plans for any schools within its school  
247 division that have been designated as not meeting the criteria for determining effectiveness as approved  
248 by the Board.

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

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