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SENATE BILL NO. 262

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 29, 2014)

(Patron Prior to Substitute—Senator Deeds)

*A BILL to amend and reenact §§ 17.1-275.12 and 22.1-253.13:1 of the Code of Virginia, relating to additional fee for Internet Crimes Against Children Fund; Child Safety Test.***Be it enacted by the General Assembly of Virginia:****1. That §§ 17.1-275.12 and 22.1-253.13:1 of the Code of Virginia are amended and reenacted as follows:****§ 17.1-275.12. Additional fee for Internet Crimes Against Children Fund.**

In addition to the fees provided for by §§ 16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, and 17.1-275.11, a fee of \$10 \$15 upon each felony or misdemeanor conviction shall be assessed as court costs. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Internet Crimes Against Children Fund.

There is hereby established in the state treasury the Internet Crimes Against Children Fund. Such fund Fund shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following manner: first, to the Virginia State Police, \$250,000 to fund the maintenance of the Child Pornography Images Registry pursuant to § 19.2-390.3; then of the remaining annual deposits: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 27.7777 25 percent of the total annual deposits to support grants for full-time and part-time salaried positions with the local Internet Crimes Against Children Task Force affiliate agencies and training and equipment for local law-enforcement agencies' use in investigating and prosecuting Internet crimes against children; to the Department of Education, 4.7777 percent to implement a curriculum for the Governor's Child Safety Test established under § 22.1-253.13:1; and to the Department of Social Services, 5.5555 3.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability System established under § 63.2-1530.

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

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

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

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

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

60 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
61 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
62 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once
63 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
64 review and revision on a more frequent basis.

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

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

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

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

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

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

98 C. Local school boards shall develop and implement a program of instruction for grades K through
99 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
100 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
101 and computations, proficiency in the use of computers and related technology, and scientific concepts
102 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
103 world and United States history, economics, government, foreign languages, international cultures, health
104 and physical education, environmental issues, and geography necessary for responsible participation in
105 American society and in the international community; fine arts, which may include, but need not be
106 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
107 education, gainful employment, or training in a career or technical field; and development of the ability
108 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
109 achieve economic self-sufficiency.

110 Local school boards shall also develop and implement programs of prevention, intervention, or
111 remediation for students who are educationally at risk including, but not limited to, those who fail to
112 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
113 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include
114 components that are research-based.

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

118 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
119 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
120 award of a verified unit of credit shall be required to attend a remediation program or to participate in
121 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 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

183 Placement courses with qualifying exam scores of three or higher.

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

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

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

196 Local school divisions shall provide reading intervention services to students in kindergarten through
197 grade three who demonstrate deficiencies based on their individual performance on the Standards of
198 Learning reading test or any reading diagnostic test that meets criteria established by the Department of
199 Education. Local school divisions shall report the results of the diagnostic tests to the Department of
200 Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction.
201 Each student who receives early intervention reading services will be assessed again at the end of that
202 school year. The local school division, in its discretion, shall provide such reading intervention services
203 prior to promoting a student from grade three to grade four. Reading intervention services may include
204 the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified
205 teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher
206 provides direct instruction to the students who need extra assistance; and extended instructional time in
207 the school day or school year for these students. Funds appropriated for prevention, intervention, and
208 remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the
209 requirements of this subdivision.

210 Local school divisions shall provide algebra readiness intervention services to students in grades six
211 through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
212 individual performance on any diagnostic test that has been approved by the Department of Education.
213 Local school divisions shall report the results of the diagnostic tests to the Department of Education on
214 an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student
215 who receives algebra readiness intervention services will be assessed again at the end of that school
216 year. Funds appropriated for prevention, intervention, and remediation; summer school remediation;
217 at-risk; or algebra readiness intervention services may be used to meet the requirements of this
218 subdivision.

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

221 15. A program of physical fitness available to all students with a goal of at least 150 minutes per
222 week on average during the regular school year. Such program may include any combination of (i)
223 physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities
224 deemed appropriate by the local school board *and shall include the Governor's Child Safety Test, a*
225 *program of instruction that shall consist of at least eight hours of instruction per year on how to*
226 *recognize, avoid, resist, escape, and report physical, sexual, and online threats, for which each child*
227 *shall receive a certificate signed by the Governor upon successful completion of the program.* Each local
228 school board shall incorporate into its local wellness policy a goal for the implementation of such
229 program during the regular school year. *Parents and guardians have the right to review the Governor's*
230 *Child Safety Test program offered by the school division in which their child is a student, including*
231 *written and audiovisual materials used in the program, and have the right to excuse their child from*
232 *participation in all or part of such program.*

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

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

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

245 disseminate among school divisions information regarding effective instructional programs and practices,
246 initiatives promoting family and community involvement, and potential funding and support sources.
247 Such unit may also provide resources supporting professional development for administrators and
248 teachers. In providing such information, resources, and other services to school divisions, the unit shall
249 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
250 Learning assessments.

251 **2. That the Secretary of Education and the Secretary of Public Safety shall work collaboratively to**
252 **develop a curriculum for the Governor's Child Safety Test, a program of instruction to be**
253 **implemented by local school boards. The curriculum shall include at least eight hours of**
254 **instruction per academic year teaching students how to recognize, avoid, resist, escape, and report**
255 **physical, sexual, and online threats, for which each child shall receive a certificate signed by the**
256 **Governor upon successful completion of the program.**