

992711836

HOUSE BILL NO. 2384

Offered January 21, 1999

A BILL to amend and reenact §§ 16.1-278.4, 22.1-254, 22.1-254.1, 22.1-254.2, 22.1-263 and 22.1-271.4 of the Code of Virginia; to amend and reenact §§ 22.1-199.2, 22.1-253.13:1 and 22.1-254.01, as they are currently effective and as they shall become effective, of the Code of Virginia; and to repeal §§ 22.1-256 and 22.1-257 of the Code of Virginia, relating to compulsory school attendance and general educational development testing.

Patrons—Dillard, Albo, Baskerville, Bennett, Brink, Cantor, Darner, Davies, Deeds, Diamonstein, Hamilton, Jackson, Jones, J.C., Rhodes and Sherwood; Senators: Chichester, Forbes, Hawkins, Howell, Potts, Quayle and Woods

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.4, 22.1-254, 22.1-254.1, 22.1-254.2, 22.1-263 and 22.1-271.4 of the Code of Virginia are amended and reenacted and §§ 22.1-199.2, 22.1-253.13:1 and 22.1-254.01, as they are currently effective and as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 16.1-278.4. Children in need of services.

If a child is found to be in need of services or a status offender, the juvenile court or the circuit court may make any of the following orders of disposition for the supervision, care and rehabilitation of the child:

1. Enter an order pursuant to the provisions of § 16.1-278.

2. Permit the child to remain with his parent subject to such conditions and limitations as the court may order with respect to such child and his parent.

3. Order the parent with whom the child is living to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and his parent.

4. Beginning July 1, 1992, in the case of any child fourteen years of age or older, where the court finds that the child is not able to benefit appreciably from further schooling, the court may excuse the child from further compliance with any legal requirement of compulsory school attendance as provided under § 22.1-257 22.1-254 or authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of eighteen.

5. Permit the local board of social services or a public agency designated by the community policy and management team to place the child, subject to the provisions of § 16.1-281, in suitable family homes, child caring-institutions, residential facilities, or independent living arrangements with legal custody remaining with the parents or guardians. The local board or public agency and the parents or guardians shall enter into an agreement which shall specify the responsibilities of each for the care and control of the child. The board or public agency which places the child shall have the final authority to determine the appropriate placement for the child.

Any order allowing a local board or public agency to place a child where legal custody remains with the parents or guardians as provided in this section shall be entered only upon a finding by the court that reasonable efforts have been made to prevent placement out of the home and that continued placement in the home would be contrary to the welfare of the child, and the order shall so state.

6. Transfer legal custody to any of the following:

a. A relative or other individual who, after study, is found by the court to be qualified to receive and care for the child;

b. A child welfare agency, private organization or facility which is licensed or otherwise authorized by law to receive and provide care for such child. The court shall not transfer legal custody of a child in need of services to an agency, organization or facility out of the Commonwealth without the approval of the Commissioner of Social Services; or

c. The local board of public welfare or social services of the county or city in which the court has jurisdiction or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction. The local board shall accept the child for care and custody, provided that it has been given reasonable notice of the pendency of the case and an opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction, the local board may be required to accept a child for a period not to exceed

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14 fourteen days without prior notice or an opportunity to be heard if the judge entering the placement
15 order describes the emergency and the need for such temporary placement in the order. Nothing in this
16 subdivision shall prohibit the commitment of a child to any local board of public welfare or social
17 services in the Commonwealth when the local board consents to the commitment. The board to which
18 the child is committed shall have the final authority to determine the appropriate placement for the
19 child.

20 Any order authorizing removal from the home and transferring legal custody of a child to a local
21 board of public welfare or social services as provided in this subdivision shall be entered only upon a
22 finding by the court that reasonable efforts have been made to prevent removal and that continued
23 placement in the home would be contrary to the welfare of the child, and the order shall so state.

24 7. Require the child to participate in a public service project under such conditions as the court
25 prescribes.

26 § 22.1-199.2. (Effective until July 1, 2003) Standards for remediation programs established; reporting
27 required.

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

43 B. The Board of Education shall cause the collection, compilation, and analysis of the data required
44 to be reported by local school divisions in subsection A of this section to accomplish a statewide review
45 and evaluation of remediation programs. The Board shall report its analysis of the data submitted by
46 school divisions and a statewide assessment of remediation programs, and any recommendations, to the
47 Governor and the General Assembly annually, beginning on December 1, 1998.

48 § 22.1-199.2. (Effective July 1, 2003) Standards for remediation programs established; reporting
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50 A. The Board of Education shall establish standards for remediation programs, which shall be
51 designed to strengthen and improve the effectiveness of such programs in increasing the scholastic
52 achievement of students with academic deficiencies. Such standards shall require (i) an evaluation of the
53 remediation program offered by the school division to assess such students' educational needs and
54 program effectiveness, and (ii) that school divisions report, on such forms as may be required by the
55 Board for such purpose, data pertaining to the demographic and educational characteristics of students
56 who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or ~~subsection E~~
57 *subdivision A (ii)* of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include, but not
58 be limited to, the number of students failing any Standards of Learning assessments for grades three,
59 five, and eight; a demographic profile of the students attending such programs; the academic status of
60 each such student; the types of instruction offered, the length of the program, and the local costs of the
61 program; the number of ungraded and disabled students, and those with limited English proficiency
62 (ESL); and the number of students failing the Standards of Learning assessments for grades three, five,
63 and eight who attend remediation programs.

64 B. The Board of Education shall cause the collection, compilation, and analysis of the data required
65 to be reported by local school divisions in subsection A of this section to accomplish a statewide review
66 and evaluation of remediation programs. The Board shall report its analysis of the data submitted by
67 school divisions and a statewide assessment of remediation programs, and any recommendations, to the
68 Governor and the General Assembly annually, beginning on December 1, 1998.

69 § 22.1-253.13:1. (Effective until July 1, 2003) Standard 1. Basic skills, selected programs, and
70 instructional personnel.

71 A. The General Assembly and the Board of Education believe that the fundamental goal of the
72 public schools of this Commonwealth must be to enable each student to develop the skills that are
73 necessary for success in school and preparation for life, and find that the quality of education is
74 dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to
75 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 to maintain academic rigor. 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. 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 skills to manage personal finances and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for vocational education programs to require the full integration of English, mathematics, science and social studies Standards of Learning. Occupational vocational programs shall be aligned with industry and professional standard certifications, where they exist.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning.

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. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board, with the assistance of independent testing experts, shall conduct a regular analysis and validation process for these assessments.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a check book; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

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, technological proficiency, 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, who do not pass the literacy tests prescribed by the Board of Education, or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight. Such programs may include summer

183 school for all elementary and middle school grades and for all high school academic courses, as defined
184 by regulations promulgated by the Board of Education, or other forms of remediation. Division
185 superintendents shall require such students to take special programs of prevention, intervention, or
186 remediation which may include attendance in public summer school programs, in accordance with
187 ~~subsection E subdivision A (ii)~~ of § 22.1-254 and § 22.1-254.01. The requirement for remediation may,
188 however, be satisfied by the student's attendance in a program of prevention, intervention or remediation
189 which has been selected by his parent and is either (i) conducted by an accredited private school or (ii)
190 a special program which has been determined to be comparable to the required public school
191 remediation program by the division superintendent. The costs of such private school remediation
192 program or other special remediation program shall be borne by the student's parent. Students required
193 to attend such summer school programs or to participate in another form of remediation shall not be
194 charged tuition by the local school division. Based on the number of students attending and the
195 Commonwealth's share of the per pupil costs, additional state funds shall be provided for summer and
196 other remediation programs as set forth in the appropriation act.

197 Any student who does not pass the literacy tests or all Standards of Learning assessments in grades
198 three, five, and eight shall be required to attend a summer school program or participate in another form
199 of remediation. Such summer school program or other form of remediation shall be chosen by the
200 school division to be appropriate to the academic needs of the student. State funds shall be provided, as
201 set forth in the appropriation act, for the attendance in remediation programs conducted by local school
202 divisions for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year
203 and for students who do not pass all Standards of Learning assessments in grades three, five, and eight
204 beginning with the 1998-99 fiscal year.

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

212 Such remediation programs shall include, when applicable, a procedure for early identification of
213 students who are at-risk of failure of the literacy tests or the Standards of Learning assessments in
214 grades three, five, and eight. The identified students shall be provided appropriate remediation activities.

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

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

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

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

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

241 4. Competency-based vocational education programs, which integrate academic outcomes, career
242 guidance and job-seeking skills for all secondary students including those identified as handicapped that
243 reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career
244 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 or Standards of Learning assessments for grades three, five, and eight 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

306 schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of
307 twenty-five to one in middle schools and high schools.

308 School boards shall, however, annually, on or before January 1, report to the public the actual
309 pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual
310 ratios shall include only the teachers who teach the grade and class on a full-time basis and shall
311 exclude resource personnel. School boards shall report pupil/teacher ratios which include resource
312 teachers in the same annual report. Any classes funded through the voluntary kindergarten through third
313 grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers
314 to exceed the requirements of this subsection shall also be identified. Schools shall be identified;
315 however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil
316 identities.

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

326 § 22.1-253.13:1. (Effective July 1, 2003) Standard 1. Basic skills, selected programs, and instructional
327 personnel.

328 A. The General Assembly and the Board of Education believe that the fundamental goal of the
329 public schools of this Commonwealth must be to enable each student to develop the skills that are
330 necessary for success in school and preparation for life, and find that the quality of education is
331 dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to
332 ensure the availability of high quality instructional personnel and adequate commitment of other
333 resources.

334 B. The Board of Education shall establish educational objectives to implement the development of
335 the skills that are necessary for success in school and for preparation for life in the years beyond. The
336 current educational objectives, known as the Standards of Learning, shall not be construed to be
337 regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise
338 these educational objectives to maintain academic rigor. In order to provide appropriate opportunity for
339 input from the general public, teachers, and local school boards, the Board of Education shall conduct
340 public hearings prior to establishing new educational objectives. Thirty days prior to conducting such
341 hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all
342 local school boards and any other persons requesting to be notified of the hearings and publish notice of
343 its intention to revise these educational objectives in the Virginia Register of Regulations. Interested
344 parties shall be given reasonable opportunity to be heard and present information prior to final adoption
345 of any revisions of these educational objectives.

346 The Board shall seek to ensure that any revised educational objectives are consistent with the world's
347 highest educational standards. These objectives shall include, but not be limited to, basic skills of
348 communication, computation and critical reasoning including problem solving and decision making and
349 the skills to manage personal finances and to make sound financial decisions, and the development of
350 personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

351 With such funds as are made available for this purpose, the Board shall regularly review and revise
352 the competencies for vocational education programs to require the full integration of English,
353 mathematics, science and social studies Standards of Learning. Occupational vocational programs shall
354 be aligned with industry and professional standard certifications, where they exist.

355 The Standards of Learning in all subject areas shall be subject to regular review and revision to
356 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
357 preparation for eventual employment and lifelong learning.

358 School boards shall implement these objectives or objectives specifically designed for their school
359 divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve
360 the educational objectives utilized by the school division at appropriate age or grade levels.

361 With such funds as are available for this purpose, the Board of Education may prescribe assessment
362 methods to determine the level of achievement of these objectives by all students. Such assessments
363 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards
364 of Learning being assessed. The Board, with the assistance of independent testing experts, shall conduct
365 a regular analysis and validation process for these assessments.

366 By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and
367 high school levels, for personal living and finances, which shall focus on money management skills for

individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a check book; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

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, technological proficiency, 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 fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight. Such programs may include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, 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~~ *subdivision A (ii)* 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 all Standards of Learning assessments in grades three, five, and eight 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 students who do not pass all Standards of Learning assessments in grades three, five, and eight beginning with the 1998-99 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 Standards of Learning assessments in grades three, five, and eight. The identified students shall be provided appropriate remediation activities.

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

429 forth in the appropriation act, provided such programs comply with such standards as shall be
430 established by the Board, pursuant to § 22.1-199.2.

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

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

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

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

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

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

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

461 7. Early identification of gifted students and enrollment of such students in appropriately
462 differentiated instructional programs.

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

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

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

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

478 F. In addition to the positions supported by basic aid and in support of regular school year remedial
479 programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time
480 equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in
481 the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy
482 tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board.
483 State funding for remedial programs provided pursuant to this subsection and the appropriation act may
484 be used to support programs for educationally at-risk students as identified by the local school boards.
485 The Board of Education shall establish criteria for identification of educationally at-risk students, which
486 shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may,
487 from time to time, revise these identification criteria. In order to provide appropriate opportunity for
488 input from the general public, teachers, and local school boards, the Board of Education shall conduct
489 public hearings prior to establishing or revising such identification criteria. Thirty days prior to
490 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.

School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

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.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. ~~Every~~ Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational or parochial educational pre-kindergarten program.

552 B. Instruction in the home of a child or children by the parent, guardian or other person having
553 control or charge of such child or children shall not be classified or defined as a private, denominational
554 or parochial school.

555 C. The requirements of this section shall not apply to any child who has obtained a high school
556 diploma, its equivalent, or a certificate of completion, or has otherwise complied with compulsory
557 school attendance requirements as set forth in this article.

558 D. The requirements of this section shall apply to (i) any child in the custody of the Department of
559 Juvenile Justice; or any child who may have been adjudicated as an adult, and who has not passed his
560 eighteenth birthday.

561 E. The requirements of this section shall apply to any child whom the Department of Corrections
562 who has not passed his eighteenth birthday and (ii) any child who the division superintendent has
563 required to take a special program of prevention, intervention, or remediation, as provided in subsection
564 C of § 22.1-253.13:1 and in § 22.1-254.01. However, the requirements of this section shall not apply to
565 any child who has obtained a high school diploma, its equivalent, or a certificate of completion or who
566 has otherwise complied with compulsory school attendance requirements as set forth in this article.

567 B. A school board shall excuse from attendance at school:

568 1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is
569 conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious
570 training or belief" does not include essentially political, sociological or philosophical views or a merely
571 personal moral code; and

572 2. On the recommendation of the juvenile and domestic relations district court of the county or city
573 in which the pupil resides and for such period of time as the court deems appropriate, any pupil who,
574 together with his parents, is opposed to attendance at a school by reason of concern for such pupil's
575 health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension
576 for personal safety when such concern or apprehension in that pupil's specific case is determined by the
577 court, upon consideration of the recommendation of the principal and division superintendent, to be
578 justified.

579 C. A school board may excuse from attendance at school:

580 1. On recommendation of the principal and the division superintendent and with the written consent
581 of the parent or guardian, any pupil who the school board determines, in accordance with regulations
582 of the Board of Education, cannot benefit from education at such school; and

583 2. On recommendation of the juvenile and domestic relations district court of the county or city in
584 which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at
585 such school.

586 D. Local school boards may grant waivers from compliance with the compulsory attendance
587 requirements of this section under the following conditions:

588 1. For a student who is sixteen years of age, there shall be a meeting between the student, the
589 student's parents, and the principal or his designee of the school in which the student is enrolled in
590 which an educational plan shall be developed in conformity with guidelines prescribed by the Board,
591 which plan must include:

592 a. Career guidance counseling;

593 b. Mandatory enrollment in a general educational development preparatory program or other
594 alternative education program approved by the local school board with attendance requirements that
595 provide for reporting of student nonattendance by the chief administrator of such GED preparatory
596 program or approved alternative education program to such principal or his designee; and

597 c. Counseling on the economic impact of failing to complete high school; or

598 2. For a student who is seventeen years of age, there shall be a meeting between the student, the
599 student's parents, and the principal or his designee of the school in which the student is enrolled in
600 which:

601 a. The student receives counseling on the economic impact of failing to complete high school;

602 b. The parent provides to the principal or his designee written permission for the student's
603 withdrawal from school; and

604 c. The student provides to the principal or his designee a written statement acknowledging his desire
605 to withdraw from school and evidence of his legal employment of at least twenty hours per week.

606 Students for whom compliance with compulsory attendance has been waived pursuant to subdivision
607 D 1 and who fail to comply with the conditions of the specific student's educational plan shall be
608 deemed to have forfeited such waiver.

609 E. A school board may, in accordance with the procedures set forth in § 22.1-277 and upon a
610 finding that a school-age child has (i) committed an offense in violation of school board policies, (ii)
611 been charged with an offense relating to the Commonwealth's laws, or with a violation of school board
612 policies, on weapons, alcohol or drugs, or intentional injury to another person, or (iii) been expelled
613 from school attendance pursuant to § 22.1-277.01, require the child to attend an alternative education

program as provided in § 22.1-209.1:2 or § 22.1-277.1.

F. Whenever a court orders any pupil into an alternative education program offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime which resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277, 22.1-277.01, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

¶G. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

H. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;

2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;

3. Children under ten years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;

4. Children between the ages of ten and seventeen, inclusive, who live more than 2 1/2 miles from a public school unless public transportation is provided within 1 1/2 miles of the place where such children live; and

5. Children excused pursuant to subsections B and C of this section.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

§ 22.1-254.01. (Effective until July 1, 2003) Certain students required to attend summer school or after-school sessions; promotion contingent upon remediation.

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~~ subdivision A (ii) of § 22.1-254, and the division superintendent determines that remediation of the student's poor academic performance, passage of the literacy passport test or of a Standards of Learning assessment in grades three, five, or eight, 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.

§ 22.1-254.01. (Effective July 1, 2003) 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~~ subdivision A (ii) of § 22.1-254, and the division superintendent determines that remediation of the student's poor academic performance, passage of the Standards of Learning Assessment in grades three, five, or eight, 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.

§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a baccalaureate degree in any subject from an accredited institution of higher education; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) has enrolled the child or children in a correspondence course approved by the Superintendent of Public Instruction; or (iv) provides a program of study or curriculum which, in the judgment of the division superintendent, includes the standards of learning objectives adopted by the Board of Education for language arts and mathematics and provides evidence that the parent is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum to be followed for the coming year and evidence of having met one of the criteria for providing home instruction as required by subsection A of this section. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall comply with the requirements of this section within thirty days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on a battery of achievement tests which have been approved by the Board of Education for use in the public schools or (ii) an evaluation or assessment which, in the judgment of the division superintendent, indicates that the child is achieving an adequate level of educational growth and progress.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A of this section and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. For purposes of this section, "parent" means the biological parent or adoptive parent, guardian or other person having control or charge of a child.

Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to § 22.1-257 22.1-254 B 1.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within thirty days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

§ 22.1-254.2. Testing for general educational development; eligibility; guidelines.

A. The Board of Education ~~may~~ shall establish a program of testing for general educational development through which ~~children~~ persons may earn a high school equivalency certificate. The following persons may participate in the testing program:

1. Persons who are at least eighteen years of age and not enrolled in public school or not otherwise meeting the school attendance requirements set forth in § 22.1-254;

2. Persons sixteen years of age or older who have been instructed by their parents in their home pursuant to § 22.1-254.1 for three consecutive years and who have completed such home school instruction or who ;

3. Persons who have been excused from school attendance pursuant to subdivisions subsections B 1 and 2 C of § 22.1-257 may earn a high school equivalency certificate 22.1-254; and

4. Persons for whom compliance with compulsory attendance has been waived pursuant to subdivision D 2 of § 22.1-254 and whose withdrawal from school has been evidenced by a letter from the principal or his designee of the last school in which the student was enrolled.

Under no circumstances shall persons under the age of sixteen be eligible for the testing program.

B. From such funds as may be appropriated for this purpose, local school boards shall implement programs of preparation and testing for general educational development consistent with guidelines to be developed by the Board of Education. Such guidelines shall include a provision that allows preparatory and testing programs to be offered jointly by two or more school boards.

§ 22.1-263. Violation constitutes misdemeanor.

Any person violating the provisions of either § 22.1-254, except for ~~subsection E subdivision A (ii)~~, § 22.1-255, or § 22.1-267 shall be guilty of a Class 3 misdemeanor. Upon a finding that a person knowingly and willfully violated any provision of § 22.1-254, except for ~~subsection E subdivision A (ii)~~, or any provision of § 22.1-255 or § 22.1-267 and that such person has been convicted previously of a violation of any provision of § 22.1-254, except for ~~subsection E subdivision A (ii)~~, or any provision of § 22.1-255 or § 22.1-267, such person shall be guilty of a Class 2 misdemeanor.

§ 22.1-271.4. Health requirements for home-instructed, exempted, and excused children.

In addition to compliance with the requirements of *subsections B, C, or H* of § 22.1-254 or § 22.1-254.1; ~~§ 22.1-256, or § 22.1-257~~, any parent, guardian or other person having control or charge of a child being home instructed, exempted or excused from school attendance shall comply with the immunization requirements provided in § 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Upon request by the division superintendent, the parent shall submit to such division superintendent documentary proof of immunization in compliance with § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the division superintendent stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (ii) a written certification from a licensed physician that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

2. That §§ 22.1-256 and 22.1-257 of the Code of Virginia are repealed.