

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 456

An Act to amend and reenact §§ 22.1-199.1 and 22.1-212.2:2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 13 of Title 22.1 a section numbered 22.1-212.2:3, relating to certain pilot educational technology programs.

[H 2321]

Approved March 26, 1999

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199.1 and 22.1-212.2:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 13 of Title 22 a section numbered 22.1-212.2:3 as follows:

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through 3 in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

Effective July 1, 1996, and with such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through 3 in schools with high or moderate concentrations of at-risk students, consistent with the provisions first provided during the 1994-1995 school year.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing the proposed 1996-1998 biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. Effective July 1, 1996, the ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that ~~education~~ educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established. With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act, including (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) *funds for implementing the Family Involvement in Technology program as established in § 22.1-212.2:3*. Any local school board accepting these funds to hire ~~such~~ technology resource assistants *or to implement the Family Involvement in Technology program* shall commit to providing the required matching funds, based on the composite index of local ability to pay. Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, vocational technology laboratories or other electronic techniques designed to enhance public

education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium, the first priority for funding shall be consistent with those components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions; and (iii) assisting school divisions in developing integrated voice, video, and data-connectivity to local, national and international resources. This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

3. The Departments of Education, Information Technology, and General Services shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.

4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in § 22.1-129 D, school boards may donate obsolete educational technology hardware and software which is being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth.

5. Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

C. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for five-year-olds who are not eligible to attend kindergarten.

The grants shall be used to provide at least half-day services for the length of the school year for at-risk four-year-old children who are unserved by Head Start programs and for five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education, health services, social services, parental involvement including activities to promote family literacy, and transportation. The Department of Education, in cooperation with such other state agencies which may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs. School divisions may apply for and be granted waivers from these guidelines by the Department of Education.

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for thirty percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act. During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least sixty percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such sixty percent to be calculated by adding services for thirty percent more of the unserved at-risk children to the thirty percent of unserved at-risk children in each locality provided funding in the appropriation act.

Local school boards may elect to serve more than sixty percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the sixty percent allocation, to expand services to at-risk four-year-olds beyond the sixty percent goal.

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local, or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any college expenses of participating students; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

E. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

§ 22.1-212.2:2. Educational technology corporations.

A. As used in this section:

"Educational technology" means any software, hardware, or other equipment or infrastructure or technical assistance or instruction in the use of such software, hardware or other equipment or infrastructure which may be required to implement a local school board's approved plan for educational technology, *the Family Involvement in Technology program pursuant to § 22.1-212.2:3*, or the Board of Education's Six-Year Plan for Educational Technology.

"Educational technology foundation" means a nonstock, nonprofit corporation, established for the express purpose of implementing a public/private partnership to expand access to and improve the quality of educational technology in a school division.

B. Any school board may establish an educational technology foundation. Such foundation may be established directly by the school board or by the school board and other organizations or persons, on behalf of the school board by a third party, or through a contract with a corporation as defined in this section. An educational technology foundation may be established as a cooperative regional effort by two or more school boards.

C. Upon establishing or contracting with such corporation, whether or not other organizations, school boards or persons are involved, a school board shall:

1. Review and approve the articles of incorporation and bylaws;
2. Establish a system of accounting to protect public funds;
3. Establish agreement that, upon dissolution of the corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board or, if a regional effort, the procedure by which the property may be divided among the school boards;
4. Require, in any instance in which the school board advances, contributes or loans funds to the corporation, that such contract shall provide for the posting of a bond with surety by the officers of the corporation conditioned to protect the rights of the school board;
5. Establish terms for the allocation of any profits or revenues between the school board and the corporation; and

6. Take such other steps as may be necessary to comply with applicable law.

D. A school board may (i) advance, contribute or loan funds to such foundation and (ii) establish an escrow fund for the purpose of funding various educational technology projects.

§ 22.1-212.2:3. *Family Involvement in Technology (FIT) program.*

A. *In order to (i) promote parental and family involvement in children's education, (ii) found a partnership between families and schools, (iii) increase students' time on task, (iv) integrate educational technology into the public school curriculum to meet the Standards of Learning objectives, and (v) increase access to educational technology, particularly in schools with large populations of disadvantaged children, there is hereby established, with such funds as may be appropriated for this purpose, a Superintendents' Districts grants program, to be known as the Family Involvement in Technology (FIT) program.*

B. *The Board of Education shall establish the Family Involvement in Technology program in each of the eight Superintendents' Districts. Therefore, eight grants, one grant to each District, shall be awarded, upon appropriation of funds, to provide at least 100 computers per District on the condition that each project focus, to the extent feasible, on increasing educational technology in schools having at least a 75 percent population of disadvantaged children. Each District shall be responsible for determining how the computers are distributed and the components of the FIT program in the region, so*

long as such components are consistent with the provisions of this section.

The FIT program shall include (i) measurable goals and objectives; (ii) an assessment of the needs of the students to be included in the project; (iii) assurances that the project will increase access to educational technology in schools with large populations of disadvantaged children; (iv) training of the relevant teachers, students, and families in computer technology, including, but not limited to, the appropriate supervision of children while engaged in using computers and researching on the Internet; (v) the establishment, if feasible, of an interactive network between the school administration, the relevant teachers, and the relevant students' homes; (vi) better integration of educational technology into the school curriculum; (vii) activities to promote awareness of the project, increase access to educational technology in schools having large populations of disadvantaged children, and continually assess the school-community needs; (viii) collaboration with available public and private resources, including any educational technology corporation; and (ix) improved communications between parents, teachers, and administrators which are designed to improve students' academic achievement.

C. The Board shall evaluate and determine, in cooperation with the Superintendents' Districts and based upon objective criteria, the success of the program. In accordance with this analysis, the Board shall make, within one year of implementation of this provision, such recommendations as it deems appropriate, to the Governor and the General Assembly, for the FIT program, which may include continuation of the program in its original form, phasing out of the program, termination or revision of the program at a date certain, or extension of the program to other schools.

D. For purposes of this section, "schools having at least a 75 percent population of disadvantaged children" means those local education programs qualifying for funds pursuant to the federal Elementary and Secondary Education Act of 1965, as amended, and the Improving America's School Act of 1994, Title I—Helping Disadvantaged Children Meet High Standards (P. L. 103-382 (1994)).