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SENATE BILL NO. 986

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2013)

(Patron Prior to Substitute—Senator Stuart)

A *BILL to amend and reenact §§ 22.1-178, 22.1-253.13:1, 22.1-253.13:4, 22.1-274, 22.1-298.1, and 22.1-299.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-274.4, relating to public schools; cardiopulmonary resuscitation and automated external defibrillators.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-178, 22.1-253.13:1, 22.1-253.13:4, 22.1-274, 22.1-298.1, and 22.1-299.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-274.4 as follows:

§ 22.1-178. Requirements for persons employed to drive school buses.

A. No school board shall hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person proposed to so operate such school bus shall:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the Board of Education showing the results of such examination.

2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the records of such Department do not disclose that the person, within the preceding five years, has been convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 or, within the preceding ~~twelve~~ 12 months, has been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-498.

3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.

4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-339.

5. Have reached the age of ~~eighteen~~ 18 on the first day of the school year.

B. Any school board may require ~~successful completion of the American National Red Cross first-aid course or its equivalent~~ *proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator* as a condition to employment to operate a school bus transporting pupils.

C. School boards may require persons accepting employment after July 1, 1994, as a driver of a school bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. Any such tests shall be conducted in compliance with Board of Education regulations.

D. The documents required pursuant to subdivisions A 1 and A 2 ~~of this section~~ shall be furnished annually prior to the anniversary date of the employment agreement as a condition to continuing employment to operate a school bus.

E. The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

F. The State Department of Education shall furnish to the several division superintendents the necessary forms to be used by applicants in furnishing the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistake, and furnish all parties involved with a complete and accurate record of the information required.

G. The physical examination required by subsection A may be performed and the report of the results signed by a licensed nurse practitioner or physician assistant.

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote

60 student achievement; (iii) quality instruction that enables each student to become a productive and
61 educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of
62 other resources. In keeping with this goal, the General Assembly shall provide for the support of public
63 education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

64 B. The Board of Education shall establish educational objectives known as the Standards of
65 Learning, which shall form the core of Virginia's educational program, and other educational objectives,
66 which together are designed to ensure the development of the skills that are necessary for success in
67 school and for preparation for life in the years beyond. At a minimum, the Board shall establish
68 Standards of Learning for English, mathematics, science, and history and social science. The Standards
69 of Learning shall not be construed to be regulations as defined in § 2.2-4001.

70 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
71 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
72 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning,
73 including problem solving and decision making; proficiency in the use of computers and related
74 technology; and the skills to manage personal finances and to make sound financial decisions.

75 The English Standards of Learning for reading in kindergarten through grade three shall be based on
76 components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics,
77 fluency, vocabulary development, and text comprehension.

78 The Standards of Learning in all subject areas shall be subject to regular review and revision to
79 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
80 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
81 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
82 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once
83 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
84 review and revision on a more frequent basis.

85 To provide appropriate opportunity for input from the general public, teachers, and local school
86 boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of
87 Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time,
88 and place of the hearings to all local school boards and any other persons requesting to be notified of
89 the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia
90 Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present
91 information prior to final adoption of any revisions of the Standards of Learning.

92 In addition, the Department of Education shall make available and maintain a website, either
93 separately or through an existing website utilized by the Department of Education, enabling public
94 elementary, middle, and high school educators to submit recommendations for improvements relating to
95 the Standards of Learning, when under review by the Board according to its established schedule, and
96 related assessments required by the Standards of Quality pursuant to this chapter. Such website shall
97 facilitate the submission of recommendations by educators.

98 School boards shall implement the Standards of Learning or objectives specifically designed for their
99 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to
100 achieve the educational objectives established by the school division at appropriate age or grade levels.
101 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

102 The Board of Education shall include in the Standards of Learning for history and social science the
103 study of contributions to society of diverse people. For the purposes of this subsection, "diverse" ~~shall~~
104 ~~include~~ includes consideration of disability, ethnicity, race, and gender.

105 *The Board of Education shall include in the Standards of Learning for health instruction in*
106 *emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,*
107 *including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such*
108 *instruction shall be based on the current national evidence-based emergency cardiovascular care*
109 *guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as*
110 *a program developed by the American Heart Association or the American Red Cross. No teacher who*
111 *is in compliance with subdivision D 4 of § 22.1-298.1 shall be required to be certified as a trainer of*
112 *cardiopulmonary resuscitation to provide instruction for non-certification.*

113 With such funds as are made available for this purpose, the Board shall regularly review and revise
114 the competencies for career and technical education programs to require the full integration of English,
115 mathematics, science, and history and social science Standards of Learning. Career and technical
116 education programs shall be aligned with industry and professional standard certifications, where they
117 exist.

118 C. Local school boards shall develop and implement a program of instruction for grades K through
119 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
120 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
121 and computations, proficiency in the use of computers and related technology, and scientific concepts

and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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 who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form 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 clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also 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. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that 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.

The Board of Education shall establish standards for full funding of summer remedial programs that 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 three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades; and

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs ~~must~~ shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community

colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

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

7. 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.

8. 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.

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

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for ~~grades~~ kindergarten through *grade* 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family

involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

306 *Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the*
307 *standard and advanced diplomas shall include a requirement to be trained in emergency first aid,*
308 *cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on*
309 *practice of the skills necessary to perform cardiopulmonary resuscitation.*

310 The Board shall make provision in its regulations for students with disabilities to earn a standard
311 diploma.

312 3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful
313 completion of one virtual course. The virtual course may be a noncredit-bearing course.

314 4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or
315 advanced studies diploma, that students completing elective classes into which the Standards of Learning
316 for any required course have been integrated may take the relevant Standards of Learning test for the
317 relevant required course and receive, upon achieving a satisfactory score on the specific Standards of
318 Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the
319 Board's requirement for verified credit for the required course.

320 5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with
321 the recommendation of the division superintendent, without completing the 140-hour class, to obtain
322 credit for such class upon demonstration of mastery of the course content and objectives. Having
323 received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning
324 assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall
325 preclude relevant school division personnel from enforcing compulsory attendance in public schools.

326 6. Provide for the award of verified units of credit for passing scores on industry certifications, state
327 licensure examinations, and national occupational competency assessments approved by the Board of
328 Education.

329 School boards shall report annually to the Board of Education the number of Board-approved
330 industry certifications obtained, state licensure examinations passed, national occupational competency
331 assessments passed, Virginia workplace readiness skills assessments passed, and the number of career
332 and technical education completers who graduated. These numbers shall be reported as separate
333 categories on the School Performance Report Card.

334 For the purposes of this subdivision, a "career and technical education completer" is *means* a student
335 who has met the requirements for a career and technical concentration or specialization and all
336 requirements for high school graduation or an approved alternative education program.

337 In addition, the Board may:

338 a. For the purpose of awarding verified units of credit, approve the use of additional or substitute
339 tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry
340 certifications or state licensure examinations; and

341 b. Permit students completing career and technical education programs designed to enable such
342 students to pass such industry certification examinations or state licensure examinations to be awarded,
343 upon obtaining satisfactory scores on such industry certification or licensure examinations, the
344 appropriate verified units of credit for one or more career and technical education classes into which
345 relevant Standards of Learning for various classes taught at the same level have been integrated. Such
346 industry certification and state licensure examinations may cover relevant Standards of Learning for
347 various required classes and may, at the discretion of the Board, address some Standards of Learning for
348 several required classes.

349 7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at
350 the request of a local school board. Such waivers shall be granted only for good cause and shall be
351 considered on a case-by-case basis.

352 E. In the exercise of its authority to recognize exemplary academic performance by providing for
353 diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in
354 career and technical education programs by students who have completed the requirements for a Board
355 of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

356 In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics
357 and technology for the Board of Education-approved diplomas. The Board shall consider including
358 criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii)
359 technology-related training; and (iv) industry, professional, and trade association national certifications.

360 The Board shall also establish criteria for awarding a diploma seal for excellence in civics education
361 and understanding of our state and federal constitutions and the democratic model of government for the
362 Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful
363 completion of history, government, and civics courses, including courses that incorporate character
364 education; (ii) voluntary participation in community service or extracurricular activities that includes the
365 types of activities that shall qualify as community service and the number of hours required; and (iii)
366 related requirements as it deems appropriate.

367 F. The Board shall establish, by regulation, requirements for the award of a general achievement

adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

§ 22.1-274. School health services.

A. A school board shall provide pupil personnel and support services, in compliance with § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists. No such personnel shall be employed unless they meet such standards as may be determined by the Board of Education. Subject to the approval of the appropriate local governing body, a local health department may provide personnel for health services for the school division.

B. In implementing subsection O of § 22.1-253.13:2, relating to providing support services ~~which~~ *that* are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999. In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.

C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection B ~~of this section~~ and any subsequent increase in prevailing statewide costs, and the mechanism for funding health services, pursuant to subsection O of § 22.1-253.13:2 and the appropriation act. The Board shall also determine how school health funds are used and school health services are delivered in each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance.

D. With the exception of school administrative personnel and persons employed by school boards who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purposes of this subsection, "health-related services" means those activities ~~which~~ *that*, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

E. Each school board shall ensure that, in school buildings with an instructional and administrative staff of ~~ten~~ 10 or more, (i) at least ~~two~~ *three* employees have current certification *or training* in *emergency first aid*, cardiopulmonary resuscitation, ~~or have received training, within the last two years,~~ *in emergency first aid and cardiopulmonary resuscitation and the use of an automated external defibrillator* and (ii) if one or more students diagnosed as having diabetes attend such school, at least two employees have been trained in the administration of insulin and glucagon. In school buildings with an instructional and administrative staff of fewer than ~~ten~~ 10, school boards shall ensure that ~~(i) (a) at least one employee has two employees have current certification or training in emergency first aid, cardiopulmonary resuscitation, or has received training, within the last two years, in emergency first aid and cardiopulmonary resuscitation and the use of an automated external defibrillator and (ii) (b) if one or more students diagnosed as having diabetes attend such school, at least one employee has been trained in the administration of insulin and glucagon. "Employee" shall include~~ *includes* any person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board. When a registered nurse, nurse practitioner, physician, or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician, or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained for any employee who is not a registered nurse, nurse practitioner, physician, or physician assistant to assist with the administration of

429 insulin and administer glucagon.

430 **§ 22.1-274.4. Automated external defibrillators.**

431 *Each local school board may develop a plan to allow for the placement, care, and use, and funding*
432 *of an automated external defibrillator in every school.*

433 **§ 22.1-298.1. Regulations governing licensure.**

434 A. As used in this section:

435 "Alternate route to licensure" means a nontraditional route to teacher licensure available to
436 individuals who meet the criteria specified in the regulations issued by the Board of Education.

437 "Licensure by reciprocity" means a process used to issue a license to an individual coming into
438 Virginia from another state when that individual meets certain conditions specified in the Board of
439 Education's regulations.

440 "Professional teacher's assessment" means those tests mandated for licensure as prescribed by the
441 Board of Education.

442 "Provisional license" means a nonrenewable license issued by the Board of Education for a specified
443 period of time, not to exceed three years, to an individual who may be employed by a school division in
444 Virginia and who generally meets the requirements specified in the Board of Education's regulations for
445 licensure, but who may need to take additional coursework or pass additional assessments to be fully
446 licensed with a renewable license.

447 "Renewable license" means a license issued by the Board of Education for five years to an individual
448 who meets the requirements specified in the Board of Education's regulations.

449 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of
450 teachers and other school personnel required to hold a license. Such regulations shall include
451 requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The
452 Board of Education shall revoke the license of any person for whom it has received a notice of
453 dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the
454 subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by
455 § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth
456 to approve educational programs, only the Board of Education shall have the authority to license
457 teachers to be regularly employed by school boards, including those teachers employed to provide
458 nursing education.

459 The Board of Education shall prescribe by regulation the licensure requirements for teachers who
460 teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching
461 online courses. Teachers who hold a five-year renewable license issued by the Board of Education may
462 teach online courses for which they are properly endorsed.

463 Notwithstanding the provisions of this section and the Board's authority to license teachers, local
464 school boards shall be authorized to issue valid, three-year local eligibility licenses pursuant to
465 § 22.1-299.3.

466 C. The Board of Education's regulations shall include requirements that a person seeking initial
467 licensure:

468 1. Complete professional assessments as prescribed by the Board of Education;

469 2. Complete study in attention deficit disorder;

470 3. Complete study in gifted education, including the use of multiple criteria to identify gifted
471 students; and

472 4. Complete study in methods of improving communication between schools and families and ways
473 of increasing family involvement in student learning at home and at school.

474 D. In addition, such regulations shall include requirements that:

475 1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of
476 educational technology for instruction;

477 2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have
478 not completed such study shall complete study in child abuse recognition and intervention in accordance
479 with curriculum guidelines developed by the Board of Education in consultation with the Department of
480 Social Services that are relevant to the specific teacher licensure routes;

481 3. Every person seeking initial licensure or renewal of a license shall receive professional
482 development in instructional methods tailored to promote student academic progress and effective
483 preparation for the Standards of Learning end-of-course and end-of-grade assessments; ~~and~~

484 4. *Every person seeking initial licensure or renewal of a license shall provide evidence of completion*
485 *of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of*
486 *automated external defibrillators. The certification or training program shall be based on the current*
487 *national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation*
488 *and the use of an automated external defibrillator, such as a program developed by the American Heart*
489 *Association or the American Red Cross. The Board shall provide a waiver for this requirement for any*
490 *person with a disability whose disability prohibits such person from completing the certification or*

training; and

4. 5. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

§ 22.1-299.3. Three-year local eligibility license.

A. Local school boards shall be authorized, upon recommendation of the local superintendent, to issue a valid three-year nonrenewable local eligibility license to classroom teacher candidates in accordance with the following criteria:

1. No such license shall be issued to teachers providing instruction in special education, and the issuance of such license shall be restricted to those teachers providing instruction in courses that do not represent core academic areas as defined by the federal No Child Left Behind Act, P.L. 107-110, as it may be amended.

2. No more than 10 percent of the classroom teachers employed by the relevant local school division shall hold such local licenses, based on the number of classroom teachers employed by such school division during the preceding school year.

3. The applicant for a three-year local eligibility license shall have earned a baccalaureate degree from an accredited institution of higher education and shall have such experience or training in a subject or content area as the local school board and superintendent may deem appropriate for the intended teaching assignment.

4. *The applicant for a three-year local eligibility license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The local school board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.*

4. 5. The holder of a three-year local eligibility license shall be required to complete such training within the three-year licensure period as may be specified by the division superintendent, the school board, and standards prescribed by the Board of Education which shall include, but need not be limited to, curriculum and instruction, including educational technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, and human growth and development.

5. 6. The local eligibility license shall only be valid within the issuing school division.

6. 7. No local eligibility license shall be issued if the teacher candidate/applicant is eligible for a collegiate professional or postgraduate professional license issued by the Department of Education.

7. 8. Teachers issued a three-year local eligibility license shall be considered probationary teachers, shall not be eligible for continuing contract status while employed under the authority of a local license, and shall be subject to the probationary terms of employment specified in § 22.1-303.

B. Except as specified in this section and § 22.1-303, a teacher employed while holding a local

552 eligibility license shall be entitled and subject to all other requirements and rights provided by law or
553 regulation.

554 C. Any teacher employed pursuant to a local eligibility license shall be issued a collegiate
555 professional or postgraduate professional license upon the expiration of the local eligibility license upon
556 satisfaction of the following conditions: (i) recommendation by the division superintendent and the
557 school board for such licensure; (ii) the completion of three successful years of teaching experience
558 while holding a valid three-year local eligibility license as certified by the division superintendent and
559 the school board; (iii) achieving a satisfactory score on the professional teacher's examinations required
560 by the Board; and (iv) such standards as may be prescribed by the Board of Education.

561 D. Local school boards shall provide to the Board of Education information about teachers receiving
562 local eligibility licenses and other data related to the local school division's issuance of eligibility
563 licenses as prescribed by the Board. The Board is authorized to revoke and reinstate a local school
564 board's authority to issue local eligibility licenses upon a determination of any violation of this section.

565 **2. That the Board of Education, in conjunction with the Department of Health, shall adopt**
566 **regulations and establish guidelines to implement the provisions of this act.**