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SENATE BILL NO. 668

Offered January 26, 1998

A *BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to testing after remediation.*

Patrons—Lambert, Miller, Y.B. and Woods; Delegates: Christian and Hall

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-253.13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

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

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

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. However, no revisions shall be implemented prior to July 1, 1994. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving and decision making, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty. School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives utilized by the school division at appropriate age or grade levels. With such funds as are available for this purpose, the Board of Education may prescribe assessment methods to determine the level of achievement of these objectives by all students.

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

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at-risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, or who do not pass the literacy tests prescribed by the Board of Education. Such programs shall include summer school or other forms of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation which may include attendance in public summer school programs, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the

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60 required public school remediation program by the division superintendent. The costs of such private
61 school remediation program or other special remediation program shall be borne by the student's parent.
62 Students required to attend such summer school programs or to participate in another form of
63 remediation shall not be charged tuition by the local school division. Based on the number of students
64 attending and the Commonwealth's share of the per pupil costs, additional state funds shall be provided
65 for summer and other remediation programs as set forth in the appropriation act. Any student who does
66 not pass the literacy tests shall be required to attend a summer school program or participate in another
67 form of remediation. Such summer school program or other form of remediation shall be chosen by the
68 school division to be appropriate to the academic needs of the student. *No later than thirty days*
69 *following completion of a program of remediation as required in this section, a student shall be*
70 *administered the appropriate test or state assessment designed to measure the mastery of content or*
71 *skills taught in the remediation program, such as the Literacy Passport Test, the Standards of Learning*
72 *end-of-course test, or such other test as may be appropriate.* State funds shall be provided, as set forth
73 in the appropriation act, for the attendance in remediation programs conducted by local school divisions
74 for those students who do not pass the literacy tests beginning with the 1997-1998 fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-five to one in kindergarten with no class being larger than thirty students; if the average daily membership in any kindergarten class exceeds twenty-five pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-five to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

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

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

H. Students enrolled in a public school on a less than full-time basis shall be counted in average daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, or foreign language course shall be counted in the average daily

183 membership (ADM) in the relevant school division on a pro rata basis as provided in the appropriation
184 act. However, no such nonpublic or home school student shall be counted as more than one-half a
185 student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such
186 students in any other public school courses.