

SENATE BILL NO. 616

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on January 27, 2022)

(Patrons Prior to Substitute--Senator Lucas)

A BILL to amend and reenact §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-299.7:1, relating to early student literacy; evidence-based literacy instruction; science-based reading research.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:5, 22.1-253.13:6, 22.1-298.1, and 23.1-902.1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended and reenacted by adding a section numbered 22.1-299.7:1 as follows:

§ 22.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral

27 language, and comprehension and in building mastery of the foundational reading skills of phonological
28 and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are
29 able to be differentiated in order to meet the individual needs of students.

30 "Governing body" or "local governing body" means the board of supervisors of a county, council
31 of a city, or council of a town, responsible for appropriating funds for such locality, as the context may
32 require.

33 "Middle school" means separate schools for early adolescents and the middle school grades that
34 might be housed at elementary or high schools.

35 "Parent" or "parents" means any parent, guardian, legal custodian, or other person having control
36 or charge of a child.

37 "Person of school age" means a person who will have reached his fifth birthday on or before
38 September 30 of the school year and who has not reached twenty years of age on or before August 1 of
39 the school year.

40 "School board" means the school board that governs a school division.

41 "Science-based reading research" means research that (i) applies rigorous, systematic, and
42 objective observational or experimental procedures to obtain valid knowledge relevant to reading
43 development, reading instruction, and reading and writing difficulties and (ii) explains how proficient
44 reading and writing develop, why some children have difficulties developing key literacy skills, and how
45 schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction
46 practices to promote reading and writing achievement.

47 "Superintendent" means the Superintendent of Public Instruction.

48 **§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning**
49 **and other educational objectives.**

50 A. The General Assembly and the Board of Education believe that the fundamental goal of the
51 public schools of the Commonwealth must be to enable each student to develop the skills that are
52 necessary for success in school, preparation for life, and reaching their full potential. The General
53 Assembly and the Board of Education find that the quality of education is dependent upon the provision

54 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
55 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student
56 achievement; (iii) quality instruction that enables each student to become a productive and educated citizen
57 of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In
58 keeping with this goal, the General Assembly shall provide for the support of public education as set forth
59 in Article VIII, Section 1 of the Constitution of Virginia.

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

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

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

75 The Standards of Learning in all subject areas shall be subject to regular review and revision to
76 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
77 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
78 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
79 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once

80 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
81 review and revision on a more frequent basis.

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

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

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

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

102 The Board of Education shall include in the Standards of Learning for health instruction in
103 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
104 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
105 instruction shall be based on the current national evidence-based emergency cardiovascular care
106 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a

107 program developed by the American Heart Association or the American Red Cross. No teacher who is in
108 compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of
109 cardiopulmonary resuscitation to provide instruction for non-certification.

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

115 The Board shall establish content standards and curriculum guidelines for courses in career
116 investigation in elementary school, middle school, and high school. Each school board shall (i) require
117 each middle school student to take at least one course in career investigation or (ii) select an alternate
118 means of delivering the career investigation course to each middle school student, provided that such
119 alternative is equivalent in content and rigor and provides the foundation for such students to develop their
120 academic and career plans. Any school board may require (a) such courses in career investigation at the
121 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-
122 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems
123 appropriate. The Board shall develop and disseminate to each school board career investigation resource
124 materials that are designed to ensure that students have the ability to further explore interest in career and
125 technical education opportunities in middle and high school. In developing such resource materials, the
126 Board shall consult with representatives of career and technical education, industry, skilled trade
127 associations, chambers of commerce or similar organizations, and contractor organizations.

128 C. Local school boards shall develop and implement a program of instruction for grades K through
129 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
130 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
131 and computations, proficiency in the use of computers and related technology, computer science and
132 computational thinking, including computer coding, and scientific concepts and processes; essential skills
133 and concepts of citizenship, including knowledge of Virginia history and world and United States history,

134 economics, government, foreign languages, international cultures, health and physical education,
135 environmental issues, and geography necessary for responsible participation in American society and in
136 the international community; fine arts, which may include, but need not be limited to, music and art, and
137 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
138 training in a career or technical field; and development of the ability to apply such skills and knowledge
139 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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

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

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

154 Remediation programs shall include, when applicable, a procedure for early identification of
155 students who are at risk of failing the Standards of Learning assessments in grades three through eight or
156 who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
157 include summer school for all elementary and middle school grades and for all high school academic
158 courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation.
159 Summer school remediation programs or other forms of remediation shall be chosen by the division
160 superintendent to be appropriate to the academic needs of the student. Students who are required to attend

161 such summer school programs or to participate in another form of remediation shall not be charged tuition
162 by the school division.

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

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

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

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

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

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

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

187 b. Career exploration opportunities in the middle school grades;

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

196 d. Annual notice on its website to enrolled high school students and their parents of (i) the
197 availability of the postsecondary education and employment data published by the State Council of Higher
198 Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a
199 nationally recognized career readiness certificate at a local public high school, comprehensive community
200 college, or workforce center; and

201 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
202 Commonwealth by median pay and the education, training, and skills required for each such profession
203 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
204 pay of program graduates. The Department of Education shall annually compile such lists and provide
205 them to each local school board.

206 4. Educational objectives in middle and high school that emphasize economic education and
207 financial literacy pursuant to § 22.1-200.03.

208 5. Early identification of students with disabilities and enrollment of such students in appropriate
209 instructional programs consistent with state and federal law.

210 6. Early identification of gifted students and enrollment of such students in appropriately
211 differentiated instructional programs.

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

215 8. Adult education programs for individuals functioning below the high school completion level.
216 Such programs may be conducted by the school board as the primary agency or through a collaborative
217 arrangement between the school board and other agencies.

218 9. A plan to make achievements for students who are educationally at risk a divisionwide priority
219 that shall include procedures for measuring the progress of such students.

220 10. An agreement for postsecondary degree attainment with a comprehensive community college
221 in the Commonwealth specifying the options for students to complete an associate degree or a one-year
222 Uniform Certificate of General Studies from a comprehensive community college concurrent with a high
223 school diploma. Such agreement shall specify the credit available for dual enrollment courses and
224 Advanced Placement courses with qualifying exam scores of three or higher.

225 11. A plan to notify students and their parents of the availability of dual enrollment and advanced
226 placement classes; career and technical education programs, including internships, externships,
227 apprenticeships, credentialing programs, certification programs, licensure programs, and other work-
228 based learning experiences; the International Baccalaureate Program and Academic Year Governor's
229 School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the
230 availability of financial assistance to low-income and needy students to take the advanced placement and
231 International Baccalaureate examinations. This plan shall include notification to students and parents of
232 the agreement with a comprehensive community college in the Commonwealth to enable students to
233 complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high
234 school diploma.

235 12. Identification of students with limited English proficiency and enrollment of such students in
236 appropriate instructional programs, which programs may include dual language programs whereby such
237 students receive instruction in English and in a second language.

238 13. Early identification, diagnosis, and assistance for students with ~~reading and~~ mathematics
239 problems and provision of instructional strategies and ~~reading and~~ mathematics practices that benefit the
240 development of ~~reading and~~ mathematics skills for all students.

241 ~~Local school divisions shall provide reading intervention services to students in kindergarten~~
242 ~~through grade three who demonstrate deficiencies based on their individual performance on the Standards~~
243 ~~of Learning reading test or any reading diagnostic test that meets criteria established by the Department~~
244 ~~of Education. Local school divisions shall report the results of the diagnostic tests to the Department of~~
245 ~~Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such~~
246 ~~reading intervention services shall be evidence based, including services that are grounded in the science~~
247 ~~of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic,~~
248 ~~sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency,~~
249 ~~vocabulary development, and text comprehension as appropriate based on the student's demonstrated~~
250 ~~reading deficiencies. The parent of each student who receives such reading intervention services shall be~~
251 ~~notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of~~
252 ~~each such student shall be monitored throughout the provision of services. Each student who receives such~~
253 ~~reading intervention services shall be assessed again at the end of that school year. The local school~~
254 ~~division, in its discretion, shall provide such reading intervention services prior to promoting a student~~
255 ~~from grade three to grade four. Such reading intervention services may be administered through the use~~
256 ~~of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher;~~
257 ~~computer-based reading tutorial programs; aides to instruct in class groups while the teacher provides~~
258 ~~direct instruction to the students who need extra assistance; and extended instructional time in the school~~
259 ~~day or school year for these students. Funds appropriated for prevention, intervention, and remediation;~~
260 ~~summer school remediation; at-risk; or early intervention reading may be used to meet the requirements~~
261 ~~of this subdivision.~~

262 Local school divisions shall provide algebra readiness intervention services to students in grades
263 six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
264 individual performance on any diagnostic test that has been approved by the Department of Education.
265 Local school divisions shall report the results of the diagnostic tests to the Department of Education on an
266 annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who
267 receives algebra readiness intervention services will be assessed again at the end of that school year. Funds

268 appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra
269 readiness intervention services may be used to meet the requirements of this subdivision.

270 ~~As used in this subdivision:~~

271 ~~"Science of reading" means the study of the relationship between cognitive science and educational~~
272 ~~outcomes.~~

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

275 15. A program of physical activity available to all students in grades kindergarten through five
276 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school
277 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on
278 average during the regular school year. Such program may include any combination of (i) physical
279 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities
280 deemed appropriate by the local school board. Each local school board shall implement such program
281 during the regular school year.

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

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

286 18. A program of instruction in the high school Virginia and U.S. Government course on all
287 information and concepts contained in the civics portion of the U.S. Naturalization Test.

288 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
289 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
290 resources and technical assistance to increase the capacity for school divisions to deliver quality
291 instruction; and (iii) assist school divisions in implementing those programs and practices that will
292 enhance pupil academic performance and improve family and community involvement in the public
293 schools. Such unit shall identify and analyze effective instructional programs and practices and
294 professional development initiatives; evaluate the success of programs encouraging parental and family

295 involvement; assess changes in student outcomes prompted by family involvement; and collect and
296 disseminate among school divisions information regarding effective instructional programs and practices,
297 initiatives promoting family and community involvement, and potential funding and support sources. Such
298 unit may also provide resources supporting professional development for administrators and teachers. In
299 providing such information, resources, and other services to school divisions, the unit shall give priority
300 to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning
301 assessments.

302 F. Each local school board may enter into agreements for postsecondary course credit, credential,
303 certification, or license attainment, hereinafter referred to as College and Career Access Pathways
304 Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher
305 education or educational institutions established pursuant to Title 23.1 that offer a career and technical
306 education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part
307 of the career and technical education curriculum that lead to course credit or an industry-recognized
308 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,
309 credentials, certifications, or licenses available for such courses; and (iii) specify available options for
310 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community
311 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school
312 credit for successful completion of any such program.

313 G. Each local school board shall provide a program of literacy instruction that is aligned with
314 science-based reading research and provides evidenced-based literacy instruction to students in
315 kindergarten through grade three and is consistent with the school board's literacy plan as required by
316 subsection B of § 22.1-253.13:6. Pursuant to such program:

317 1. Each local school board shall provide reading intervention services to students in kindergarten
318 through grade three who demonstrate substantial deficiencies based on their individual performance on
319 the Standards of Learning reading assessment or an early literacy screener provided or approved by the
320 Department. Such reading intervention services shall consist of evidence-based literacy instruction, align
321 with science-based reading research, and be documented for each student in a written student reading plan.

322 consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to
323 subdivision H 2.

324 2. A reading specialist, in collaboration with the teacher of any student who receives reading
325 intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor
326 student progress on a student reading plan. The parent of each student who receives reading intervention
327 services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the
328 development of the student reading plan. Each student reading plan (i) shall follow the Department
329 template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii)
330 shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined
331 or identified by diagnostic assessment data or the early literacy screener provided or approved by the
332 Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific
333 measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-
334 based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will
335 be provided to the student's parent to support the student to make reading progress; and (f) any additional
336 services the teacher deems available and appropriate to accelerate the student's reading skill development;
337 and (iv) may include the following services for the student: instruction from a reading specialist, trained
338 aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended
339 instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each
340 student shall receive notice before services begin and a copy of the student reading plan.

341 3. Each student who receives such reading intervention services shall be assessed utilizing either
342 the early literacy screener provided or approved by the Department or the grade-level reading Standards
343 of Learning assessment again at the end of that school year.

344 4. The local school board shall provide such reading intervention services prior to promoting a
345 student from grade three to grade four.

346 5. Funds appropriated for prevention, intervention, and remediation, summer school remediation,
347 the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

348 H. In order to assist local school boards to implement the provisions of subsection G:

- 349 1. The Board shall provide guidance on the content of student reading plans;
350 2. The Department shall develop a list of core literacy curricula, supplemental instruction practices
351 and programs, and intervention programs that consist of evidence-based literacy instruction aligned with
352 science-based reading research. The list shall be approved by the Board;
353 3. The Department shall develop a template for student reading plans that aligns with the
354 requirements of subsection G;
355 4. The Department shall develop and implement a plan for the annual collection and public
356 reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent,
357 to include results on the early literacy screener provided or approved by the Department and the reading
358 Standards of Learning assessments; and
359 5. The Department shall provide free online evidence-based literacy instruction resources that can
360 be accessed by parents and local school boards to support student literacy development at home.

361 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

362 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents,
363 and other professional personnel.

364 B. School boards shall employ licensed instructional personnel qualified in the relevant subject
365 areas.

366 C. Each school board shall assign licensed instructional personnel in a manner that produces
367 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
368 excluding special education teachers, principals, assistant principals, school counselors, and librarians,
369 that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than
370 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
371 teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being
372 larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students;
373 and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year,
374 anytime the number of students in a class exceeds the class size limit established by this subsection, the
375 local school division shall notify the parent of each student in such class of such fact no later than 10 days

376 after the date on which the class exceeded the class size limit. Such notification shall state the reason that
377 the class size exceeds the class size limit and describe the measures that the local school division will take
378 to reduce the class size to comply with this subsection.

379 Within its regulations governing special education programs, the Board shall seek to set
380 pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for
381 self-contained classes for pupils with specific learning disabilities.

382 Further, school boards shall assign instructional personnel in a manner that produces schoolwide
383 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in
384 middle schools and high schools. School divisions shall provide all middle and high school teachers with
385 one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

386 D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic,
387 special education, gifted, and career and technical education funds a minimum number of licensed, full-
388 time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as
389 set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day
390 kindergarten programs. Beginning with the March 31 report of average daily membership, those school
391 divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their
392 average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily
393 memberships, as provided in the appropriation act.

394 D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special
395 education, gifted, and career and technical education funds a minimum number of licensed, full-time
396 equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set
397 forth in the appropriation act.

398 E. In addition to the positions supported by basic aid and in support of regular school year programs
399 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
400 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
401 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
402 for prevention, intervention, and remediation programs provided pursuant to this subsection and the

403 appropriation act may be used to support programs for educationally at-risk students as identified by the
404 local school boards.

405 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions
406 may employ mathematics teacher specialists to provide the required algebra readiness intervention
407 services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this
408 manner shall only employ instructional personnel licensed by the Board of Education.

409 F. In addition to the positions supported by basic aid and those in support of regular school year
410 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation
411 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021
412 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
413 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
414 identified as having limited English proficiency, which positions may include dual language teachers who
415 provide instruction in English and in a second language.

416 To provide flexibility in the instruction of English language learners who have limited English
417 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
418 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
419 employ additional English language learner teachers or dual language teachers to provide instruction to
420 identified limited English proficiency students. Using these funds in this manner is intended to supplement
421 the instructional services provided in this section. School divisions using the SOQ Prevention,
422 Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by
423 the Board of Education.

424 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
425 school board shall employ the following one reading specialist in elementary schools, one full-time in
426 each elementary school at the discretion of the local school board. One reading specialist employed by
427 each local school board that employs a specialist for each 550 students in kindergarten through grade
428 three. Each such reading specialist shall have training in science-based reading research and evidence-
429 based literacy instruction practices. In addition, each such reading specialist shall have training in the

430 identification of and the appropriate interventions, accommodations, and teaching techniques for students
431 with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such
432 reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of
433 (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that
434 may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including
435 multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions,
436 accommodations, and assistive technology supports for students with dyslexia.

437 To provide reading intervention services required by § 22.1-253.13:1, school divisions may
438 employ reading specialists to provide the required reading intervention services. School divisions using
439 the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel
440 licensed by the Board of Education.

441 H. Each local school board shall employ, at a minimum, the following full-time equivalent
442 positions for any school that reports fall membership, according to the type of school and student
443 enrollment:

444 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
445 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools,
446 one full-time, to be employed on a 12-month basis;

447 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
448 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in
449 high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of
450 assistant principals to meet this staffing requirement may assign assistant principals to schools within the
451 division according to the area of greatest need, regardless of whether such schools are elementary, middle,
452 or secondary;

453 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
454 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
455 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
456 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet

457 this staffing requirement may assign librarians to schools within the division according to the area of
458 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

459 4. School counselors:

460 a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75
461 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction
462 thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period
463 per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300
464 students, one additional period per 60 students or major fraction thereof.

465 b. Effective with the 2021-2022 school year, local school boards shall employ one full-time
466 equivalent school counselor position per 325 students in grades kindergarten through 12.

467 c. Local school divisions that employ a sufficient number of school counselors to meet the school
468 counselor staffing requirements set forth in this subdivision may assign school counselors to schools
469 within the division according to the area of greatest need, regardless of whether such schools are
470 elementary, middle, or high schools.

471 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
472 kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

473 J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades
474 kindergarten through 12, one to provide technology support and one to serve as an instructional technology
475 resource teacher.

476 To provide flexibility, school divisions may use the state and local funds for instructional
477 technology resource teachers to employ a data coordinator position, an instructional technology resource
478 teacher position, or a data coordinator/instructional resource teacher blended position. The data
479 coordinator position is intended to serve as a resource to principals and classroom teachers in the area of
480 data analysis and interpretation for instructional and school improvement purposes, as well as for overall
481 data management and administration of state assessments. School divisions using these funds in this
482 manner shall employ only instructional personnel licensed by the Board of Education.

483 K. Local school boards may employ additional positions that exceed these minimal staffing
484 requirements. These additional positions may include, but are not limited to, those funded through the
485 state's incentive and categorical programs as set forth in the appropriation act.

486 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
487 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
488 school counselors, and shall be based on the school's total enrollment; school counselor staff requirements
489 shall, however, be based on the enrollment at the various school organization levels, i.e., elementary,
490 middle, or high school. The Board of Education may grant waivers from these staffing levels upon request
491 from local school boards seeking to implement experimental or innovative programs that are not consistent
492 with these staffing levels.

493 M. School boards shall, however, annually, on or before December 31, report to the public (i) the
494 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the
495 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local
496 school division by school for the current school year. Actual pupil/teacher ratios shall include only the
497 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School
498 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any
499 classes funded through the voluntary kindergarten through third grade class size reduction program shall
500 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection
501 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to
502 ensure the confidentiality of all teacher and pupil identities.

503 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
504 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
505 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
506 basis in any mathematics, science, English, history, social science, career and technical education, fine
507 arts, foreign language, or health education or physical education course shall be counted in the ADM in
508 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
509 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home

510 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.
511 Such calculation shall not include enrollments of such students in any other public school courses.

512 O. Each school board shall provide at least three specialized student support positions per 1,000
513 students. For purposes of this subsection, specialized student support positions include school social
514 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
515 analysts, and other licensed health and behavioral positions, which may either be employed by the school
516 board or provided through contracted services.

517 P. Each local school board shall provide those support services that are necessary for the efficient
518 and cost-effective operation and maintenance of its public schools.

519 For the purposes of this title, unless the context otherwise requires, "support services positions"
520 shall include the following:

521 1. Executive policy and leadership positions, including school board members, superintendents
522 and assistant superintendents;

523 2. Fiscal and human resources positions, including fiscal and audit operations;

524 3. Student support positions, including (i) social work administrative positions not included in
525 subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii)
526 homebound administrative positions supporting instruction; (iv) attendance support positions related to
527 truancy and dropout prevention; and (v) health and behavioral administrative positions not included in
528 subsection O;

529 4. Instructional personnel support, including professional development positions and library and
530 media positions not included in subdivision H 3;

531 5. Technology professional positions not included in subsection J;

532 6. Operation and maintenance positions, including facilities; pupil transportation positions;
533 operation and maintenance professional and service positions; and security service, trade, and laborer
534 positions;

535 7. Technical and clerical positions for fiscal and human resources, student support, instructional
536 personnel support, operation and maintenance, administration, and technology; and

537 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
538 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
539 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
540 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
541 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
542 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
543 schools within the division according to the area of greatest need, regardless of whether such schools are
544 elementary, middle, or secondary.

545 Pursuant to the appropriation act, support services shall be funded from basic school aid.

546 School divisions may use the state and local funds for support services to provide additional
547 instructional services.

548 Q. Notwithstanding the provisions of this section, when determining the assignment of
549 instructional and other licensed personnel in subsections C through J, a local school board shall not be
550 required to include full-time students of approved virtual school programs.

551 **§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.**

552 A. Each member of the Board of Education shall participate in high-quality professional
553 development programs on personnel, curriculum and current issues in education as part of his service on
554 the Board.

555 B. Consistent with the finding that leadership is essential for the advancement of public education
556 in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the
557 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation
558 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic
559 progress as a significant component and an overall summative rating. Teacher evaluations shall include
560 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
561 include identification of areas of individual strengths and weaknesses and recommendations for
562 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

563 C. The Board of Education shall provide guidance on high-quality professional development for
564 (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals,
565 supervisors, and division superintendents in the evaluation and documentation of teacher and principal
566 performance based on student academic progress and the skills and knowledge of such instructional or
567 administrative personnel; (iii) school board members on personnel, curriculum and current issues in
568 education; ~~and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with~~
569 the Virginia Department for the Blind and Vision Impaired, in Braille; and (v) any individual with an
570 endorsement in early/primary education preschool through grade three, elementary education preschool
571 through grade six, special education general curriculum kindergarten through grade 12, special education
572 deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments
573 preschool through grade 12 or as a reading specialist in science-based reading research and evidence-
574 based literacy instruction.

575 The Board shall also provide technical assistance on high-quality professional development to
576 local school boards designed to ensure that all instructional personnel are proficient in the use of
577 educational technology consistent with its comprehensive plan for educational technology.

578 The Department shall provide technical assistance, including literacy coaching, to local school
579 divisions to provide professional development in science-based reading research and evidence-based
580 literacy instruction. The Department shall also create a list of professional development programs aligned
581 with science-based reading research and evidence-based literacy instruction that includes programs that
582 provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The
583 list shall be approved by the Board. The Department shall provide resources to local school divisions to
584 ensure that each division is able to provide professional development to teachers and reading specialists
585 listed in subdivision E 2 of § 22.1-253.13:5 in one of the programs enumerated in the list approved by the
586 Board pursuant to this subdivision and that such professional development is provided at no cost to the
587 teachers and reading specialists.

588 D. Each local school board shall require (i) its members to participate annually in high-quality
589 professional development activities at the state, local, or national levels on governance, including, but not

590 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use
591 of data in planning and decision making; and current issues in education as part of their service on the
592 local board and (ii) the division superintendent to participate annually in high-quality professional
593 development activities at the local, state, or national levels, including the Standards of Quality, Board of
594 Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for
595 Teachers, Principals, and Superintendents.

596 E. Each local school board shall provide a program of high-quality professional development (i)
597 in the use and documentation of performance standards and evaluation criteria based on student academic
598 progress and skills for teachers, principals, and superintendents to clarify roles and performance
599 expectations and to facilitate the successful implementation of instructional programs that promote student
600 achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers
601 and principals in acquiring the skills needed to work with gifted students, students with disabilities, and
602 students who have been identified as having limited English proficiency and to increase student
603 achievement and expand the knowledge and skills students require to meet the standards for academic
604 performance set by the Board of Education; (iii) in educational technology for all instructional personnel
605 which is designed to facilitate integration of computer skills and related technology into the curricula; and
606 (iv) for principals and supervisors designed to increase proficiency in instructional leadership and
607 management, including training in the evaluation and documentation of teacher and principal performance
608 based on student academic progress and the skills and knowledge of such instructional or administrative
609 personnel.

610 In addition, each local school board shall ~~also provide teachers:~~

611 1. Teachers and principals with high-quality professional development programs each year in (a)
612 instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing
613 the progress of individual students, including Standards of Learning assessment materials or other
614 criterion-referenced tests that match locally developed objectives; (d) instruction and remediation
615 techniques in English, mathematics, science, and history and social science; (e) interpreting test data for

616 instructional purposes; (f) technology applications to implement the Standards of Learning; and (g)
617 effective classroom management; and

618 2. High-quality professional development and training in science-based reading research and
619 evidence-based literacy instruction, from the list developed and the resources provided by the Department
620 pursuant to subsection C of § 22.1-253.13:5 or an alternative program that consists of evidence-based
621 literacy instruction and aligns with science-based reading research approved by the Department, for each
622 elementary school principal and each teacher with an endorsement in early/primary education preschool
623 through grade three, elementary education preschool through grade six, special education general
624 curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through
625 grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading
626 specialist in order to aid in the licensure renewal process for such individuals.

627 F. Schools and school divisions shall include as an integral component of their comprehensive
628 plans required by § 22.1-253.13:6, high-quality professional development programs that support the
629 recruitment, employment, and retention of qualified teachers and principals. Each school board shall
630 require all instructional personnel to participate each year in these professional development programs.

631 G. Each local school board shall annually review its professional development program for quality,
632 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers
633 and the academic achievement needs of the students in the school division.

634 **§ 22.1-253.13:6. Standard 6. Planning and public involvement.**

635 A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based
636 on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation.
637 The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the
638 plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of
639 such plan available for public inspection and copying.

640 This plan shall include the objectives of public education in Virginia, including strategies for first
641 improving student achievement, particularly the achievement of educationally at-risk students, then
642 maintaining high levels of student achievement; an assessment of the extent to which these objectives are

643 being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in
644 the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the
645 extent to which these Standards of Quality have been achieved and the objectives of the statewide
646 comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its
647 comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into
648 the Standards of Learning and the curricula of the public schools in Virginia, including career and
649 technical education programs. The Board shall review and approve the comprehensive plan for
650 educational technology and may require the revision of such plan as it deems necessary.

651 B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan
652 based on data collection, an analysis of the data, and how the data will be utilized to improve classroom
653 instruction and student achievement. The plan shall be developed with staff and community involvement
654 and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and
655 regulations. Each local school board shall review the plan biennially and adopt any necessary revisions.
656 Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board
657 shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall
658 make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at
659 least one public hearing to solicit public comment on the divisionwide plan or revisions.

660 The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives
661 of the school division, including strategies for first improving student achievement, particularly the
662 achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii)
663 an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment
664 changes; (iv) a plan for projecting and managing enrollment changes including consideration of the
665 consolidation of schools to provide for a more comprehensive and effective delivery of instructional
666 services to students and economies in school operations; (v) an evaluation of the appropriateness of
667 establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan
668 for implementing such regional programs and services when appropriate; (vii) a technology plan designed
669 to integrate educational technology into the instructional programs of the school division, including the

670 school division's career and technical education programs, consistent with, or as a part of, the
671 comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment of
672 the needs of the school division and evidence of community participation, including parental participation,
673 in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and
674 (x) a plan for parent and family involvement to include building successful school and parent partnerships
675 that shall be developed with staff and community involvement, including participation by parents.

676 The divisionwide comprehensive plan shall also include a divisionwide literacy plan for pre-
677 kindergarten through grade three. The Board shall issue guidance on the contents of such plans. The
678 Department shall develop a template for such plans. Each divisionwide literacy plan shall follow such
679 template and address how the local school board will align (i) literacy professional development, (ii) core
680 reading and literacy curriculum, and (iii) screening, supplemental instruction, and interventions with
681 evidence-based literacy instruction practices aligned with science-based reading research and how the
682 school board will support parents to support the literacy development of their children. When developing
683 such divisionwide literacy plan, each local school board shall use programs from the lists developed by
684 the Department pursuant to subsection C of § 22.1-253.13:5 and subdivision H 2 of § 22.1-253:1 or seek
685 approval from the Department for the use of alternative programs that consist of evidence-based literacy
686 instruction and align with science-based reading research.

687 A report shall be presented by each school board to the public by November 1 of each odd-
688 numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been
689 met during the previous two school years.

690 C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the
691 relevant school board shall consider in the development of its divisionwide comprehensive plan.

692 D. The Board of Education shall, in a timely manner, make available to local school boards
693 information about where current Virginia school laws, Board regulations and revisions, and copies of
694 relevant Opinions of the Attorney General of Virginia may be located online.

695 **§ 22.1-298.1. Regulations governing licensure.**

696 A. As used in this section:

697 "Alternate route to licensure" means a nontraditional route to teacher licensure available to
698 individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or
699 regulations issued by the Board of Education.

700 "Industry certification credential" means an active career and technical education credential that is
701 earned by successfully completing a Board of Education-approved industry certification examination,
702 being issued a professional license in the Commonwealth, or successfully completing an occupational
703 competency examination.

704 "Licensure by reciprocity" means a process used to issue a license to an individual coming into the
705 Commonwealth from another state when that individual meets certain conditions specified in the Board
706 of Education's regulations.

707 "Professional teacher's assessment" means those tests mandated for licensure as prescribed by the
708 Board of Education.

709 "Provisional license" means a nonrenewable license issued by the Board of Education for a
710 specified period of time, not to exceed three years, to an individual who may be employed by a school
711 division in the Commonwealth and who generally meets the requirements specified in the Board of
712 Education's regulations for licensure, but who may need to take additional coursework, pass additional
713 assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

714 "Renewable license" means a license issued by the Board of Education for 10 years to an individual
715 who meets the requirements specified in the Board of Education's regulations.

716 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of
717 teachers and other school personnel required to hold a license. Such regulations shall include procedures
718 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
719 reprimand of license holders on grounds established by the Board, in accordance with law, notice of which
720 shall be made by the Superintendent of Public Instruction to division superintendents or their designated
721 representatives; and (iii) the immediate and thorough investigation by the division superintendent or his
722 designee of any complaint alleging that a license holder has engaged in conduct that may form the basis
723 for the revocation of his license. At a minimum, such procedures for investigations contained in such

724 regulations shall require (a) the division superintendent to petition for the revocation of the license upon
725 completing such investigation and finding that there is reasonable cause to believe that the license holder
726 has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to
727 a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the
728 license holder, unless the license holder requests the cancellation of his license in accordance with Board
729 regulations; and (c) the school board to provide a copy of the investigative file and such petition for
730 revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board
731 of Education shall revoke the license of any person for whom it has received a notice of dismissal or
732 resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a
733 founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by §
734 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to
735 approve educational programs, only the Board of Education shall have the authority to license teachers to
736 be regularly employed by school boards, including those teachers employed to provide nursing education.

737 The Board of Education shall prescribe by regulation the licensure requirements for teachers who
738 teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online
739 courses. Teachers who hold a 10-year renewable license issued by the Board of Education may teach
740 online courses for which they are properly endorsed.

741 C. The Board of Education's regulations shall include requirements that a person seeking initial
742 licensure:

743 1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core
744 skills for educators by achieving a qualifying score on professional assessments or meeting alternative
745 evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial
746 licensure with an endorsement in early/primary education preschool through grade three, elementary
747 education preschool through grade six, special education general curriculum kindergarten through grade
748 12, special education deaf and hard of hearing preschool through grade 12, or special education
749 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous
750 test of science-based reading research and evidence-based literacy instruction;

- 751 2. Complete study in attention deficit disorder;
- 752 3. Complete study in gifted education, including the use of multiple criteria to identify gifted
753 students; and
- 754 4. Complete study in methods of improving communication between schools and families and
755 ways of increasing family involvement in student learning at home and at school.
- 756 D. In addition, such regulations shall include requirements that:
- 757 1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who
758 have not completed such study shall complete study in child abuse recognition and intervention in
759 accordance with curriculum guidelines developed by the Board of Education in consultation with the
760 Department of Social Services that are relevant to the specific teacher licensure routes;
- 761 2. Every person seeking renewal of a license shall complete all renewal requirements, including
762 professional development in a manner prescribed by the Board, except that no person seeking renewal of
763 a license shall be required to satisfy any such requirement by completing coursework and earning credit
764 at an institution of higher education;
- 765 3. Every person seeking initial licensure or renewal of a license shall provide evidence of
766 completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use
767 of automated external defibrillators. The certification or training program shall (i) be based on the current
768 national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and
769 the use of an automated external defibrillator, such as a program developed by the American Heart
770 Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to
771 perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any
772 person with a disability whose disability prohibits such person from completing the certification or
773 training;
- 774 4. Every person seeking licensure with an endorsement as a teacher of the blind and visually
775 impaired shall demonstrate proficiency in reading and writing Braille;
- 776 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area
777 of career and technical education shall have an industry certification credential in the area in which the

778 teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained
779 an industry certification credential in the area in which the teacher seeks endorsement, the Board may,
780 upon request of the employing school division or educational agency, issue the teacher a provisional
781 license to allow time for the teacher to attain such credential;

782 6. Every person seeking initial licensure or renewal of a license shall complete awareness training,
783 provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the
784 Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

785 7. Every person seeking initial licensure or renewal of a license with an endorsement as a school
786 counselor shall complete training in the recognition of mental health disorder and behavioral distress,
787 including depression, trauma, violence, youth suicide, and substance abuse;

788 8. Every person seeking initial licensure as a teacher who has not received the instruction described
789 in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and
790 supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with
791 regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need
792 for the use of physical restraint and seclusion;

793 9. Every person seeking initial licensure or renewal of a license shall complete instruction or
794 training in cultural competency;

795 10. Every person seeking initial licensure or renewal of a license with an endorsement in history
796 and social sciences shall complete instruction in African American history, as prescribed by the Board;
797 ~~and~~

798 11. Every person seeking renewal of a license as a teacher shall complete training in the instruction
799 of students with disabilities that includes (i) differentiating instruction for students depending on their
800 needs; (ii) understanding the role of general education teachers on the individualized education program
801 team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv)
802 understanding the goals and benefits of inclusive education for all students; and

803 12. Every person seeking initial licensure with an endorsement in early/primary education
804 preschool through grade three, elementary education preschool through grade six, special education

805 general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool
806 through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a
807 reading specialist shall complete study in science-based reading research and evidence-based literacy
808 instruction.

809 E. No teacher who seeks a provisional license shall be required to meet any requirement set forth
810 in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each
811 such requirement during the first year of provisional licensure.

812 F. The Board shall issue a license to an individual seeking initial licensure who has not completed
813 professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that
814 will expire within three months or, at the discretion of the school board and division superintendent, within
815 six months if the individual has received a satisfactory mid-year performance review in the current school
816 year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent;
817 (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as
818 prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance
819 standards for each year of the provisional license, and such evaluation was conducted in a manner
820 consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers,
821 Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

822 G. Each local school board or division superintendent may waive for any individual whom it seeks
823 to employ as a career and technical education teacher and who is also seeking initial licensure or renewal
824 of a license with an endorsement in the area of career and technical education any applicable requirement
825 set forth in subsection C or subdivision D 2, 4, or 6.

826 H. The Board's regulations shall require that initial licensure for principals and assistant principals
827 be contingent upon passage of an assessment as prescribed by the Board.

828 I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential
829 learning for coursework for those persons seeking initial licensure through an alternate route as defined in
830 Board regulations. Such alternate routes shall include eligibility for any individual to receive,

831 notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high
832 schools in the Commonwealth if he has:

- 833 1. Received a graduate degree from a regionally accredited institution of higher education;
- 834 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
835 accredited institution of higher education;

- 836 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
837 including the communication and literacy assessment and the content-area assessment for the endorsement
838 sought. The literacy assessment for any individual seeking initial licensure through an alternate route with
839 an endorsement in early/primary education preschool through grade three, elementary education preschool
840 through grade six, special education general curriculum kindergarten through grade 12, special education
841 deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments
842 preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading
843 research and evidence-based literacy instruction; and

- 844 4. Met the requirements set forth in subdivisions D 1 and 3.

845 J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance
846 of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any
847 person who does not meet the requirements of this section or any other requirement for licensure imposed
848 by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three
849 years, to any former member of the Armed Forces of the United States or the Virginia National Guard
850 who has received an honorable discharge and has the appropriate level of experience or training but does
851 not meet the requirements for a renewable license.

852 K. The Board's licensure regulations shall also provide for licensure by reciprocity:

- 853 1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching
854 license and national certification from the National Board for Professional Teaching Standards or a
855 nationally recognized certification program approved by the Board of Education. The application for such
856 individuals shall require evidence of such valid licensure and national certification and shall not require
857 official student transcripts;

858 2. For any spouse of an active duty member of the Armed Forces of the United States or the
859 Commonwealth who has obtained a valid out-of-state license, with full credentials and without
860 deficiencies, that is in force at the time the application for a Virginia license is received by the Department
861 of Education. Each such individual shall establish a file in the Department of Education by submitting a
862 complete application packet, which shall include official student transcripts. No service requirements or
863 licensing assessments shall be required for any such individual; and

864 3. For individuals who have obtained a valid out-of-state license, with full credentials and without
865 deficiencies, that is in force at the time the application for a Virginia license is received by the Department
866 of Education. Each such individual shall establish a file in the Department of Education by submitting a
867 complete application packet, which shall include official student transcripts. No service requirements or
868 licensing assessments shall be required for any such individual.

869 L. The Board shall include in its regulations an alternate route to licensure for elementary education
870 ~~pre-K-6~~ preschool through grade six and an alternate route to licensure for special education general
871 curriculum ~~K-12~~ kindergarten through grade 12. Each such alternate route to licensure shall require
872 individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for
873 the endorsements sought and (ii) complete an alternative certification program that provides training in
874 the pedagogy and methodology of the respective content or special education areas prescribed by the
875 Board. The curriculum of any such alternative certification program shall be approved by the Board.
876 Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

877 M. The Board, in its regulations providing for licensure by reciprocity established pursuant to
878 subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant
879 special consideration to individuals who have successfully completed a program offered by a provider that
880 is accredited by the Council for the Accreditation of Educator Preparation.

881 N. The Board shall develop guidelines that establish a process to permit a school board or any
882 organization sponsored by a school board to petition the Board for approval of an alternate route to
883 licensure that may be used to meet the requirements for a provisional or renewable license or any
884 endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher

885 preparation, including alternative professional assessments and coursework. The petitioner may proffer or
886 the Board may impose conditions in conjunction with the approval of such petition.

887 **§ 22.1-299.7:1. Microcredentialial program; reading specialists.**

888 A. The Department shall establish a microcredentialial program for the purpose of permitting any
889 public elementary or secondary school teacher who holds a renewable or provisional license or any
890 individual who participates in any alternate route to licensure program to earn a series of microcredentialials
891 in the reading specialist endorsement area. Such microcredentialial program shall require candidates to
892 complete a performance-based assessment intended to allow the educator to demonstrate competency in
893 evidence-based literacy instruction and science-based reading research as well as the identification of and
894 the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
895 related disorder.

896 B. The Board shall issue guidance that determines how the series of microcredentialials awarded to
897 teachers pursuant to the microcredentialial program established in accordance with subsection A will be used
898 to award an add-on endorsement as a reading specialist. Any add-on endorsement that results from
899 completion of such microcredentialial program shall be provisional for a period of five years.

900 C. A local school board may employ a teacher with an add-on endorsement as a reading specialist
901 pursuant to this section to satisfy the requirement set forth in subsection G of § 22.1-253.13:2 if the local
902 school board is unable to employ a teacher with a full endorsement as a reading specialist.

903 D. Teachers who hold a renewable license and who participate, through the microcredentialial
904 program established in accordance with subsection A, in courses that do not contribute to an endorsement
905 are eligible for professional development points toward renewal of their license for the number of in-
906 person hours of coursework completed upon providing a certificate of such participation from the course
907 provider.

908 **§ 23.1-902.1. Education preparation programs; reading specialists; dyslexia.**

909 A. As used in this section, "evidence-based literacy instruction" and "science-based reading
910 research" have the same meanings as provided in § 22.1-1.

911 B. Each education preparation program offered by a public institution of higher education or
912 private institution of higher education or alternative certification program that provides training for any
913 individual seeking (i) initial licensure with an endorsement in early/primary education preschool through
914 grade three, elementary education preschool through grade six, special education general curriculum
915 kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or
916 special education blindness/visual impairments preschool through grade 12 or (ii) a certificate or
917 microcredential in early literacy or literacy coaching shall provide a program of coursework and require
918 such students to demonstrate mastery in science-based reading research and evidence-based literacy
919 instruction.

920 C. Each education preparation program offered by a public institution of higher education or
921 private institution of higher education that leads to a degree, concentration, endorsement, or certificate for
922 reading specialists shall include a program of coursework and other training in the identification of and
923 the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
924 related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying
925 remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of
926 ~~an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential,~~
927 ~~and cumulative instruction~~ science-based reading research and evidence-based literacy instruction,
928 including appropriate application of instructional supports and services and reading literacy interventions
929 to ensure reading proficiency.

930 **2. That the provisions of this act shall become effective beginning with the 2024–2025 school year.**

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