

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to physical education
2 requirements.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:**

5 § 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and
6 other educational objectives.

7 A. The General Assembly and the Board of Education believe that the fundamental goal of the
8 public schools of this Commonwealth must be to enable each student to develop the skills that are
9 necessary for success in school, preparation for life, and reaching their full potential. The General
10 Assembly and the Board of Education find that the quality of education is dependent upon the provision
11 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
12 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote
13 student achievement; (iii) quality instruction that enables each student to become a productive and
14 educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of
15 other resources. In keeping with this goal, the General Assembly shall provide for the support of public
16 education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

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

23 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
24 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic

25 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning
26 including problem solving and decision making; proficiency in the use of computers and related
27 technology; and the skills to manage personal finances and to make sound financial decisions.

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

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

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

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

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

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

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

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

76 Local school boards shall also develop and implement programs of prevention, intervention, or
77 remediation for students who are educationally at risk including, but not limited to, those who fail to

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

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

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

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

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

105 The Board of Education shall establish standards for full funding of summer remedial programs
106 that shall include, but not be limited to, the minimum number of instructional hours or the equivalent
107 thereof required for full funding and an assessment system designed to evaluate program effectiveness.
108 Based on the number of students attending and the Commonwealth's share of the per pupil instructional
109 costs, state funds shall be provided for the full cost of summer and other remediation programs as set
110 forth in the appropriation act, provided such programs comply with such standards as shall be
111 established by the Board, pursuant to § 22.1-199.2.

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

113 1. Programs in grades K through three that emphasize developmentally appropriate learning to
114 enhance success.

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

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

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

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

124 c. Competency-based career and technical education programs that integrate academic outcomes,
125 career guidance and job-seeking skills for all secondary students. Programs must be based upon labor
126 market needs and student interest. Career guidance shall include counseling about available employment
127 opportunities and placement services for students exiting school. Each school board shall develop and
128 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
129 developed with the input of area business and industry representatives and local community colleges and
130 shall be submitted to the Superintendent of Public Instruction in accordance with the timelines
131 established by federal law.

- 132 4. Early identification of students with disabilities and enrollment of such students in appropriate
133 instructional programs consistent with state and federal law.
- 134 5. Early identification of gifted students and enrollment of such students in appropriately
135 differentiated instructional programs.
- 136 6. Educational alternatives for students whose needs are not met in programs prescribed
137 elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in
138 accordance with the regulations of the Board of Education.
- 139 7. Adult education programs for individuals functioning below the high school completion level.
140 Such programs may be conducted by the school board as the primary agency or through a collaborative
141 arrangement between the school board and other agencies.
- 142 8. A plan to make achievements for students who are educationally at risk a divisionwide priority
143 that shall include procedures for measuring the progress of such students.
- 144 9. A plan to notify students and their parents of the availability of dual enrollment and advanced
145 placement classes, the International Baccalaureate Program, and Academic Year Governor's School
146 Programs, the qualifications for enrolling in such classes and programs, and the availability of financial
147 assistance to low-income and needy students to take the advanced placement and International
148 Baccalaureate examinations.
- 149 10. Identification of students with limited English proficiency and enrollment of such students in
150 appropriate instructional programs.
- 151 11. Early identification, diagnosis, and assistance for students with reading and mathematics
152 problems and provision of instructional strategies and reading and mathematics practices that benefit the
153 development of reading and mathematics skills for all students.
- 154 12. Incorporation of art, and music, ~~and physical education~~ as a part of the instructional program
155 at the elementary school level.
- 156 13. A requirement, consistent with subsection C, for at least 150 minutes of physical education
157 per week, through physical education classes, extracurricular sports, or any other extracurricular
158 programs the school board deems appropriate, for grades kindergarten through 12.

159 | 14. A program of student services for grades kindergarten through 12 that shall be designed to
160 | aid students in their educational, social, and career development.

161 | ~~14~~15. The collection and analysis of data and the use of the results to evaluate and make
162 | decisions about the instructional program.

163 | E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
164 | established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
165 | resources and technical assistance to increase the capacity for school divisions to deliver quality
166 | instruction; and (iii) assist school divisions in implementing those programs and practices that will
167 | enhance pupil academic performance and improve family and community involvement in the public
168 | schools. Such unit shall identify and analyze effective instructional programs and practices and
169 | professional development initiatives; evaluate the success of programs encouraging parental and family
170 | involvement; assess changes in student outcomes prompted by family involvement; and collect and
171 | disseminate among school divisions information regarding effective instructional programs and
172 | practices, initiatives promoting family and community involvement, and potential funding and support
173 | sources. Such unit may also provide resources supporting professional development for administrators
174 | and teachers. In providing such information, resources, and other services to school divisions, the unit
175 | shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards
176 | of Learning assessments.

177 | **2. That the provisions of this act shall become effective by the beginning of the 2013-2014 school**
178 | **year.**

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