

The Standards of Quality

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Introduction: Ensuring Quality in Public Education

Excellence in public education has become a top priority for federal, state, and local lawmakers in recent years. The publication of "A Nation At Risk" in April 1983 arguably launched a decade of school reform research and rhetoric as well as specific initiatives. This landmark report of the National Commission on Excellence in Education supported the restructuring of public education "to serve a new breed of students--students in an information age whose lives differed immensely from the lives of youngsters 100 years ago...."¹ Citing alarming dropout rates and increasing numbers of unskilled graduates ill-prepared to enter the workforce, education leaders have urged "systemic change in the way teaching and learning are practiced in the nation's elementary and secondary schools."² Just as the nation's public education system shifted from a rural focus in the late 19th century to address the urban, industrialized society of the 20th century, experts have called for educational standards and school reform that will ensure educational excellence for the 21st century, while recognizing the economic, political, and societal forces affecting any such change.³

Responding to this challenge, states have pursued a variety of routes--choice, school performance assessments, and finance reform. The federal government has traditionally been reluctant to direct this process, acknowledging the states' primary responsibility for the quality of public schools.⁴ Only recently has the concept of national educational standards and goals received serious attention, prompted perhaps in part by public concern regarding quality instruction and curriculum. *America 2000*, released in April, 1991, cited increased graduation rates, greater competence in core subjects, excellence in science and mathematics, and adult literacy among its six educational goals for the year 2000. Touted as a "national strategy" rather than a federal program, *America 2000* noted the need for "world class standards" to ensure educational quality and emphasized the ultimate responsibility of states and localities for public education. In autumn 1993, Congress was slated to consider two "Goals 2000" measures that would establish the six national educational goals as federal policy.⁵ Federal

¹ C.L. Koprowicz, "From Statehouse to Schoolhouse," *State Legislatures* 24, 25 (February 1993) [hereinafter referred to as Koprowicz].

² The Business Roundtable, *Essential Components of a Successful Education System* at 1, 2 (1991).

³ Koprowicz, *supra* note 1, at 25.

⁴ *Id.* at 26, 27.

⁵ United States Department of Education, *America 2000: An Education Strategy* at 4, 11, 21, 59 (1991); "Goals 2000 Bills Approach Reform From Different Angles," *Education Daily* (special supplement) (October 6, 1993).

legislation created the National Council on Education Standards and Testing (NCEST) in 1991 to provide expertise in the development of educational standards, while "respecting state and local control of education."⁶ The accountability of local school systems for the delivery of education has also received renewed focus, as NCEST endorsed the feasibility of creating national student standards and assessments.⁷ Also furthering national educational goals are \$17 million in grants from the U.S. Department of Education to support the development of standards for mathematics and science.⁸

While the establishment of national educational standards remains somewhat controversial, recent federal legislation, such as the 1988 Hawkins-Stafford Elementary and Secondary School Improvement Amendments and the 1990 Excellence in Mathematics, Science, and Engineering Act, may be indicative of the federal government's increasing commitment to ensuring quality in public education.⁹ Although a recent Gallup poll cited preparation for school, a 90 percent graduation rate, excellence in mathematics and science, and a disciplined learning environment as top educational priorities, expectations of attaining these goals by the year 2000 are less certain. Studies indicate that while Americans value education, variations in the quality of public education remain a challenge for the future.¹⁰

Quality Education for Virginia: A Constitutional Priority

The Development of Public Schools in the Commonwealth

Educational standards were virtually nonexistent in colonial Virginia, although the period was characterized by a "universal belief in the importance of education, and in the need of some form of education--not necessarily literary--for all people." The Commonwealth's educational system generally mirrored the practice of rural England. Private tutorial instruction was the norm among the wealthy, while apprenticeships and "charity" schools provided occupational training for working class, orphaned, or illegitimate children. Education statutes in 17th century Virginia recognized the

⁶ National Conference of State Legislatures, "Making Educational Reform Happen--Two Essential Elements: Establishing Education Standards and Implementing Appropriate Assessments," Building an Educational Reform Agenda and Engaging the Nation and States (August 1991); *see also*, P.L. 102-62, 20 U.S.C. § 1221-1, 105 Stat. 314 *et seq.* (1991).

⁷ "School Delivery Standards Poised for Big Comeback," *Education Daily* at 1, 2 (January 14, 1993).

⁸ "ED Gives \$17 Million To Foster Math, Science Standards," *Education Daily* at 1, 2 (October 9, 1992).

⁹ *Id.* at 2; *see also*, P.L. 100-297, 20 U.S.C. § 2701, 102 Stat. 130 *et seq.* (1988); P.L. 101-589, 20 U.S.C. §§ 5301, 5311 (1990); P.L. 102-103, 20 U.S.C. §§ 5381, 5411 (1991).

¹⁰ U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 1993* at 3, 31 (October 1993).

obligation of the church to "examine, catechise and instruct the youth and ignorant persons" as well as the authority of counties and parishes to establish "workhouse" schools for "instructing poor children in the knowledge of spinning, weaving, and other useful occupations and trades." Colonial governors were directed to "certify" schoolmasters. The development of old field schools--elementary or ungraded private schools typically housed in abandoned fields--in the late 17th through the mid-19th centuries reflected the Commonwealth's scattered population.¹¹

The legislature authorized the first "free" or public school in Virginia in 1643. Endowed through the will of a planter, the Symms School offered free tuition to children in Elizabeth City County. Similarly endowed was the Eaton Free School, also located in Elizabeth City County.¹² Thomas Jefferson's 1779 "Bill for the More General Diffusion of Knowledge" directed the establishment of local school districts offering three years' free tuition for boys and girls. Although the measure failed, a subsequent bill, approved in 1796, left the creation of public schools to local initiative. The Virginia Constitutions of 1776 and 1830 were silent as to education; the 1851 Constitution, however, did provide for a capitation tax that might be applied to education in "primary and free schools."¹³

Providing Quality Public Education for All

It was not until 1870 that public education in Virginia became a constitutional priority. Article VIII, § 1 of the Constitution of 1870 directed the Superintendent of Public Instruction to develop a plan for a "uniform system of public schools"; the General Assembly was to provide for the implementation of this public school system throughout Virginia by 1876. Arguably the first "standards" for public schools appeared in this document, as its provisions addressed teacher training, textbooks, and the authority of the General Assembly to prescribe necessary laws governing this public school system. The Commonwealth's commitment to public education was clarified in 1902, as the General Assembly was constitutionally directed to "establish and maintain an efficient system of public free schools."¹⁴ In 1904, the Board of Education established minimum requirements for instruction and teacher qualifications. Also evidencing an increasing commitment to quality education were the publication of a course of study for elementary schools in 1907, the creation of a high school accreditation program in 1913, and the passage of the first compulsory attendance laws in 1922. By 1945, the Board of

¹¹ P. Monroe, *Founding of the American Public School System* at 67, 61, 53, 57, 60 (1940) [hereinafter referred to as Monroe]; *see also*, Virginia Department of Education, "...A Certain Degree of Instruction" at 3, 4 (1977) [hereinafter referred to as Degree].

¹² Monroe, *supra* note 11, at 65.

¹³ A.E. Dick Howard, *Commentaries on the Constitution of Virginia* at 879-881 (1974) [hereinafter referred to as Howard]; *see also*, Monroe, *supra* note 11, at 202.

¹⁴ Howard, *supra* note 13, at 882, 903.

Education had adopted regulations addressing the development of a 12-year public school system in all localities.¹⁵

The Commonwealth's constitutional duty to provide an "efficient" system of public schools produced mixed interpretations following the 1954 decision of the United States Supreme Court in *Brown v. Board of Education*. The 1902 constitutional mandate had been construed to support massive resistance as well as the closure of public schools in Prince Edward County.¹⁶ Resulting perhaps in part from these events, the 1960s were characterized by extensive focus on Virginia's public school system--by the Spong Commission in 1960, and subsequently by various initiatives addressing improvements in public education, such as the designation of a portion of sales tax revenues for public schools in 1966 and the appointment of special committees in 1967 to recommend a plan for enhancing public education and standards for accrediting elementary schools.¹⁷

A Mandate for Standards: The Virginia Constitution of 1971

Appointed in 1968, the Commission on Constitutional Revision clearly recognized "the importance of constitutional protections for public schools...."¹⁸ The Commission's recommendations, revised and adopted by the General Assembly and approved by voters in 1970, granted education clear constitutional status. The framers of Virginia's new Constitution agreed that the Commonwealth's responsibility for public education should be strengthened, acknowledging in the Bill of Rights the Jeffersonian ideal:

*That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.*¹⁹

Ultimate responsibility for public education would rest with the General Assembly, specifically charged in Article VIII, § 1 with the duties of not only establishing a public school system but also striving to ensure its quality:

¹⁵ Degree, *supra* note 11, at 6-8.

¹⁶ Howard, *supra* note 13, at 883, 890-895; *see also*, Hullihen W. Moore, "In Aid of Public Education: An Analysis of the Education Article of the Virginia Constitution of 1971," 5 *U. Rich. L. Rev.* 263 at 266, 267 (1971).

¹⁷ Degree, *supra* note 11, at 9.

¹⁸ *Report of the Commission on Constitutional Revision* at 254 (January 1969) [hereinafter referred to as *Constitutional Revision*].

¹⁹ Va. Constitution, Art. I, § 15 (1971); *see also*, *Constitutional Revision*, *supra* note 18, at 20, 255-256.

The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth and shall seek to ensure that an educational program of high quality is established and continually maintained.

Described as "the fulcrum of the mechanism whereby quality education is to be achieved,"²⁰ Article VIII, § 2 set forth for the first time a constitutional mandate for standards for quality in public education. The framers determined that while placing detailed standards in the Constitution would be inappropriate, neither should their development be left to judicial construction.²¹ The final version of the new section directed the Board of Education to establish standards of quality, while granting the General Assembly the dual responsibilities of revising and funding these standards:

Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly....The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality....

Assisting in the implementation of these new educational standards was Article VIII, § 5, which directed the Board of Education to identify to the Governor and the General Assembly those school divisions "which have failed to establish and maintain schools meeting the prescribed standards of quality."

The new Education article was hailed as one of the "central accomplishments" of the 1971 revisions, establishing education as a basic value in the Commonwealth. Scholars have noted that "there is no object of government which Virginians would see as more fundamental and or more continuing concern than education."²² Today, all states, with the exception of Mississippi, have some constitutional authority for the establishment of a public school system. These constitutional clauses may range in leniency from a simple mandate for free public schools, prevalent in 15 states, to the requirement in 19 states for a minimum standard of quality, most often that a school system be "thorough" or "efficient." Eight states have included an enhanced educational standard, while seven state constitutions have designated education as the most important duty of the state.²³

²⁰ Howard, *supra* note 13, at 903.

²¹ *Constitutional Revision*, *supra* note 18, at 260.

²² Howard, *supra* note 13, at 884, n. 42, 885-886.

²³ W. Thro, "The Third Wave: The Impact of the Montana, Kentucky, and Texas Decisions on the Future of Public School Finance Reform Litigation," 19 *Journal of Law & Education* 219 at 229, 243-248 (1990).

Significant Events in the Development of Public Schools in Virginia

- 1643** First "free" school established in Elizabeth City County.
- 1779** Jefferson's "Bill for the More General Diffusion of Knowledge," establishing free public schools, fails; a similar measure, leaving public schools to local initiative, passes in 1796.
- 1810** Literary Fund established.
- 1851** Virginia Constitution permits application of capitation tax to "primary and free schools."
- 1870** Virginia Constitution requires Superintendent of Public Instruction to develop plan for public school system.
- 1902** General Assembly constitutionally required to "establish and maintain an efficient system of public free schools."
- 1907** Board of Education prescribes course of study for elementary schools.
- 1913** High school accreditation program established.
- 1922** First compulsory attendance laws passed.
- 1945** Board of Education regulations on 12-year public school system adopted.
- 1954** U.S. Supreme Court decision in *Brown v. Board of Education* eliminates "separate but equal" doctrine.
- 1960** Spong Commission examines Virginia public school system.
- 1963** *Griffin v. County Bd. of Supervisors* requires mandates re-opening of Prince Edward County schools.
- 1966** Designation of sales tax revenues for public education.
- 1971** New Virginia Constitution mandates public schools of "high quality" and requires development of Standards of Quality; first Standards enacted in 1972.
- 1984** Standards of Quality codified in Title 22.1 of the Code of Virginia; Governor's Commission on Virginia's Future recommends equal access to appropriate education.
- 1986** Governor's Commission on Excellence in Education recommends strengthening public schools.
- 1990** Commission on Educational Opportunity for All Virginians established pursuant to Executive Order No. 4.
- 1991** Coalition for Equity in Educational Funding files suit against Commonwealth, *et al.*; Commonwealth's demurrer sustained in late 1992.
- 1992** Draft of "Common Core of Learning" released as part of proposed World Class Education program; Governor directed Department of Education to withdraw proposed Common Core of Learning (September 1993).
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The Standards of Quality: A Chronology

Responding to the constitutional directive, the Board of Education adopted the first **Standards of Quality (SOQ)** on August 7, 1971; these Standards were revised and enacted by the 1972 Session of the General Assembly. The 1972 Standards focused on three major concerns: personnel, program, and planning and management standards. Accompanying this initial enactment were performance and planning "objectives" for local divisions that cited graduation rates, student achievement goals, and classroom management. Eight "simplified" standards were enacted in 1974, setting pupil-teacher ratios, requiring special, gifted, and vocational education programs, and mandating the provision of kindergarten in the public schools by 1976. Again, separate performance objectives were adopted, this time in the form of a joint resolution.²⁴

Further evidencing the Commonwealth's increasing commitment to these new Standards were a variety of legislative and agency studies addressing pupil achievement and testing, teacher evaluations, and topics of instruction. Funding of the Standards of Quality has also received repeated focus in the last two decades.²⁵ In 1984, the Governor's Commission on Virginia's Future cited the need for equal access to appropriate education. Noting that the Standards of Quality establish the "groundwork" for educational excellence by establishing minimum requirements for quality public education, the 1986 Governor's Commission on Excellence in Education offered additional recommendations to bolster the public school system. In 1990, the 21-member Commission on Educational Opportunity for All Virginians was created pursuant to Executive Order No. 4 to advise the Governor and the General Assembly on "how the Commonwealth could further address and overcome differences in educational programs in Virginia's public schools" The Commission's 1991 report cited the widespread practice among school divisions of exceeding these Standards and suggested that the Standards might require further revision.²⁶

²⁴ Report of the Joint House-Senate Subcommittee to Review the Standards of Quality in Education, *House Document No. 19* at 1 (1976) [hereinafter referred to as *House Document No. 19*]; 1972 Acts of Assembly, c. 732; 1974 Acts of Assembly, c. 316; House Joint Resolution No. 161 (1974).

²⁵ Report of the Commission Created to Study the Formula for State Aid to Public Schools, *House Document No. 20* (1970); Study of Criteria and Tests for Measuring Pupil Performance in Virginia Schools, *House Document No. 10* (1974) [hereinafter referred to as *House Document No. 10*]; Study of Teacher Evaluation in Virginia's Public Schools, *House Document No. 9*, (1974); Report of the Joint Subcommittee Studying Minimum Competency Testing, *House Document No. 25* (1981) [hereinafter referred to as *House Document No. 25*]; Report of the Joint Legislative Audit and Review Commission on Funding the Standards of Quality Part 1: Assessing SOQ Costs, *Senate Document No. 20* (1986); Report of the Joint Legislative Audit and Review Commission on Funding the Standards of Quality Part 2: SOQ Costs and Distribution, *Senate Document No. 25* (1988); Report of the Commission to Study Efficiency in the Use of Public Education Funds, *Senate Document No. 39* (1990).

²⁶ The Report of the Governor's Commission on Excellence in Education, *Excellence in Education: A Plan for Virginia's Future* at 17, 20 (October 1986) [hereinafter referred to as *Excellence in Education*];

The Development of a World Class Education System

The Standards of Quality continue to receive close scrutiny, as the "complex societal problems" facing public schools have prompted education leaders to urge "fundamental and systemic changes in public education." Supported by the Department of Education and the Governor, the proposed **World Class Education Program** seeks to redefine standards for public education in the Commonwealth over the next three biennia. Described as a "long-range program of research, experimentation, and evaluation of results," this initiative combines identified student goals or "competencies"; a Common Core of Learning reflecting international standards; assessment and accountability for student achievement; and research to provide Virginia students with the skills necessary to compete in the 21st century workforce.²⁷

A draft of the Common Core of Learning, the center of the World Class Education initiative, was released to educators throughout Virginia in fall 1992. The Common Core did not prescribe curriculum, but rather focused on higher-order thinking and problem-solving, written, and oral communications, and other basic knowledge and skills" to be acquired by Virginia pupils by age 16.²⁸ Although slated for approval for early childhood education by 1996 and for higher grades in 1998, the Common Core was criticized by many who suggested further review and research in school reform. In September, 1993, the Governor directed the Department of Education to withdraw the proposed Common Core.²⁹ The World Class Education Program has been compared to the America 2000 initiative; both programs incorporate outcome-based approaches to learning as well as international standards for education. The Department of Education has recommended the continuation of its World Class Education Program and its efforts to monitor federal education reform.³⁰

Governor's Commission on Educational Opportunity for All Virginians, *Final Report* at 25, 31 (August 1991).

²⁷ Virginia Department of Education, *A World Class System of Education: What It Means for Virginia* (1991) [hereinafter referred to as *World Class System*]; see also, Governor's Plan to Improve Educational Opportunities for All Virginians at 2, 3 (January 8, 1992) [hereinafter referred to as *Governor's Plan*]; Virginia Department of Education, *Superintendent's Annual Report for Virginia 1990-91* at iii (1992) [hereinafter referred to as *Superintendent's Report*].

²⁸ J.P. Jones, "The Common Core of Learning Advances World Class Education," *Richmond Times-Dispatch* A 11 (December 23, 1992); Virginia Department of Education, "Common Core Draft Released," *State Ed* (November 23, 1992) [hereinafter referred to as *State Ed*].

²⁹ R. Holland, "Outcome-Based Education Seeks to Mold the New Virginia Child," *Richmond Times-Dispatch* A 11 (January 27, 1993); R. Holland, "Look Inside Common Core: Less a New Paradigm than Old Pablum," *Richmond Times-Dispatch* A 11 (December 23, 1993); *State Ed*, *supra* note 28; "Wilder scuttles outcome-based education plan," *Richmond Times-Dispatch* 1 (September 16, 1993).

³⁰ Report of the Virginia Department of Education on America 2000 and Virginia's World Class Education Program, *House Document No. 13* at 23, 24 (1993).

The Current Standards of Quality

Repeatedly described as the "foundation" of educational policy for the Commonwealth's public schools, the Standards of Quality set forth broad policies and goals rather than detailed procedures. The Standards establish minimum educational goals and requirements; localities may, and often do, surpass these Standards.³¹ Typically revised concurrently with the development of the biennial budget to ensure appropriate funding for required initiatives, the Standards were initially adopted as uncodified acts of the General Assembly. The Standards were codified in Title 22.1 in 1984, perhaps reflecting the legislature's commitment to the constitutional mandate for a public school system of high quality.³²

An uncodified preamble to the Standards enacted in 1992 expresses the sense of the General Assembly and the Board of Education that "all children can be successful learners" and that learning is a function of "student characteristics and circumstances, such as motivation, ability, and adult support, as well as the resources necessary to create a productive learning environment." Recognizing the shared responsibility of the Commonwealth, local school boards, parents, educators, and the community for a productive learning environment, this introductory language also clarifies the Commonwealth's duty to "develop and implement a world class system of education which ensures excellence and equity for all students."³³

Standard One: Basic Skills, Selected Programs, and Instructional Personnel

The lengthiest and most detailed of the Standards of Quality, Standard 1 provides the primary requirements for meeting the constitutional mandate for quality public education. Aspirational language similar to that contained in the preamble confirms that the "fundamental goal" of public schools must be to foster the development of skills necessary for success in school and preparation for life, and that quality education is contingent upon not only the commitment of adequate resources but also the provision of a working environment, salaries, and benefits to "ensure the availability of high quality instructional personnel...."³⁴

³¹ *House Document No. 19, supra* note 24, at 4, 6.

³² 1984 Acts of Assembly, cc. 713, 735.

³³ 1992 Acts of Assembly, c. 591.

³⁴ Va. Code § 22.1-253.13:1 A (1993).

The Standards of Learning

Standard 1 directs the Board of Education to establish educational objectives to implement the development of necessary skills. These objectives, currently known as the **Standards of Learning (SOL)**, are not considered "regulations" for the purposes of the Administrative Process Act, but are nonetheless subject to a notice and hearing procedure to ensure "reasonable opportunity" for public comment prior to the adoption of any revisions. Thirty days' written notice of hearings on the revision of these educational objectives must be provided for school boards and persons requesting to be notified.

The Standards of Learning program can be traced to an objective adopted by the Board of Education in June, 1981; statutory authority clarified this objective in 1986. The Standards of Learning were designed to "identify what students are expected to accomplish, to provide a method of determining what has been learned, and encourage teachers to place emphasis on critical areas in the curriculum." Standards of Learning have since been developed for language arts, mathematics, science, social studies, health (including driver education), physical education, music, art, foreign language, and family life education. Each set of standards includes learning objectives, crafted for various grade levels. Listing identifiable skills and competencies, these objectives may range from a second grader's scientific classification of substances as solids, liquids, or gases, to the 10th grader's identification of themes in literary works.³⁵

Revising the SOL

Alluding to the World Class Education initiative, subsection B of § 22.1-253.13:1 directs the Board to "seek to ensure" that any revisions to the Standards of Learning are "consistent with the world's highest educational standards," but clearly prohibits the implementation of any such revisions before July 1, 1994. The revised objectives are to include basic skills of communication, computation, and critical reasoning as well as the development of various personal qualities and attitudes. Local school boards are required to implement educational objectives that meet or exceed these revised standards. The subsection includes expectations of student mastery of the educational objectives and provides for the assessment of the achievement of these objectives, subject to available funding.³⁶

³⁵ Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Mathematics* at v (1988); Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Physical Education* at i (1984); Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Science* at 13 (1988); Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Language Arts* at 21 (1988); 1986 Acts of Assembly, c. 555.

³⁶ Va. Code § 22.1-253.13:1 B (1993).

Instructional Programs

Responsibility for the development and implementation of instructional programs lies with local school boards. Instruction for grades K through 12 must emphasize specific subjects and skills, such as reading, writing, speaking, mathematics, science, history, government, economics, foreign languages, international cultures, health, environmental issues, and geography to facilitate "responsible participation in American society and in the international community...." The arts, both fine and practical, must also be included. Finally, instructional programs must focus on the knowledge and skills necessary to qualify for further education, employment, training, and "lifelong learning."³⁷ Supplementing the subject areas enumerated in Standard 1 are the provisions of § 22.1-200, which specifies those subjects to be taught in the elementary grades; § 22.1-201 requires the study of certain historic documents within Virginia and United States history.³⁸

Standard 1 includes specific directives to address the special needs of various student populations. Local school boards must develop and implement prevention, intervention, and remediation programs for students who are educationally at-risk. These at-risk students are identified by local school boards on the basis of criteria developed by the Board of Education. Eligible students may include those who have failed the literacy test prescribed by the Board and those identified on the basis of Virginia State Assessment Program Test scores. Division superintendents may require pupils to pursue these special programs, which may include summer school. No tuition is charged for these summer courses when attendance required; additional state funds may be provided based on the number of students attending and the state share for per pupil costs, as set forth in the appropriation act.³⁹

Acknowledging the significance of positive initial learning experiences, Standard 1 also requires school boards to implement programs for grades K through 3 that emphasize "developmentally appropriate learning to enhance success." Dropout prevention is also a priority; school divisions are to include programs on prevention, intervention, or retrieval designed to increase the number of students earning a high school diploma or **general education development (GED)** certificate. The statute requires state funding, in addition to basic aid, to support dropout prevention initiatives "grounded in sound educational policy."⁴⁰ The 1993-94 Appropriation Act authorized over \$10 million for dropout prevention. Consistent with this Standard is the Virginia Guaranteed Assistance Program, targeting dropout rates of financially needy students, and a noncompetitive grants program for dropout prevention. The budget authorized a

³⁷ Va. Code § 22.1-253.13:1 C (1993).

³⁸ Va. Code §§ 22.1-200; 22.1-201 (1993).

³⁹ Va. Code § 22.1-253.13:1 C, F (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 135(C)(7)(a).

⁴⁰ Va. Code § 22.1-253.13:1 D (1993).

statewide dropout prevention program as well as pilot projects for the Virginia Guaranteed Assistance Program.⁴¹

Effective preparation for further education and the workforce is also incorporated in the Standards of Quality. Local school boards are to implement "academic and vocational preparation for students who plan to continue their education beyond secondary school or who plan to enter employment." Career education programs are to be "infused" throughout the K through 12 curricula. These programs are to promote knowledge of all types of careers and employment, emphasizing the value of completing school. Career exploration opportunities may be included in the middle school grades. Competency-based vocational educational programs, career guidance, and employment counseling for secondary school students must also be offered in each school division. Echoing this requirement are the provisions of § 22.1-209, directing school boards to provide free employment counseling and placement services for secondary school students.⁴²

Providing educational opportunities for special students is also a statutory requirement. Students with disabilities must be enrolled in "appropriate instructional programs consistent with state and federal law"; gifted students must be provided "appropriately differentiated instructional programs." School boards must also provide "educational alternatives" for those students whose needs are not met elsewhere in the Standards. Adult education for individuals functioning below the high school completion level must be provided, either by the school board or collaboratively by the school board and other agencies. Finally, each school board must implement a plan to make the educational achievement of at-risk students a "divisionwide priority."⁴³

Instructional Personnel

To ensure appropriate instructional staffing levels, Standard 1 requires the employment of a minimum number of licensed, full-time instructional personnel specified in the Appropriation Act for each 1,000 pupils in **average daily membership (ADM)**. Calculations for kindergarten positions are based on full-day kindergartens; school divisions offering half-day kindergarten programs are to adjust the average daily membership to reflect 85 percent of their total kindergarten ADM. The 1992 budget designates the following positions per 1,000 pupils in average daily membership:

Basic Aid: 51 professional instructional positions and aide positions

Gifted Education: 1 professional instructional position

⁴¹ 1993 Acts of Assembly, c. 994, § 1-46, Item 133 (J); *see also*, Va. Code §§ 22.1-209.1:1; 22.1-212.3, 22.1-214 (1993).

⁴² Va. Code §§ 22.1-253.13:1 D; 22.1-209 (1993)

⁴³ Va. Code § 22.1-253.13:1 D (1993).

Occupational-Vocational and Special Education: 6 professional instructional and aide positions

Remedial Education: 9 professional instructional positions per 1,000 pupils scoring in bottom national quartile of Virginia State Assessment Program tests or failing literacy tests.

While state and local funds must support the basic, special, gifted, and vocational education positions, only state funding is statutorily required for the remedial program positions.⁴⁴

Finally, Standard 1 articulates clear limits for pupil-teacher classroom ratios. Designed to achieve divisionwide ratios of students in ADM to full-time instructional personnel, these ratios do not include special education teachers, principals, assistant principals, counselors, and librarians.

Grade	Maximum class size	Maximum pupil-teacher ratio
kindergarten	30 (if > 30, full-time teacher's aide required)	25 to 1
1	30	24 to 1
2-3	30	25 to 1
4-6	35	25 to 1
English class 6-12	none	24 to 1
middle and secondary	none	25 to 1 ⁴⁵

In 1991-92, pupil-teacher ratios in grades 8 through 12 across the Commonwealth ranged from 5.3 in Highland County to 18.3 in the City of Lexington; the state average was 12.3. Similarly, pupil-teacher ratios in grades K through 7 varied from 11.1 in Bath County to 22.3 in Hanover County, with a state average of 15.6. Nationally, pupil-teacher ratios for 1991 were 18.9 and 14.7 for public elementary and secondary grades, respectively.⁴⁶

⁴⁴ Va. Code § 22.1-253.13:1 E, F (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 135(B)(6).

⁴⁵ Va. Code § 22.1-253.13:1 G (1993).

⁴⁶ Virginia Department of Education, *Superintendent's Annual Report for Virginia 1991-92* at 3-6 (1993); *Education Daily* (January 12, 1993), citing data from U.S. Department of Education, National Center for Education Statistics, "Projections of Education Statistics to 2003," December 1992. According

Standard 2: Support Services

Acknowledging the importance of support services in ensuring quality public education, Standard 2 requires local school boards to provide support services that are "necessary for the efficient and cost-effective operation" of the public schools. Among these services are administration, instructional support, pupil personnel services, student attendance and health, management information systems, and building operation and maintenance. Specifically noted are pupil personnel services for grades K through 12 to assist students in "educational, social and career development." The Department of Education, in turn, must provide technical assistance to school divisions in the delivery of these administrative and support services; this assistance may include in-service staff training, the development of facility plans, equipment specifications, and other services.⁴⁷

These support services are funded through the appropriation act from basic school aid funds on the basis of prevailing statewide costs. According to the 1993-94 budget, the basic operation cost for each school division is to include general administration, operation and maintenance of school plant, and professional and staff improvement.⁴⁸ In 1991-92, nearly \$800 million in state and local funds supported administration, attendance and health, operation and maintenance, and pupil services.⁴⁹

Standard 3: Accreditation, other standards and evaluation

The accountability of schools and school boards for quality education is highlighted in Standard 3, which directs the Board of Education to promulgate regulations pursuant to the Administrative Process Act establishing standards for the accreditation of public schools. Further clarifying the Board's authority to provide for the accreditation of public elementary, middle, and secondary schools is § 22.1-19, which also permits the Board to provide for the accreditation of private schools, "taking reasonably into account the special circumstances and factors affecting such private schools," and for certain child day care centers. Accreditation standards for public schools must include student outcome measures, requirements and guidelines for instructional programs, staffing levels, auxiliary programs such as library and media services, and graduation requirements, as well as "the philosophy, goals, and objectives of public education in Virginia."⁵⁰

to the Virginia Department of Education, because resource teachers are not specifically excluded from these calculations, some Virginia school divisions may include these instructors in their reported pupil-teacher ratios.

⁴⁷ Va. Code § 22.1-253.13:2 (1993).

⁴⁸ 1993 Acts of Assembly, c. 994, § 1-46, Item 135(A)(3).

⁴⁹ *Superintendent's Annual Report*, *supra* note 46, at 33-34.

⁵⁰ Va. Code §§ 22.1-253.13:3 A, B; 22.1-19 (1993).

The Standards of Accreditation

Cited in the initial Standards of Quality, the **Standards of Accreditation (SOA)** are "designed to provide a foundation for quality education." The Board of Education has designed these standards not only to ensure high quality educational programs, but also to promote public confidence, encourage continuous improvement in public schools, provide recognition by other learning institutions, and to assist in assessing the effectiveness of schools.⁵¹

The accreditation status of each public school is subject to annual review by the Board. The principal of each public school, through the division superintendent, must submit school accreditation reports to the Department of Education. Based on this report and data gathered by the Department through site visits, the Board makes determinations of accredited, accredited with advisement, or accredited with a warning for each school. School divisions must develop a written corrective action plan by July 1 of the next school year, acceptable to the Board, for any school receiving warning status. Failure to implement the corrective plan results in the loss of accreditation and in closure of the school; no school on warning status may retain its accreditation for more than one year.⁵²

Currently, there are eight accreditation standards, each supported by a number of criteria establishing specific requirements. These standards address broad areas, such as school community relations, instructional programs and leadership, student achievement, staffing, building and grounds, and goals and objectives. Emphasizing educational excellence, student achievement, quality instruction and administration, and appropriate facilities, the standards of accreditation include mandates for student-teacher ratios, course offerings, and staff levels and responsibilities.

The Outcome Accountability Project: Measuring School Performance

Central to the Standards of Accreditation, however, is accountability for educational excellence. A critical component of this accountability is the assessment of the effectiveness of the public schools and student academic progress. Pursuant to § 22.1-253.13:3 D of the Code of Virginia (Standard 3 of the Standards of Quality), the Superintendent of Public Instruction is responsible for the development of "criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools." Subject to the approval of the Board, these criteria are to become "an integral part of the accreditation process" and must include student outcome measurements. Consistent with the recommendation of the 1986 Governor's Commission

⁵¹ Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* at 13 (1992) [hereinafter referred to as *Standards*]; 1972 Acts of Assembly, c. 732.

⁵² Va. Code § 22.1-253.13:3 F (1993); *Standards*, *supra* note 51, at 13-14.

on Excellence in Education, the Commonwealth has revised its accountability mechanism to incorporate student outcomes, rather than input measures such as spending levels or class size. Supplanting the **Educational Performance Recognition (EPR) Program**, the **Outcome Accountability Project (OAP)** provides annual reports of student performance data as a tool for improving public education in Virginia.⁵³ The OAP uses "outcome indicators," such as course enrollments, attendance, and dropout rates, that target seven educational objectives:

1. Preparing students for college;
2. Preparing students for work;
3. Increasing the graduation rate;
4. Increasing special education students' living skills and opportunities;
5. Educating elementary school students;
6. Educating middle school students; and
7. Educating secondary school students.

While all seven objectives are reported at the division level, data for the last three objectives is reported for individual schools. Data released in 1992 indicated little change in statewide performance averages in the first two years of reporting. More students are studying foreign languages and algebra prior to the ninth grade; with one exception (the percentage of over age minority fourth graders increased), all indicators targeting minority student performance showed improvements. Indicators addressing Objective II, preparation for work, displayed high achievement levels.

Accountability for performance as measured by the OAP is clearly authorized by Standard 3. The Superintendent of Public Instruction is to identify those school divisions not meeting performance criteria and assist these divisions in the implementation of action plans to improve the achievement levels of those schools or divisions failing to meet these criteria. Because these performance criteria have not yet been established, OAP reports are presently used for informational purposes only. Once these performance criteria are created, it is anticipated that the OAP will expand its function to incorporate determinations of accountability.⁵⁴

⁵³ Appalachia Educational Laboratory, "Accountability: Student Performance is the Bottom Line," *Policy Briefs* at 3, 4 (1992); Virginia Department of Education, *1992 Interpretive Guide to Reports* at 3, 4 (1992) [hereinafter referred to as *1992 Interpretive Guide*].

⁵⁴ *1992 Interpretive Guide*, *supra* note 53, at 5, 6, 7, 15; Virginia Department of Education, *1992 Virginia Summary Report* (1992); Va. Code § 22.1-253.13:3 D (1993).

The Standards of Accreditation

(excerpts)

Part I: Procedures for Accreditation. "Schools shall be accredited biennially...."

Part II: School and Community Relations. "Each school shall promote interaction with the community and foster mutual understanding in providing a quality educational program...."

Part III: Philosophy, Goals and Objectives. "Each school shall have current philosophy, goals and objectives that shall serve as the basis for all policies and practices...."

Part IV: Instructional Program. "Each school shall provide a program of instruction that is in keeping with the abilities, interests, and educational needs of students and that promotes individual student achievement...."

Part V: Instructional Leadership. "The principal shall be responsible for instructional leadership and effective school management that promotes positive student outcomes, including achievement of individual students...."

Part VI: Delivery of Instruction. "The staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning and in which students are expected to achieve...."

Part VII: Student Achievement. "Each school shall provide learning goals objectives to be achieved by students at successive levels of development and shall continually assess the progress of each student in relation to these objectives and the goals of education in Virginia as promulgated by the Board of Education...."

Part VIII: Staffing. "Each school shall have the required staff with proper certification and endorsement...."

Part IX: Buildings and Grounds. "The school building shall accommodate an educational program that will meet the needs of the students and ensure the health and safety of students and staff...."

Source: Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* (1992).

Testing: Measuring Pupil Performance

The use of tests to assess student progress is also sanctioned by Standard 3. The Board of Education is to develop "appropriate assessments" which may include criterion-referenced tests as well as "alternative assessment instruments." In addition, the Board is directed to prescribe measures, including nationally-normed tests, for the **Virginia State Assessment Program**, which incorporates the Iowa Tests of Basic Skills for grades four and eight and Tests of Achievement and Proficiency for grade 11.⁵⁵ Literacy tests in reading, writing, and mathematics are to be provided for sixth graders. Complementing the Board's testing responsibilities is the duty of local school boards to require the administration of "appropriate assessments," including the Virginia State Assessment Program, the Virginia Literacy Testing Program, and the National Assessment of Educational Progress state-by-state assessment. Analysis and annual reporting of Virginia State Assessment and Virginia Literacy Testing Program results are also local school board responsibilities. Finally, local school boards must provide in-service training for teachers and principals in the preparation of test materials and methods of assessing student progress.⁵⁶

Measuring student performance assists not only in individual student evaluation, but also in the discovery of special skills and aptitudes and in determinations of the effectiveness of instructional programs. In the last two decades, assessing student progress has received repeated focus in Virginia. A 1973 legislative study committee was directed to develop "a set of criteria and reasonable tests and standards to measure a child's level of performance." Pupil performance testing and criteria received legislative scrutiny in 1974; a 1976 joint subcommittee reviewing the SOQ recommended the increased use of criterion-referenced tests to assess educational progress and needs. Minimum competency testing for graduation was reviewed in 1981.⁵⁷

Today, student testing in Virginia combines a variety of assessment instruments. Standardized or "norm-referenced" tests attempt to measure general ability or achievement; these tests do not assess progress toward particular educational goals or objectives. Although considered effective in comparing achievement levels in a geographic area with those of national samples, these tests generally do not predict future academic success or indicate effective instruction. In contrast, criterion-referenced tests target the achievement of specific educational objectives and are not designed to provide comparative performance data. Teacher-made tests may provide guidance in improving instruction and in motivating pupils. Informal evaluations, typically based upon observation of students, also offer a useful evaluation tool.⁵⁸

⁵⁵ Va. Code § 22.1-253.13:3 E (1993); *Superintendent's Report*, *supra* note 46, at 10-17.

⁵⁶ Va. Code § 22.1-253.13:3 E, G, H (1993).

⁵⁷ *House Document No. 10*, *supra* note 25; *House Document No. 19*, *supra* note 24; *House Document No. 25*, *supra* note 25.

⁵⁸ *House Document No. 10*, *supra* note 25, at 1-8.

Qualifications of Professional Education Personnel

In addition to school and pupil performance standards, Standard 3 also focuses on the qualifications of school personnel. The Board of Education is required to establish requirements for the certification (now licensure) of teachers, principals, supervisors, and other professional staff. In addition, the Board is to determine eligibility requirements for the appointment of local division superintendents.⁵⁹ (See Chapter 4, Teachers, Administrators, and Other Personnel).

Standard 4: Literacy passports, diplomas, and certificates

Standard 4 sets forth the shared commitment of the General Assembly and the Board of Education to reduce illiteracy rates and to establish clear criteria for obtaining high school diplomas and certificates. In 1988, the General Assembly completely revised the Standards of Quality and added a **Literacy Passport** requirement to the standards for graduation. Recommended by the Governor's Commission on Excellence in Education, the Literacy Passport is designed to "affirm that the student is prepared for success at the more demanding level of secondary education."⁶⁰ Alluded to in Standard 3 as the "literacy tests in reading, writing, and mathematics" administered to sixth graders and to students who have not passed them in grades seven and eight, Literacy Passports are awarded to all students, including handicapped students, achieving passing scores on three-part tests created by the Board of Education. Some school divisions offer non-credit, preparatory versions of the Literacy Passport test for pupils in the fourth grade.⁶¹

Promotion to the ninth grade is contingent upon passing the Literacy Passport Test; a statutory exception is made for disabled students who are progressing according to an individualized education program (IEP). Legislation adopted by the 1993 Session also exempts students for whom English is a second language and who have been enrolled in a Virginia Public School for less than one year from the Literacy Passport requirement. Set to expire on July 1, 1994, the statute requires these pupils to achieve passing scores on the first literacy test administered after three years of enrollment.

Students transferring from a school outside the Commonwealth prior to the ninth grade must also pass the literacy test for promotion to the ninth grade. Students failing to obtain a Literacy Passport must be enrolled in an alternative program leading to passage of the Literacy Passport test, high school graduation, a GED certificate, a certificate of program completion, or job-entry skills. Each school division must create an alternative program or Literacy Development Plan for students not earning the Literacy Passport by

⁵⁹ Va. Code §§ 22.1-253.13:3 C; 22.1-298 (1993).

⁶⁰ *Excellence in Education*, *supra* note 26, at 7.

⁶¹ Va. Code § 22.1-253.13:4 A, B (1993); Virginia Department of Education, *Superintendents Memo No. 1*, July 24, 1992 [hereinafter referred to as Supt. Memo 7/92].

the end of the eighth grade. Those students who are not promoted or classified as ninth graders are reported as ungraded--a designation that not only affects academic placement but extracurricular activities as well. Virginia High School League (VHSL) regulations prohibit students who have not been classified as ninth graders from participating in VHSL-sponsored events, such as interscholastic varsity and junior varsity athletics, forensics, literary and dramatic competitions. The Board of Education affirmed this position in June 1992.⁶²

In spring 1993, 140,118 public school students took the Literacy Passport Test. Slightly more than 69 percent of sixth graders passed the test on their first attempt, a five percent decrease from the previous year. The passing rate for seventh graders was over 41 percent, while nearly 57 percent of eighth graders achieved passing scores on the three tests. Over 75 percent of ninth graders passed all three tests.⁶³

**Virginia Literacy Testing Program, 1992-93
Number of All Students Tested and Percentage Passing**

Grade	Reading		Writing		Mathematics		All Three Tests	
	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing
Six	78,773	81.6	78,361	80.8	78,700	86.6	77,647	69.3
Seven	20,170	62.9	23,376	70.6	16,032	63.7	9,566	41.2
Eight	11,636	68.8	10,865	71.7	9,633	69.5	5,864	56.8
Nine	5,467	79.7	5,332	79.8	5,308	81.5	4,456	75.4
Ungraded	2,578	58.7	2,527	62.6	1,944	58.9	854	27.0

Source: Virginia Department of Education, *Report of the 1992-93 Virginia Literacy Testing Program*.

Diplomas are awarded to secondary school students earning the required 21 credits prescribed by the Board, passing the literacy tests, and meeting any additional local division requirements approved by the Board. An advanced studies diploma is awarded to those students completing the elective 23-credit program. Local school boards must provide "reasonable accommodation" for disabled students to take the Literacy Passport test and for "otherwise qualified" handicapped pupils to meet diploma requirements. Special diplomas are awarded to students identified as handicapped who complete their individualized education programs. Students completing a course of study prescribed by the local school board receive certificates if they do not qualify for a diploma.⁶⁴

⁶² Va. Code § 22.1-253.13:4 A, B (1993); 1993 Acts of Assembly, c.661; *Standards, supra* note 51, at 24; Supt. Memo 7/92, *supra* note 61.

⁶³ Virginia Department of Education, *Report of 1992-93 Virginia Literacy Testing Program* (1993).

⁶⁴ Va. Code § 22.1-253.13:4 C, D, E (1993).

In 1991-92, the statewide high school graduation rate stood at 75.7 percent. Nearly 32,000 students earned standard diplomas, while over 25,000 advanced studies diplomas were awarded. Special diplomas and certificates totaled 540 and 769, respectively.⁶⁵

Standard 5: Training and Professional Development

Recognizing that "effective educational leadership and personnel and appropriate programs of professional development and training are essential for the advancement of public education," Standard 5 details requirements for training for teachers, administrators, and other school staff as well as members of the Board of Education and local school boards. Members of the Board of Education must attend in-service programs on personnel, curriculum, and current education issues and must sponsor or provide advice on programs for local school board members, teachers, administrators, division superintendents, and others. Local school boards must, in turn, require their members and division superintendents to participate in annual development programs and activities. School boards must also provide a professional development program, as part of the license renewal process, to assist teachers and principals in gaining the skills necessary to work with gifted and disabled pupils and to increase student achievement. Finally, the local school boards must also address the continuing development of administrative personnel by providing programs "designed to increase instructional leadership and management."⁶⁶

Virginia's commitment to continuing training and development activities for educators is also mirrored in the Standards of Accreditation. Standard D cites the school principal as the individual responsible for "instructional leadership and effective school management that promotes the achievement of individual students" and includes criteria requiring participation in in-service training for instructors and administrators.⁶⁷

Standard 6: Planning and public involvement

Described as "essential" to providing high quality education, planning and community involvement are the chief focus of Standard 6. A **statewide six-year improvement plan**, revised and adopted biennially by the Board of Education with public participation, must detail educational objectives for Virginia, an assessment of progress made toward these objectives, projected enrollments, and a determination of education needs. Copies of this "blueprint" for public education must be available for public inspection and copying. Analysis of the achievement of the Standards of Quality as well as the objectives of this six-year plan must be included in the Board's annual

⁶⁵ *Superintendent's Report, supra* note 46, at 21.

⁶⁶ Va. Code § 22.1-253.13:5 (1993).

⁶⁷ *Standards, supra* note 51, at 11, 12.

report to the Governor and the General Assembly on the condition and needs of public education required by § 22.1-18.

Supporting this statewide plan are local, **divisionwide six-year plans**, also developed and revised biennially with public input. At least one public hearing must be held prior to the adoption of this plan. Biennial plans prepared by individual schools, reflecting the philosophy, goals, and objectives developed by each school pursuant to Part III of the Standards of Accreditation, are granted consideration in the development of the divisionwide plan.

Like its statewide counterpart, the divisionwide plan also includes educational objectives and an assessment of progress. The plan must also address enrollment changes, consolidations, the regional delivery of services, and technology. By November 1 of each odd-numbered year, school boards must publicly present a progress report on the achievement of educational objectives in the divisionwide plan. The Standards of Accreditation bolster this state and local planning requirement, as Part II directs each school to "promote interaction with the community and foster mutual understanding in providing a quality educational program" through involving parents, community agencies, and the private sector in the development of the biennial school plan.⁶⁸

Standard 7: Policy Manual

The seventh and final Standard of Quality addresses the policies and regulations governing the operation of local school divisions. The Board of Education must make available to local school boards copies of current state education laws, Board regulations, and pertinent opinions of the Attorney General. Each local school division is required to maintain its own **policy manual**, which must include copies of the Virginia Code sections governing teacher grievances, dismissals, and suspensions, and the implementation mechanisms for these provisions, as well as a "cooperatively developed" personnel evaluation procedure.

The local school division policy manual should also contain a system facilitating communication between employees and the local school board; a policy for the selection of instructional materials and "clear procedures for handling challenged controversial materials"; student attendance and conduct standards, including enforcement procedures to provide an educational atmosphere free from disruption and supportive of individual rights; a policy for community involvement; and guidelines encouraging parents to provide instructional assistance to their youngsters, which may include training for parents of children in grades K through 3.

⁶⁸ Va. Code § 22.1-253.13:6 (1993); *Standards*, *supra* note 51, at 15.

Reviewed every five years and revised as necessary, the local school board policy manual must be kept in each school library and public library. Annual announcements in each division are to apprise the public of the availability of this manual.⁶⁹

Enforcement of the Standards of Quality

Section 22.1-253.13:8 of the Code of Virginia makes explicit that the statutorily prescribed Standards are "the only standards of quality" required by the Constitution and clarifies that these Standards are not a goal but the minimum commitment required of each school division. Compliance with the Standards of Quality is determined by the Board of Education, which must report school divisions identified as failing or refusing to comply with the Standards to the Attorney General. It is the Attorney General's duty to file, on behalf of the Board of Education, a petition for a writ of mandamus in the appropriate circuit court to compel compliance with the Standards.⁷⁰

⁶⁹ Va. Code § 22.1-253.13:7 (1993).

⁷⁰ Va. Code § 22.1-253.13:8 (1993).

BIBLIOGRAPHY

Statutory Authority

P.L. 100-297, 20 U.S.C. § 2701, 102 Stat. 130 *et seq.* (1988); P.L. 101-589, 20 U.S.C. §§ 5301, 5311 (1990); P.L. 102-62, 20 U.S.C. § 1221-1, 105 Stat. 314 *et seq.* (1991); P.L. 102-103, 20 U.S.C. §§ 5381, 5411 (1991).

Virginia Constitution, Article I, § 15; Article VIII (1971 and 1993 Supp.).

Va. Code §§ 22.1-200; 22.1-201; 22.1-253.13:1 *et seq.*; 22.1-281; 22.1-298 (1993).

1972 Acts of Assembly, c. 732; 1974 Acts of Assembly, c. 316; 1984 Acts of Assembly, cc. 713, 735; 1986 Acts of Assembly, c. 555; 1992 Acts of Assembly, c. 591, 1993 Acts of Assembly, cc. 661; 994; House Joint Resolution No. 161 (1974).

Other Authority

Appalachia Educational Laboratory, "Accountability: Student Performance is the Bottom Line," *Policy Briefs* (1992).

The Business Roundtable, *Essential Components of a Successful Education System* (1991).

"ED Gives \$17 Million To Foster Math, Science Standards," *Education Daily* (October 9, 1992).

Education Daily (January 12, 1993).

"Goals 2000 Bill Approach Reform from Different Angles," *Education Daily* (special supplement) (October 6, 1993).

Governor's Commission on Educational Opportunity for All Virginians, *Final Report* (August 1991).

Governor's Plan to Improve Educational Opportunity for All Virginians (January 8, 1992).

R. Holland, "Look Inside Common Core: Less a New Paradigm than Old Pablum," *Richmond Times-Dispatch* A 11 (December 23, 1993).

R. Holland, "Outcome-Based Education Seeks to Mold the New Virginia Child," *Richmond Times-Dispatch* A 11 (January 27, 1993).

A.E. Dick Howard, *Commentaries on the Constitution of Virginia* (1974).

J.P. Jones, "The Common Core of Learning Advances World Class Education," *Richmond Times-Dispatch* A 11 (December 23, 1992).

P. Monroe, *Founding of the American Public School System* (1940).

Hullihen W. Moore, "In Aid of Public Education: An Analysis of the Education Article of the Virginia Constitution of 1971," 5 *U. Rich. L. Rev.* 263 (1971).

National Conference of State Legislatures, "Making Educational Reform Happen--Two Essential Elements: Establishing Education Standards and Implementing Appropriate Assessments," *Building an Educational Reform Agenda and Engaging the Nation and States* (August 1991).

Report of the Commission on Constitutional Revision (January 1969).

Report of the Commission Created to Study the Formula for State Aid to Public Schools, *House Document No. 20* (1970).

Report of the Commission to Study Efficiency in the Use of Public Education Funds, *Senate Document No. 39* (1990).

The Report of the Governor's Commission on Excellence in Education, *Excellence in Education: A Plan for Virginia's Future* (October 1986).

Report of the Joint House-Senate Subcommittee to Review the Standards of Quality in Education, *House Document No. 19* (1976).

Report of the Joint Legislative Audit and Review Commission on Funding the Standards of Quality Part 1: Assessing SOQ Costs, *Senate Document No. 20* (1986).

Report of the Joint Legislative Audit and Review Commission on Funding the Standards of Quality Part 2: SOQ Costs and Distribution, *Senate Document No. 25* (1988).

Report of the Joint Subcommittee Studying Minimum Competency Testing, *House Document No. 25* (1981).

Report of the Virginia Department of Education on America 2000 and Virginia's World Class Education Program, *House Document No. 13* (1993).

"School Delivery Standards Poised for Big Comeback," *Education Daily* (January 14, 1993).

Study of Criteria and Tests for Measuring Pupil Performance in Virginia Schools, *House Document No. 10* (1974).

Study of Teacher Evaluation in Virginia's Public Schools, *House Document No. 9*, (1974).

W. Thro, "The Third Wave: The Impact of the Montana, Kentucky, and Texas Decisions on the Future of Public School Finance Reform Litigation," 19 *Journal of Law & Education* 219 (1990).

U.S. Department of Education, *America 2000: An Education Strategy* (1991).

U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 1992* (October 1992).

Virginia Department of Education, "...A Certain Degree of Instruction" (1977).

Virginia Department of Education, *Annual School Report General Instructions 1991-1992* (1992).

Virginia Department of Education, "Common Core Draft Released," *State Ed* (November 23, 1992).

Virginia Department of Education, *1992 Interpretive Guide to Reports* (1992).

Virginia Department of Education, *1992 Virginia Summary Report* (1992).

Virginia Department of Education, *Report of 1992-93 Virginia Literacy Testing Program* (1993).

Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* (1992).

Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Language Arts* (1988).

Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Mathematics* (1988).

Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Physical Education* (1984).

Virginia Department of Education, *Standards of Learning Objectives for Virginia's Public Schools: Science* (1988).

Virginia Department of Education, *Superintendent's Annual Report for Virginia 1990-91* (1992).

Virginia Department of Education, *Superintendent's Annual Report for Virginia 1991-92* (1993).

Virginia Department of Education, *Superintendents Memo No. 1*, July 24, 1992.

Virginia Department of Education, *A World Class System of Education: What It Means for Virginia* (1991).

"Wilder scuttles outcome-based education plan," *Richmond Times-Dispatch* 1 (September 16, 1993).