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## HOUSE BILL NO. 2384

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on February 4, 1999)

(Patron Prior to Substitute—Delegate Dillard)

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.

**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 fourteen days without prior notice or an opportunity to be heard if the judge entering the placement order describes the emergency and the need for such temporary placement in the order. Nothing in this subdivision shall prohibit the commitment of a child to any local board of public welfare or social services in the Commonwealth when the local board consents to the commitment. The board to which

60 the child is committed shall have the final authority to determine the appropriate placement for the  
61 child.

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

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

68 § 22.1-199.2. (Effective until July 1, 2003) Standards for remediation programs established; reporting  
69 required.

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

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

90 § 22.1-199.2. (Effective July 1, 2003) Standards for remediation programs established; reporting  
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92 A. The Board of Education shall establish standards for remediation programs, which shall be  
93 designed to strengthen and improve the effectiveness of such programs in increasing the scholastic  
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95 remediation program offered by the school division to assess such students' educational needs and  
96 program effectiveness, and (ii) that school divisions report, on such forms as may be required by the  
97 Board for such purpose, data pertaining to the demographic and educational characteristics of students  
98 who have been identified for remediation pursuant to subsection C of § 22.1-253.13:1, or ~~subsection E~~  
99 *clause (ii) of subsection A* of § 22.1-254, and § 22.1-254.01. Data submitted to the Board shall include,  
100 but not be limited to, the number of students failing any Standards of Learning assessments for grades  
101 three, five, and eight; a demographic profile of the students attending such programs; the academic  
102 status of each such student; the types of instruction offered, the length of the program, and the local  
103 costs of the program; the number of ungraded and disabled students, and those with limited English  
104 proficiency (ESL); and the number of students failing the Standards of Learning assessments for grades  
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106 B. The Board of Education shall cause the collection, compilation, and analysis of the data required  
107 to be reported by local school divisions in subsection A of this section to accomplish a statewide review  
108 and evaluation of remediation programs. The Board shall report its analysis of the data submitted by  
109 school divisions and a statewide assessment of remediation programs, and any recommendations, to the  
110 Governor and the General Assembly annually, beginning on December 1, 1998.

111 § 22.1-253.13:1. (Effective until July 1, 2003) Standard 1. Basic skills, selected programs, and  
112 instructional personnel.

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

119 B. The Board of Education shall establish educational objectives to implement the development of  
120 the skills that are necessary for success in school and for preparation for life in the years beyond. The  
121 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 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

183 subsection ~~E~~ clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01. The requirement for  
184 remediation may, however, be satisfied by the student's attendance in a program of prevention,  
185 intervention or remediation which has been selected by his parent and is either (i) conducted by an  
186 accredited private school or (ii) a special program which has been determined to be comparable to the  
187 required public school remediation program by the division superintendent. The costs of such private  
188 school remediation program or other special remediation program shall be borne by the student's parent.  
189 Students required to attend such summer school programs or to participate in another form of  
190 remediation shall not be charged tuition by the local school division. Based on the number of students  
191 attending and the Commonwealth's share of the per pupil costs, additional state funds shall be provided  
192 for summer and other remediation programs as set forth in the appropriation act.

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

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

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

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

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

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

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

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

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

244 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 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.

§ 22.1-253.13:1. (Effective July 1, 2003) 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 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, 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~~ *clause (ii) of subsection A* 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 forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

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

429 success.

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

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

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

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

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

457 7. Early identification of gifted students and enrollment of such students in appropriately  
458 differentiated instructional programs.

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

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

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

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

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

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

C. The requirements of this section shall not apply to any child who has obtained a high school

552 diploma, its equivalent, or a certificate of completion, or has otherwise complied with compulsory  
553 school attendance requirements as set forth in this article.

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

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

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

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

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

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

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

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

582 D. Local school boards may allow the requirements of subsection A of this section to be met under  
583 the following conditions:

584 For a student who is at least sixteen years of age, there shall be a meeting among the student, the  
585 student's parents, and the principal or his designee of the school in which the student is enrolled in  
586 which an individual student alternative education plan shall be developed in conformity with guidelines  
587 prescribed by the Board, which plan must include:

588 a. Career guidance counseling;

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

593 c. Counseling on the economic impact of failing to complete high school; and

594 d. Procedures for re-enrollment to comply with the requirements of subsection A of this section.

595 A student for whom an individual student alternative education plan has been granted pursuant to  
596 this subsection and who fails to comply with the conditions of the such plan shall be deemed to in  
597 violation of subsection A of this section.

598 Students enrolled with an individual student alternative education plan shall be counted in the  
599 average daily membership of the school division.

600 E. A school board may, in accordance with the procedures set forth in § 22.1-277 and upon a  
601 finding that a school-age child has (i) committed an offense in violation of school board policies, (ii)  
602 been charged with an offense relating to the Commonwealth's laws, or with a violation of school board  
603 policies, on weapons, alcohol or drugs, or intentional injury to another person, or (iii) been expelled  
604 from school attendance pursuant to § 22.1-277.01, require the child to attend an alternative education  
605 program as provided in § 22.1-209.1:2 or § 22.1-277.1.

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

610 The juvenile and domestic relations district court of the county or city in which a pupil resides or in  
611 which charges are pending against a pupil, or any court in which charges are pending against a pupil,  
612 may require the pupil who has been charged with (i) a crime which resulted in or could have resulted  
613 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.*

FG. 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 2.5 miles from a public school unless public transportation is provided within 1.5 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 clause (ii) of subsection A~~ 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 clause (ii) of subsection A~~ 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

675 school attendance if he (i) holds a baccalaureate degree in any subject from an accredited institution of  
 676 higher education; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) has  
 677 enrolled the child or children in a correspondence course approved by the Superintendent of Public  
 678 Instruction; or (iv) provides a program of study or curriculum which, in the judgment of the division  
 679 superintendent, includes the standards of learning objectives adopted by the Board of Education for  
 680 language arts and mathematics and provides evidence that the parent is able to provide an adequate  
 681 education for the child.

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

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

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

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

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

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

717 § 22.1-254.2. Testing for general educational development; eligibility; guidelines.

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

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

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

726 3. Persons who have been excused from school attendance pursuant to ~~subdivisions~~ subsections B 4  
 727 and 2 C of § ~~22.1-257~~ may earn a high school equivalency certificate 22.1-254; and

728 4. Persons for whom an individual student alternative education plan has been granted pursuant to  
 729 subsection D of § 22.1-254.

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

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

735 § 22.1-263. Violation constitutes misdemeanor.

736 Any person violating the provisions of either § 22.1-254, except for ~~subsection E~~ clause (ii) of

subsection A, § 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~~ clause (ii) of subsection A, 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~~ clause (ii) of subsection A, 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 *subsection 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.**