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SENATE BILL NO. 211

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 17, 2016)

(Patron Prior to Substitute—Senator Miller)

A *BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to public schools; physical activity requirement.*

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

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 revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice 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 the Standards of Learning 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 the Standards of Learning.

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

School boards shall implement the Standards of Learning 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 established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

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

63 The Board of Education shall include in the Standards of Learning for health instruction in
64 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
65 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
66 instruction shall be based on the current national evidence-based emergency cardiovascular care
67 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
68 program developed by the American Heart Association or the American Red Cross. No teacher who is
69 in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of
70 cardiopulmonary resuscitation to provide instruction for non-certification.

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

76 C. Local school boards shall develop and implement a program of instruction for grades K through
77 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
78 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
79 and computations, proficiency in the use of computers and related technology, and scientific concepts
80 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
81 world and United States history, economics, government, foreign languages, international cultures, health
82 and physical education, environmental issues, and geography necessary for responsible participation in
83 American society and in the international community; fine arts, which may include, but need not be
84 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
85 education, gainful employment, or training in a career or technical field; and development of the ability
86 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
87 achieve economic self-sufficiency.

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

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

96 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
97 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
98 award of a verified unit of credit shall be required to attend a remediation program or to participate in
99 another form of remediation. Division superintendents shall require such students to take special
100 programs of prevention, intervention, or remediation, which may include attendance in public summer
101 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

102 Remediation programs shall include, when applicable, a procedure for early identification of students
103 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
104 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
105 include summer school for all elementary and middle school grades and for all high school academic
106 courses, as defined by regulations promulgated by the Board of Education, or other forms of
107 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the
108 division superintendent to be appropriate to the academic needs of the student. Students who are
109 required to attend such summer school programs or to participate in another form of remediation shall
110 not be charged tuition by the school division.

111 The requirement for remediation may, however, be satisfied by the student's attendance in a program
112 of prevention, intervention or remediation that has been selected by his parent, in consultation with the
113 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)
114 a special program that has been determined to be comparable to the required public school remediation
115 program by the division superintendent. The costs of such private school remediation program or other
116 special remediation program shall be borne by the student's parent.

117 The Board of Education shall establish standards for full funding of summer remedial programs that
118 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof
119 required for full funding and an assessment system designed to evaluate program effectiveness. Based on
120 the number of students attending and the Commonwealth's share of the per pupil instructional costs,
121 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;

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; and

d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

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 kindergarten through 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. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that

183 school year. The local school division, in its discretion, shall provide such reading intervention services
184 prior to promoting a student from grade three to grade four. Reading intervention services may include
185 the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified
186 teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher
187 provides direct instruction to the students who need extra assistance; and extended instructional time in
188 the school day or school year for these students. Funds appropriated for prevention, intervention, and
189 remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the
190 requirements of this subdivision.

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

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

202 15. A program of physical ~~fitness~~ *activity* available to all students *in grades kindergarten through*
203 *five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular*
204 *school year and available to all students in grades six through 12* with a goal of at least 150 minutes
205 per week on average during the regular school year. Such program may include any combination of (i)
206 physical education classes, (ii) extracurricular athletics, ~~or~~ (iii) *recess, or* (iv) other programs and
207 physical activities deemed appropriate by the local school board. Each local school board shall
208 ~~incorporate into its local wellness policy a goal for the implementation of~~ *implement* such program
209 during the regular school year.

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

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

214 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
215 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
216 resources and technical assistance to increase the capacity for school divisions to deliver quality
217 instruction; and (iii) assist school divisions in implementing those programs and practices that will
218 enhance pupil academic performance and improve family and community involvement in the public
219 schools. Such unit shall identify and analyze effective instructional programs and practices and
220 professional development initiatives; evaluate the success of programs encouraging parental and family
221 involvement; assess changes in student outcomes prompted by family involvement; and collect and
222 disseminate among school divisions information regarding effective instructional programs and practices,
223 initiatives promoting family and community involvement, and potential funding and support sources.
224 Such unit may also provide resources supporting professional development for administrators and
225 teachers. In providing such information, resources, and other services to school divisions, the unit shall
226 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
227 Learning assessments.

228 F. Each local school board may enter into agreements for postsecondary credential, certification, or
229 license attainment with community colleges or other public institutions of higher education or
230 educational institutions established pursuant to Title 23 that offer a career and technical education
231 curriculum. Such agreements shall specify (i) the options for students to take courses as part of the
232 career and technical education curriculum that lead to an industry-recognized credential, certification, or
233 license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available
234 for such courses.

235 **2. That the provisions of this act shall become effective beginning with the 2018-2019 school year.**