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HOUSE BILL NO. 2633

Offered January 20, 1997

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 22.1-199.2, relating to remedial summer school programs.

Patron—Connally

Referred to Committee on Education

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, and that the Code of Virginia is amended by adding a section numbered 22.1-199.2, as follows:

§ 22.1-199.2. Standards for remedial summer school programs established; reporting required.

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

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

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

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

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

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. However, no revisions shall be implemented prior to July 1, 1994. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving and decision making, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty. School boards shall implement these objectives or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives

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60 utilized by the school division at appropriate age or grade levels. With such funds as are available for
61 this purpose, the Board of Education may prescribe assessment methods to determine the level of
62 achievement of these objectives by all students.

63 C. Local school boards shall develop and implement a program of instruction for grades K through
64 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, and scientific
65 concepts and processes; essential skills and concepts of citizenship, including knowledge of history,
66 economics, government, foreign languages, international cultures, health, environmental issues and
67 geography necessary for responsible participation in American society and in the international
68 community; fine arts and practical arts; knowledge and skills needed to qualify for further education and
69 employment or, in the case of some handicapped children, to qualify for appropriate training; and
70 development of the ability to apply such skills and knowledge in preparation for eventual employment
71 and lifelong learning.

72 Local school boards shall also develop and implement programs of prevention, intervention, or
73 remediation for students who are educationally at-risk including, but not limited to, those whose scores
74 are in the bottom national quartile on Virginia State Assessment Program Tests, or who do not pass the
75 literacy test prescribed by the Board of Education. Division superintendents may require such students to
76 take special programs of prevention, intervention, or remediation which may include attendance in public
77 summer school sessions, in accordance with subsection E of § 22.1-254 and § 22.1-254.01. Students
78 required to attend such summer school sessions shall not be charged tuition.

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

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

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

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

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

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

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

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

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

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

121 9. Adult education programs for individuals functioning below the high school completion level.

122 Such programs may be conducted by the school board as the primary agency or through a collaborative
123 arrangement between the school board and other agencies.

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

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

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

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

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

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

172 § 22.1-254.01. Certain students required to attend summer school.

173 In the event that a student is required to take a special program of prevention, intervention, or
174 remediation in a public summer school session as provided in subsection C of § 22.1-253.13:1 and in
175 accordance with subsection F E of § 22.1-254, and the division superintendent determines that
176 remediation of the student's poor academic performance, or passage of the literacy passport test, or
177 promotion is directly related to the student's attendance in such summer school session, and after a
178 reasonable effort to seek the student's attendance in such session has failed, including direct notification
179 of the parents or guardians of such student of the attendance requirement and failure of the parents or
180 guardians to secure the student's attendance, the division superintendent may seek immediate compliance
181 with the compulsory school attendance law as set forth in § 22.1-254.

182 **2. That the provisions of this act shall become effective on July 1, 1998.**