

HOUSE BILL NO. 2195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Commerce and Energy

on _____)

(Patron Prior to Substitute--Delegate Byron)

A BILL to amend and reenact §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 22.1-253.13:1, as it is currently effective and as it shall become effective, 22.1-254.2, 22.1-277.06, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058, and by adding a section numbered 23.1-2906.3; and to repeal § 2.2-435.8, Article 3 (§§ 22.1-223, 22.1-224, and 22.1-225) of Chapter 13 of Title 22.1, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110, 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the Code of Virginia, relating to consolidation of the Commonwealth's workforce development policies and programs; Department of Workforce Development and Advancement created; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 22.1-253.13:1, as it is currently effective and as it shall become effective, 22.1-254.2, 22.1-277.06, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058, and by adding a section numbered 23.1-2906.3 as follows:

§ 2.2-214.2. Position established; agencies for which responsible.

The position of Secretary of Labor (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: the Department of Labor and Industry, the Department of

27 Professional and Occupational Regulation, the Department of Workforce Development and Advancement,
28 and the Virginia Employment Commission. The Governor, by executive order, may assign any state
29 executive agency to the Secretary.

30 **§ 2.2-214.3. Responsibilities of the Secretary.**

31 A. The Secretary shall assist the Governor in his capacity as the Chief Workforce Development
32 Officer for the Commonwealth pursuant to § 2.2-435.6. The Secretary shall be responsible for the duties
33 assigned to him pursuant to this article, Chapter 4.2 (§ 2.2-435.6 et seq.), Article 24 (§ 2.2-2470 et seq.)
34 of Chapter 24, and other tasks as may be assigned to him by the Governor.

35 B. The Chief Workforce Development Officer's responsibilities as carried out by the Secretary of
36 Labor shall include:

37 1. Developing a strategic plan for the statewide delivery of workforce development and training
38 programs and activities. The strategic plan shall be developed in coordination with the development of the
39 comprehensive economic development policy required by § 2.2-205. The strategic plan shall include
40 mandatory performance measures for all workforce development programs across state government that
41 link the objectives of such programs and activities to the record of state agencies, local workforce
42 development boards, and other relevant entities in attaining such objectives. The Secretary shall have the
43 authority to require compliance with such mandatory performance measures by all workforce
44 development program administrators and providers across state government;

45 2. Determining the appropriate allocation, to the extent permissible under applicable federal law,
46 of funds and other resources that have been appropriated or are otherwise available for disbursement by
47 the Commonwealth for workforce development programs and activities;

48 3. Ensuring that the Commonwealth's workforce development efforts are implemented in a
49 coordinated and efficient manner by, among other activities, taking appropriate executive action to this
50 end and recommending to the General Assembly necessary legislative actions to streamline and eliminate
51 duplication in such efforts;

52 ~~4. Facilitating~~ Providing oversight and directing efficient implementation of workforce
53 development and training programs by Cabinet Secretaries and agencies responsible for such programs;

54 5. Developing, in ~~coordination~~ consultation with the Virginia Board of Workforce Development,
55 (i) certification standards and metrics for programs and providers and (ii) uniform policies and procedures,
56 including standardized forms and applications, for one-stop centers;

57 6. Monitoring, in coordination with the Virginia Board of Workforce Development, the
58 effectiveness of each one-stop center and recommending actions needed to improve its effectiveness;

59 7. Establishing measures to evaluate the effectiveness of the local workforce development boards
60 and conducting annual evaluations of the effectiveness of each local workforce development board. As
61 part of the evaluation process, the Governor shall recommend to such boards specific best management
62 practices;

63 8. Conducting annual evaluations of the performance of workforce development and training
64 programs and activities across state government and their administrators and service providers using the
65 performance measures developed through the strategic planning process described in subdivision 1. The
66 evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each program
67 or activity; (ii) a comparative rating of each program or activity based on its success in meeting program
68 objectives, consisting of individuals placed in jobs, jobs retained, and wages or earnings paid, as
69 determined by the Secretary; and (iii) an explanation of the extent to which each agency's appropriation
70 requests incorporate the data reflected in the cost comparison described in clause (i) and the comparative
71 rating described in clause (ii). These evaluations, including the comparative rankings, shall be considered
72 in allocating resources for workforce development and training programs. These evaluations shall be
73 submitted to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee
74 on Commerce and Labor and included in the biennial reports pursuant to subdivision 10;

75 9. Monitoring federal legislation and policy in order to maximize the Commonwealth's effective
76 use of access to federal funding available for workforce development programs; and

77 10. Submitting biennial reports, which shall be included in the Governor's executive budget
78 submissions to the General Assembly, on improvements in the coordination of workforce development
79 efforts statewide. The reports shall identify (i) program success rates in relation to performance measures
80 established by the Secretary in consultation with the Virginia Board of Workforce Development, (ii)

81 obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and
82 resource coordination.

83 **§ 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act;**
84 **memorandum of understanding; executive summaries.**

85 A. The Secretary of Labor ~~and the Chancellor of the Virginia Community College System~~ shall
86 ~~enter into a memorandum of understanding that sets forth (i) the roles and responsibilities of each of these~~
87 ~~entities in administering~~ administer (i) a state workforce system and ~~facilitating~~ facilitate regional
88 workforce systems that are business-driven, aligned with current and reliable labor market data, and
89 targeted at providing participants with workforce credentials that have demonstrated value to employers
90 and job seekers; and (ii) a funding mechanism that adequately supports operations under the federal
91 Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA); ~~and (iii) a procedure for the~~
92 ~~resolution of any disagreements that may arise concerning policy, funding, or administration of the WIOA.~~

93 B. The Secretary of Labor ~~and the Virginia Community College System~~ shall ~~collaborate to~~
94 produce an annual executive summary, no later than the first day of each regular session of the General
95 Assembly, of the interim activity undertaken to implement the ~~memorandum of understanding~~
96 responsibilities described in subsection A and to administer the WIOA.

97 CHAPTER 20.2.

98 WORKFORCE DEVELOPMENT AND ADVANCEMENT.

99 Article 1.

100 General Provisions.

101 **§ 2.2-2035. Department of Workforce Development and Advancement; creation;**
102 **appointment of Director.**

103 A. There is hereby created in the executive branch the Department of Workforce Development and
104 Advancement (the Department). The Department shall be headed by the Director of Workforce
105 Development and Advancement (the Director) who shall be appointed by the Governor, subject to
106 confirmation by the General Assembly, to serve at the pleasure of the Governor.

107 B. The Director may establish divisions within the Department and assign to such divisions any
108 duties described in this chapter or otherwise imposed upon the Department.

109 **§ 2.2-2036. Definitions.**

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

111 "Department" means the Department of Workforce Development and Advancement.

112 "Director" means the Director of Workforce Development and Advancement.

113 "Encrypted" means the same as that term is defined in § 18.2-186.6.

114 "Identifying information" means the same as that term is defined in § 18.2-186.3.

115 "Virginia Longitudinal Data System" means the multiagency partnership administered by the State
116 Council of Higher Education for Virginia pursuant to subdivision 9 of § 23.1-203.

117 "Virginia Workforce Data Trust" means a workforce database maintained by the Department in an
118 encrypted state in compliance with § 2.2-2009.

119 "Workforce development program" means a publicly funded education, training, and support
120 services program designed and administered to prepare and enable participants to enter into and advance
121 in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the
122 administrative functions of the Department or reside in other agencies.

123 **§ 2.2-2037. Powers and duties of Department.**

124 The Department shall have the power and duty to:

125 1. Promulgate regulations necessary or incidental to the performance of duties or execution of
126 powers conferred under this chapter.

127 2. Establish a mission, goals, and objectives for the Department that align with the purpose of this
128 chapter, to create a unified system of workforce development for the Commonwealth.

129 3. Develop a strategy to inform and engage businesses on the workforce development programs
130 offered by the Department and ensure alignment of the Department's offerings to the needs of employers.

131 4. Regularly track metrics relating to workforce development programs and establish a mechanism
132 to help assess the adequacy of Department services and programs.

133 5. Develop specific strategies or steps the Department will take to modify policies, procedures, or
134 processes to ensure effective and efficient administration of workforce development programs.

135 6. Develop a strategy for clearly communicating to customers changes to key workforce
136 development programs.

137 7. Develop a strategy for clearly communicating important workforce development program
138 information to Department staff, the public, and the General Assembly.

139 8. Identify other tactical actions to be taken to ensure the continuity of workforce development
140 programs and customer service.

141 **§ 2.2-2038. State and federal cooperation.**

142 In the administration of this chapter, the Department shall cooperate with the U.S. Department of
143 Labor to the fullest extent consistent with the provisions of this chapter. The Department shall make such
144 reports, in such form and containing such information, as the U.S. Department of Labor may require and
145 shall comply with such provisions as the U.S. Department of Labor may find necessary to assure the
146 correctness and verification of such reports. The Department shall take such action, through the adoption
147 of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to
148 the Commonwealth and its citizens all advantages available under the provisions of the federal Wagner-
149 Peyser Act (29 U.S.C. § 49 et seq.), the federal Workforce Innovation and Opportunity Act of 2014 (P.L.
150 113-128), and any other federal legislation executed with respect to workforce development and training.

151 **§ 2.2-2039. Reciprocal agreements.**

152 Subject to the approval of the Governor, the Department is authorized to enter into arrangements
153 with the appropriate agencies of other states or the federal government for the purpose of workforce
154 development and training.

155 **§ 2.2-2040. Records and reports.**

156 A. Each workforce development program provider shall keep true and accurate training records
157 containing such information as the Department may prescribe. Such records shall be open to inspection
158 and be subject to being copied by the Department or its authorized representatives at any reasonable time
159 and as often as may be necessary. The Department may require from any workforce development program

160 provider any sworn or unsworn reports, with respect to persons employed by it, that the Department deems
161 necessary for the effective administration of this chapter.

162 B. Notwithstanding the provisions of subsection A, the Department shall, upon written request,
163 furnish the Virginia Economic Development Partnership Authority (the Authority) such information as it
164 may require to facilitate the administration and enforcement by the Authority of performance agreements
165 with businesses that have received incentive awards. Any information provided to the Authority under
166 this subsection shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members
167 of the Authority who are public officials or employees of the Authority for the performance of their official
168 duties. No public official or employee shall disclose any confidential information obtained pursuant to
169 this subsection to nonlegislative citizen members of the Authority or to the public. Any information so
170 provided shall be used by the Authority solely for the purpose of verifying employment and wage claims
171 of those businesses that have received incentive awards.

172 **§ 2.2-2041. Innovative Internship Fund and Program.**

173 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
174 Innovative Internship Fund (the Fund). The Fund shall be established on the books of the Comptroller.
175 All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds
176 received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on
177 moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
178 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain
179 in the Fund. Moneys in the Fund shall be used solely for the purposes of the Innovative Internship Program
180 established pursuant to subsection B. Expenditures and disbursements from the Fund shall be made by the
181 State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the
182 Department.

183 B. There is hereby established the Innovative Internship Program (the Program). The purpose of
184 the Program is to expand paid or credit-bearing student internship and other work-based learning
185 opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a

186 statewide initiative to facilitate the readiness of students, employers, and institutions of higher education
187 to participate in internship and other work-based learning opportunities.

188 1. In administering the statewide initiative, the Department shall (i) engage stakeholders from
189 business and industry, secondary and higher education, economic development, and state agencies and
190 entities that are successfully engaging employers or successfully operating internship programs; (ii)
191 explore strategies in Virginia and elsewhere on successful institutional, regional, statewide, or sector-
192 based internship programs; (iii) gather data on current institutional internship practices, scale, and
193 outcomes; (iv) develop internship readiness educational resources, delivery methods, certification
194 procedures, and outreach and awareness activities for employer partners, students, and institutional career
195 development personnel; (v) pursue shared services or other efficiency initiatives, including technological
196 solutions; and (vi) create a process to track key measures of performance.

197 2. The Department shall establish eligibility criteria, including requirements for matching funds,
198 for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i)
199 support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the
200 Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for
201 development; (iv) support regional economic growth and diversification plans; (v) enhance the job
202 readiness of students; (vi) enhance higher education affordability and timely completion for Virginia
203 students; or (vii) further the objectives of increasing the tech talent pipeline.

204 3. The Department shall partner with the Office of Education and Labor Market Alignment to
205 collect and utilize data that includes the gaps that are most significant in hindering the Commonwealth
206 from achieving the goals listed in subdivision 2. The Department and the Office of Education and Labor
207 Market Alignment shall identify, at minimum: (i) state or regional workforce needs for which the lack of
208 work-based learning opportunities is negatively impacting the success of regional economic growth and
209 diversification plans and (ii) degree programs, the graduates of which describe themselves as
210 underemployed, that would benefit from incorporating work-based learning into the curriculum. The
211 Department and the Office of Education and Labor Market Alignment shall use the needs and degree
212 programs identified in this subdivision to collaboratively determine priorities for (a) using the portion of

213 student financial aid authorized by the budget to be awarded as grants to students participating in work-
214 based learning; (b) redesigning of curricula at public institutions of higher education; (c) garnering
215 regional support and services to ensure the readiness of students and employers; (d) awarding grants to
216 institutions of higher education to ensure their readiness to support students through detailed planning and
217 implementation of best practices for scaling work-based learning; (e) providing or raising funds to provide
218 matching funds so that students with limited resources, who have traditionally participated in the Program
219 at lower rates, may intern at small Virginia-based employers; and (f) enhancing data collection and
220 analysis.

221 Article 2.

222 Data Collection and Analytics.

223 **§ 2.2-2042. Workforce program evaluations; sharing of certain data; prohibited uses;**
224 **penalty.**

225 A. To the extent permitted under federal law, the agencies specified in subsection D shall share
226 data from within their respective databases to (i) develop meaningful analyses and evaluations of
227 workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §
228 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and
229 efficiency across public workforce programs and partner organizations; (iv) enable the development of
230 comprehensive consumer-facing software applications; (v) support requirements for performance-driven
231 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

232 B. Data shared pursuant to subsection A shall include only the identifying and attribute information
233 required to match entities across programs, support the coordination of services, and evaluate outcomes.
234 shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data,
235 the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and
236 restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

237 The agencies specified in subsection D shall enter into a memorandum of understanding supporting
238 the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of
239 understanding shall include provisions for authorizing bona fide research requests that are related to the

240 data sharing referenced in subsection A. In accordance with the governance process defined in such
241 memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by
242 integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce
243 Data Trust.

244 C. The Governor or his designee and all agencies authorized under this section shall destroy or
245 erase all shared data upon completion of all required evaluations and analyses. The Governor may retain
246 a third-party entity to assist with the evaluation and analysis.

247 D. The databases from the following agencies relating to the specific programs identified in this
248 subsection may be shared solely to achieve the purposes specified in subsection A:

- 249 1. Virginia Employment Commission: Unemployment Insurance;
- 250 2. Virginia Community College System: Adult Education and Family Literacy, Postsecondary
251 Career and Technical Education;
- 252 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior
253 Community Services Employment Program;
- 254 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
- 255 5. Department of Education: Special Education and Career and Technical Education;
- 256 6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative
257 for Education and Work;
- 258 7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;
- 259 8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and
260 Technical Education Programs;
- 261 9. Department of Corrections: Career and Technical Education Programs;
- 262 10. The State Council of Higher Education for Virginia;
- 263 11. Department of Veterans Services: Virginia Value Veterans;
- 264 12. Department of Workforce Development and Advancement: Apprenticeship, Job Service,
265 Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act,
266 Veterans Employment Training Programs, Innovative Internship Program, and Workforce Innovation and

267 Opportunity Act of 2014 (P.L. 113-128) Titles I and III and other workforce development programs of the
268 Department as determined by the Director; and

269 13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and
270 Director of the Department of Workforce Development and Advancement.

271 E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial
272 by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development
273 and Advancement.

274 F. Agencies participating in the Virginia Longitudinal Data System and the Virginia Workforce
275 Data Trust shall meet annually for the purpose of coordinating responses to changes in data collection of
276 the participating agencies and the needs of the Commonwealth with respect to workforce development
277 and education policy development. Subject to the approval by each participating agency, the Virginia
278 Longitudinal Data System and the Virginia Workforce Data Trust may develop processes to facilitate
279 intersystem operability and communication between the two entities for research and analysis purposes.

280 G. All agencies providing information to the Virginia Workforce Data Trust shall be prohibited
281 from disclosing any personal information or data, except as required under this section or other state law
282 or federal law, or to accomplish a proper purpose of the agency.

283 H. Any person alleging a violation of this section may bring a civil action for appropriate injunctive
284 relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or
285 a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

286 I. Any person who knowingly violates this section is guilty of a misdemeanor punishable by
287 imprisonment of up to 90 days, a fine of up to \$1,000, or both.

288 **§ 2.2-2043. Job placement and retention; reporting.**

289 A. The Department shall develop a tool or process for the uniform tracking of successful job
290 placement and job retention outcomes of workforce development program participants.

291 B. All workforce development program providers shall annually track successful job placement
292 and job retention outcomes for workforce development program participants using the tool or process
293 developed by the Department.

Article 3.

Apprenticeships.

§ 2.2-2044. Definitions.

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

"Apprenticeable occupation" means a skilled occupation having the following characteristics:

- 1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;
- 2. It is clearly identifiable and recognized throughout an industry;
- 3. It involves manual, mechanical, or technical skills that require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and
- 4. It requires related instruction to supplement the on-the-job work experience.

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Director. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the occupation.

"Employer" means any person or organization employing a registered apprentice, whether or not such person or organization is a party to an apprenticeship agreement with a sponsor.

"Joint apprenticeship committee" means a group equally representative of management and labor representatives that works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

"Sponsor" means either an individual employer, a group of employers, or an association or organization operating an apprenticeship program and in whose name the program is registered.

§ 2.2-2045. Apprenticeship Council; membership and terms of office; meetings and duties.

A. The Governor shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and all of whom shall be familiar with apprenticeable occupations. The Director, the Chancellor of the Virginia Community College System, or their designated representatives, and a local superintendent from a school division that provides

321 apprenticeship-related instruction shall be ex officio members of the Apprenticeship Council. At the
322 beginning of each year, the Governor shall designate one member to serve as chairman. Each member
323 shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to
324 the expiration of the term of his predecessor shall be appointed for the remainder of such term. All
325 members, including ex officio members, shall have voting privileges.

326 B. The Apprenticeship Council shall meet at the call of the chairman of the Apprenticeship Council
327 and shall formulate policies for the effective administration of this article.

328 C. The Apprenticeship Council shall establish standards for apprentice agreements that shall not
329 be lower than those prescribed by this article and those established pursuant to Article 3 (§ 54.1-1128 et
330 seq.) of Chapter 11 of Title 54.1 and shall perform such other functions as may be necessary to carry out
331 the intent and purposes of this article. Not less than once a year, the Apprenticeship Council shall make a
332 report of its activities and findings to the General Assembly and to the public.

333 **§ 2.2-2046. Authority of Council.**

334 The Council may:

335 1. Determine standards for apprentice agreements, which standards shall not be lower than those
336 prescribed by this article;

337 2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint
338 apprenticeship committee;

339 3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes
340 pursuant to subdivision C 3 of § 2.2-2048;

341 4. Perform such other duties as are necessary to carry out the intent of this article; and

342 5. Advise the Director on policies to coordinate apprenticeship-related instruction delivered by
343 state and local public education agencies.

344 **§ 2.2-2047. Director to administer article.**

345 A. The Director, with the advice and guidance of the Council, shall be responsible for
346 administering the provisions of this article.

347 B. The Director shall:

348 1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that
349 meets the standards established under this article;

350 2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such
351 agreement;

352 3. Keep a record of apprenticeship agreements and their disposition;

353 4. Issue certificates of completion upon the completion of the apprenticeship;

354 5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated,
355 and administered in accordance with the registered provisions, except that deregistration proceedings for
356 violation of equal opportunity requirements shall be processed in accordance with the provisions of the
357 Virginia State Plan for Equal Employment Opportunity in Apprenticeship;

358 6. Establish policies governing the provision of apprenticeship-related instruction delivered by
359 state and local public education agencies and provide for the administration and supervision of related and
360 supplemental instruction for apprentices; and

361 7. Perform such other duties as are necessary to carry out the intent of this article.

362 **§ 2.2-2048. Local and state joint apprenticeship committees.**

363 A. A local joint apprenticeship committee may be established in any trade or group of trades in a
364 city or trade area whenever the apprentice training needs of such trade or group of trades justify such
365 establishment.

366 B. When two or more local joint apprenticeship committees have been established in the
367 Commonwealth for a trade or group of trades or at the request of any trade or group of trades, a state
368 apprenticeship committee may be established for such trade or group of trades. Such local and state joint
369 apprenticeship committees shall be composed of an equal number of employer and employee
370 representatives chosen from names submitted by the respective employer and employee organizations in
371 such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or
372 employee organization, the committee shall be appointed from persons known to represent the interests
373 of employers and of employees respectively.

374 C. The functions of a local joint apprenticeship committee shall be:

- 375 1. To cooperate with school authorities in regard to the education of apprentices;
- 376 2. In accordance with standards established by the Apprenticeship Council, to establish local
- 377 standards of apprenticeship regarding schedule of operations, application of wage rates, working
- 378 conditions for apprentices, and the number of apprentices that shall be employed locally in the trade; and
- 379 3. To adjust apprenticeship disputes.

380 D. The functions of a state trade apprenticeship committee shall be to assist in an advisory capacity
381 in the development of statewide standards of apprenticeship and in the development of local standards and
382 local committees.

383 **§ 2.2-2049. Discrimination prohibitions for registered apprenticeship programs.**

384 A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for
385 purposes of this article a sponsor of a registered apprenticeship program shall not discriminate against an
386 apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual
387 orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information,
388 or disability.

389 B. Notwithstanding any provisions of Title 40.1, it shall not be an unlawful practice for an
390 employer to fail or refuse to hire and employ any individual for any position in a registered apprenticeship
391 program, or for any registered apprenticeship program to fail or refuse to accept or admit any individual
392 to any registered apprenticeship program, if:

393 1. The occupancy of such position, or access to the premises in or upon which any part of the duties
394 of such position is performed or is to be performed, is subject to any requirement imposed in the interest
395 of the national security of the United States under any security program in effect pursuant to or
396 administered under any statute of the United States or any Executive Order of the President; and

397 2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision
398 1.

399 C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of §
400 2.2-2047.

401 **§ 2.2-2050. Requisites of apprentice agreement.**

- 402 Every apprentice agreement entered into under this article shall contain:
- 403 1. The names, signatures, and addresses of the contracting parties;
- 404 2. The date of birth of the apprentice;
- 405 3. The contact information of the program sponsor and the Division of Registered Apprenticeship;
- 406 4. A statement of the occupation or business that the apprentice is to be taught and the time at
407 which the apprenticeship will begin and end;
- 408 5. A statement showing the number of hours to be spent by the apprentice in work and the number
409 of hours to be spent in related or supplemental instruction;
- 410 6. A statement setting forth a schedule of the processes in the occupation or industry division in
411 which the apprentice is to be taught and the approximate time to be spent at each process;
- 412 7. A statement of the graduated scale of wages to be paid the apprentice and whether the required
413 related instruction shall be compensated;
- 414 8. A statement providing for a period of probation of not less than 500 hours of employment and
415 instruction extending over not less than four months, during which time the apprentice agreement shall be
416 terminated by the Director at the request in writing of either party, and providing that after such
417 probationary period the apprentice agreement may be terminated by the Director by mutual agreement of
418 all parties thereto or cancelled by the Director for good and sufficient reason;
- 419 9. A reference incorporating as part of the apprentice agreement the standards of the apprenticeship
420 program as they exist on the date of the apprentice agreement and as they may be amended during the
421 period of the apprentice agreement;
- 422 10. A statement that the apprentice will be accorded equal opportunity in all phases of
423 apprenticeship employment and training without discrimination as provided in § 2.2-2049;
- 424 11. Contact information, including name, address, phone number, and email if appropriate, of the
425 appropriate authority designated under the program to receive, process, and make disposition of
426 controversies or differences arising out of the apprentice agreement when the controversies or differences
427 cannot be adjusted locally or resolved in accordance with the established procedure or applicable
428 collective bargaining provisions;

429 12. A provision that an employer who is unable to fulfill his obligation under the apprentice
430 agreement may, with the approval of the Director, transfer such contract to any other employer if (i) the
431 apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement,
432 and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

433 13. Such additional terms and conditions as may be prescribed or approved by the Director not
434 inconsistent with the provisions of this article.

435 **§ 2.2-2051. Approval of apprentice agreement by Director; signing.**

436 No apprentice agreement under this article shall be effective until approved by the Director. Every
437 apprentice agreement shall be signed by the employer, or by an association of employers or an
438 organization of employees as provided in § 2.2-2053, and by the apprentice, and, if the apprentice is a
439 minor, by the minor's father or mother, provided, that if both father and mother are dead or legally
440 incapable of giving consent or have abandoned their children, then by the guardian of the minor.

441 **§ 2.2-2052. Apprentice agreement binding after apprentice's majority.**

442 When a minor enters into an apprentice agreement under this article for a period of training
443 extending into his majority, the apprentice agreement shall likewise be binding for such a period as may
444 be covered during the apprentice's majority.

445 **§ 2.2-2053. Apprentice agreement signed by organization of employers or of employees.**

446 For the purpose of providing greater diversity of training or continuity of employment, any
447 apprentice agreement made under this article may in the discretion of the Director be signed by an
448 association of employers or an organization of employees instead of by an individual employer. In such a
449 case, the apprentice agreement shall expressly provide that the association of employers or organization
450 of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure
451 employment and training for such apprentice with one or more employers that will accept full
452 responsibility, as herein provided, for all the terms and conditions of employment and training set forth in
453 the agreement between the apprentice and employer association or employee organization during the
454 period of each such employment. The apprentice agreement in such a case shall also expressly provide for
455 the transfer of the apprentice, subject to the approval of the Director, to such employer or employers as

456 shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or
457 guardian, as specified in § 2.2-2051, contracting to employ the apprentice for the whole or a definite part
458 of the total period of apprenticeship under the terms and conditions of employment and training set forth
459 in the agreement entered into between the apprentice and the employer association or employee
460 organization.

461 **§ 2.2-2054. Operation and application of article.**

462 Nothing in this article or in any apprentice agreement approved under this article shall invalidate
463 any apprenticeship provision in any collective agreement between employers and employees establishing
464 higher apprenticeship standards regarding ratios of apprentices to journeymen, probationary periods, or
465 length of the program. None of the terms or provisions of this article shall apply to any person, firm,
466 corporation, or craft unless, until, and only so long as such person, firm, corporation, or craft voluntarily
467 elects that the terms and provisions of this article shall apply.

468 Article 4.

469 Job Services.

470 **§ 2.2-2055. Virginia State Job Service; cooperation with U.S. Employment Service agencies.**

471 A. The Department shall have all rights, powers, and duties with respect to the establishment,
472 maintenance, and operation of free employment offices in the Commonwealth and shall possess, exercise,
473 and perform the same through a division known as the Virginia State Job Service. The Department through
474 the division shall establish and maintain free public employment offices in such number and in such places
475 as may be necessary for the proper administration of this chapter.

476 B. The Department, through the Virginia State Job Service, is designated as the state agency and
477 vested with all powers necessary to cooperate with the U.S. Employment Service in accordance with the
478 terms and conditions expressed in 29 U.S.C. § 49 et seq.

479 C. The Department may cooperate with or enter into agreements with the Railroad Retirement
480 Board, or any other agency of the United States charged with the administration of an unemployment
481 compensation law, with respect to the maintenance and use of free employment service facilities.

482 D. Chapter 13 of the Acts of Assembly of 1933 providing for cooperation between the
483 Commonwealth and the U.S. Employment Service is, subject to the provisions of this article, continued
484 in effect.

485 **§ 2.2-2056. Veterans Skills Database.**

486 A. For purposes of this section, "veteran" means an individual who has served in the active
487 military, naval, or air service and who was discharged or released therefrom under conditions other than
488 dishonorable.

489 B. The Department, in cooperation with the Secretary of Commerce and Trade and the Department
490 of Veterans Services, shall establish the Veterans Skills Database (the Database), an Internet-accessible
491 database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce
492 skills of veterans to potential employers.

493 C. The Department may contract with one or more third parties to develop, implement, and
494 maintain the Database. The Database provider shall (i) maintain the Database and (ii) take all actions to
495 ensure the protection of the confidentiality and security of the information contained in the Database in
496 accordance with the requirements established by the Department.

497 D. Any veteran may register with the Department to create a free profile on the Database in order
498 to supply information relating to his workforce skills and experience. Potential employers may register
499 with the Department to create a free profile in order to gain to access the Database for the purpose of
500 identifying potential employees with relevant workforce skills and experience.

501 **§ 2.2-2057. Employment stabilization.**

502 The Department shall have the following duties relating to employment stabilization:

503 1. Establish a viable labor exchange system to promote maximum employment for the
504 Commonwealth with priority given to those workers drawing unemployment benefits;

505 2. Provide Virginia State Job Service services, as described in this article, according to the
506 provisions of the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), as amended by the federal Workforce
507 Innovation and Opportunity Act of 2014 (P.L. 113-128);

508 3. Coordinate and direct all workforce development program services, policies, grant management,
509 and data analytics across state government that lead to conducting activities that target job placement and
510 respond to industry demand;

511 4. Coordinate and conduct labor market information research services, programs, and operations,
512 including the development, storage, retrieval, and dissemination of information on the social and
513 economic aspects of the Commonwealth, and publish data needed by employers, economic development
514 programs, education and training entities, and government entities and for other users in the public and
515 private sectors;

516 5. Encourage and assist in the adoption of practical methods of vocational guidance, training, and
517 retraining; and

518 6. Establish the Interagency Migrant Worker Policy Committee (the Committee), comprised of
519 representatives from appropriate state agencies, including the Virginia Workers' Compensation
520 Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their
521 employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon
522 request.

523 **§ 2.2-2058. Human trafficking hotline; posted notice required.**

524 Within each employment office, the Department shall post notice of the existence of a human
525 trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means
526 to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily
527 visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

528 **§ 2.2-2237.3. Division of Incentives.**

529 A. Within the Authority shall be created a Division of Incentives that shall be responsible for
530 reviewing, vetting, tracking, and coordinating economic development incentives administered by or
531 through the Authority and for aligning those incentives with economic development incentives offered by
532 other entities in the Commonwealth.

533 B. No project that includes an offer of economic development incentives by the Commonwealth,
534 including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved

535 by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding
536 the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives
537 to be offered are appropriate based on the investment and job creation anticipated to be generated by the
538 project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the
539 proposed incentives.

540 C. Any contract or memorandum of understanding for the award of economic development
541 incentives by the Commonwealth shall set forth the investment and job creation requirements for the
542 payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall
543 be liable for the repayment of all or a portion of the incentives to the Commonwealth if the business
544 beneficiary fails to make the required investments or create the required number of jobs. For purposes of
545 this section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund
546 operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is
547 determined that a business beneficiary is liable for the repayment of all or a portion of an economic
548 development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of
549 the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General, the
550 Board shall direct any political subdivision that is a party to the relevant contract or memorandum of
551 understanding to assign its rights to the Commonwealth arising under such contract or memorandum of
552 understanding in which the business beneficiary is liable to repay all or a portion of an economic
553 development incentive awarded by the Commonwealth. In any such matter referred to the Office of the
554 Attorney General, a business beneficiary liable to repay all or a portion of an economic development
555 incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges,
556 attorney fees, and other applicable fees.

557 D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an
558 extension for an approved project to meet the investment and job creation requirements set forth in the
559 contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both
560 the Board and the MEI Project Approval Commission shall be required to grant any additional extensions.

561 E. The Division of Incentives shall provide semiannual updates to the Board of the status and
562 progress of investment and job creation requirements for all projects for which economic development
563 incentives have been awarded, until such time as the investment and job creation requirements are met or
564 the incentives are repaid to the Commonwealth. Updates shall be provided more frequently upon the
565 request of the Board, or if deemed necessary by the Division of Incentives.

566 F. The Board shall establish a subcommittee, consisting of ex officio members of the Board
567 authorized pursuant to ~~§§ 2.2-2040 and 60.2-114~~ and federal law to receive and review employment
568 information received from the Virginia Employment Commission and Department of Workforce
569 Development and Advancement, in order to assist the Division of Incentives with the verification of
570 employment and wage claims of those businesses that have received incentive awards. Such information
571 shall be confidential and shall not be (i) redisclosed to other members of the Board or to the public in
572 accordance with the provisions of subsection B of § 2.2-2040 and subdivision C 2 of § 60.2-114 or (ii)
573 subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

574 G. For purposes of this section, the award of economic development incentives by the
575 Commonwealth shall include an award of funds from the Commonwealth's Development Opportunity
576 Fund, regardless of whether the contract or memorandum of understanding for the disbursement of funds
577 is with the Commonwealth or a political subdivision thereof and the business beneficiary.

578 **§ 2.2-2238. Economic development services.**

579 A. It shall be the duty of the Authority to encourage, stimulate, and support the development and
580 expansion of the economy of the Commonwealth. The Authority is charged with the following duties and
581 responsibilities to:

582 1. See that there are prepared and carried out effective economic development marketing and
583 promotional programs;

584 2. Make available, in conjunction and cooperation with localities, chambers of commerce,
585 industrial authorities, and other public and private groups, to prospective new businesses basic information
586 and pertinent factors of interest and concern to such businesses;

- 587 3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging
588 the location of new businesses in the Commonwealth and the retention and growth of existing businesses;
- 589 4. Encourage and solicit private sector involvement, support, and funding for economic
590 development in the Commonwealth;
- 591 5. Encourage the coordination of the economic development efforts of public institutions, regions,
592 communities, and private industry and collect and maintain data on the development and utilization of
593 economic development capabilities;
- 594 6. Establish such offices within and without the Commonwealth that are necessary to the expansion
595 and development of industries and trade;
- 596 7. Encourage the export of products and services from the Commonwealth to international
597 markets;
- 598 8. Advise, upon request, the State Board for Community Colleges in designating technical training
599 programs in Virginia's comprehensive community colleges for the Community College Incentive
600 Scholarship Program pursuant to former § 23-220.4;
- 601 9. Offer a program for the issuance of export documentation for companies located in Virginia
602 exporting goods and services if no federal agency or other regulatory body or issuing entity will provide
603 export documentation in a form deemed necessary for international commerce; and
- 604 10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data
605 analysis on workforce and higher education alignment and translate data to partners. The Office shall
606 provide a unified, consistent and impartial source of information or analysis for policy development and
607 implementation related to ~~talent development~~ education, the labor market, and workforce development.
608 The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher
609 education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~
610 the Virginia Growth and Opportunity Board, the Department of Workforce Development and
611 Advancement, and other relevant entities to offer resources and expertise related to education, workforce
612 development, and labor market alignment. The Office shall communicate relevant information in a clear

613 and concise manner to enable policy and decision makers to navigate the complex connections between
614 education, workforce development, and labor market alignment.

615 B. The Authority may develop a site and building assessment program to identify and assess the
616 Commonwealth's industrial sites of at least 100 acres. In developing such a program, the Authority shall
617 establish assessment guidelines and procedures for identification of industrial sites, resource requirements,
618 and development oversight. The Authority shall invite participation by regional and industry stakeholders
619 to assess potential sites, identify product shortfalls, and make recommendations to the Governor and
620 General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's
621 economic development plan.

622 C. The Authority may encourage the import of products and services from international markets
623 to the Commonwealth.

624 **§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.**

625 A. The Board shall implement a Virginia Workforce System that shall undertake the following
626 actions to implement and foster workforce development and training and better align education and
627 workforce programs to meet current and projected skills requirements of an increasingly technological,
628 global workforce:

629 1. Provide policy advice to the Governor on workforce and workforce development issues in order
630 to create a business-driven system that yields increasing rates of attainment of workforce credentials in
631 demand by business and increasing rates of jobs creation and attainment;

632 2. Provide policy direction to local workforce development boards;

633 3. Assist the Governor in the development, implementation, and modification of any combined
634 state plan developed pursuant to the WIOA;

635 4. Identify current and emerging statewide workforce needs of the business community;

636 5. Forecast and identify training requirements for the new workforce;

637 6. Recommend strategies to match trained workers with available jobs to include strategies for
638 increasing business engagement in education and workforce development;

639 7. Evaluate the extent to which the state's workforce development programs emphasize education
640 and training opportunities that align with employers' workforce needs and labor market statistics and
641 report the findings of this analysis to the Governor every two years;

642 8. Advise and oversee the development of a strategic workforce dashboard and tools that will
643 inform the Governor, policy makers, system stakeholders, and the public on issues such as state and
644 regional labor market conditions, the relationship between the supply and demand for workers, workforce
645 program outcomes, and projected employment growth or decline. ~~The Virginia Employment Commission~~
646 Department of Workforce Development and Advancement, along with other workforce partners, shall
647 provide data to populate the tools and dashboard;

648 9. Determine and publish a list of jobs, trades, and professions for which high demand for qualified
649 workers exists or is projected by the ~~Virginia Employment Commission~~ Department of Workforce
650 Development and Advancement. ~~The Virginia Employment Commission~~ Department of Workforce
651 Development and Advancement shall support the Virginia Board of Workforce Development in making
652 such determination. Such information shall be published biennially and disseminated to employers;
653 education and training entities, including associate-degree-granting and baccalaureate public institutions
654 of higher education; government agencies, including the Department of Education and public libraries;
655 and other users in the public and private sectors;

656 10. Develop pay-for-performance contract strategy incentives for rapid reemployment services
657 consistent with the WIOA as an alternative model to traditional programs;

658 11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency
659 conducting federal and state funded career and technical and adult education and workforce development
660 programs, that identify the agency's sources and expenditures of administrative, workforce education and
661 training, and support services for workforce development programs;

662 12. Review and recommend industry credentials that align with high demand occupations, which
663 credentials shall include a credential that determines career readiness;

664 13. Define the Board's role in certifying WIOA training providers, including those not subject to
665 the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

666 14. Provide an annual report to the Governor concerning its actions and determinations under
667 subdivisions 1 through 13;

668 15. Create quality standards, guidelines, and directives applicable to local workforce development
669 boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article;
670 ~~and~~

671 16. Conduct or cause to be conducted, on a biennial basis, an independent evaluation of the
672 operational and program objectives of the Department of Workforce Development and Advancement and
673 submit a report to the Governor and the General Assembly summarizing such evaluation; and

674 17. Perform any act or function in accordance with the purposes of this article.

675 B. The Board may establish such committees as it deems necessary

676 C. The Board, the Secretary of Labor, and the Governor's other Cabinet Secretaries shall assist the
677 Governor in complying with the provisions of the WIOA and ensuring the coordination and effectiveness
678 of all federal and state funded career and technical and adult education and workforce development
679 programs and providers within Virginia's Workforce System.

680 D. The Board shall assist the Governor in the following areas with respect to workforce
681 development: development of any combined state plan developed pursuant to the WIOA; development
682 and continuous improvement of a statewide workforce development system that ensures career readiness
683 and coordinates and aligns career and technical education, adult education, and federal and state workforce
684 programs; development of linkages to ensure coordination and nonduplication among programs and
685 activities; designation of local areas; development of local discretionary allocation formulas; development
686 and continuous improvement of comprehensive state performance measures including, without limitation,
687 performance measures reflecting the degree to which one-stop centers provide comprehensive services
688 with all mandatory partners and the degree to which local workforce development boards have obtained
689 funding from sources other than the WIOA; preparation of the annual report to the U.S. Secretary of
690 Labor; development of a statewide employment statistics system; and development of a statewide system
691 of one-stop centers that provide comprehensive workforce services to employers, employees, and job
692 seekers.

693 The Board shall share information regarding its meetings and activities with the public.

694 E. Each local workforce development board shall develop and submit to the Governor and the
695 Board an annual workforce demand plan for its workforce development board area based on a survey of
696 local and regional businesses that reflects the local employers' needs and requirements and the availability
697 of trained workers to meet those needs and requirements. Local boards shall also designate or certify one-
698 stop operators; identify eligible providers of youth activities; develop a budget; conduct local oversight of
699 one-stop operators and training providers in partnership with its local chief elected official; negotiate local
700 performance measures, including incentives for good performance and penalties for inadequate
701 performance; assist in developing statewide employment statistics; coordinate workforce development
702 activities with economic development strategies and the annual demand plan, and develop linkages among
703 them; develop and enter into memoranda of understanding with one-stop partners and implement the terms
704 of such memoranda; promote participation by the private sector; actively seek sources of financing in
705 addition to WIOA funds; report performance statistics to the Board; and certify local training providers in
706 accordance with criteria provided by the Board. Further, a local training provider certified by any
707 workforce development board has reciprocal certification for all workforce development boards.

708 F. Each workforce development board shall develop and execute a strategic plan designed to
709 combine public and private resources to support sector strategies, career pathways, and career readiness
710 skills development. Such initiatives shall include or address (i) a regional vision for workforce
711 development; (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs
712 of incumbent and underemployed workers in the region; (iv) the development of partners and guidelines
713 for various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards
714 and metrics for operational delivery; (vi) alignment of monetary and other resources, including private
715 funds and in-kind contributions, to support the workforce development system; and (vii) the generation of
716 new sources of funding to support workforce development in the region.

717 G. Local workforce development boards are encouraged to implement pay-for-performance
718 contract strategy incentives for rapid reemployment services consistent within the WIOA as an alternative
719 model to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of

720 eligible job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for hard-
721 to-serve job seekers. At the discretion of the local workforce development board, funds to the extent
722 permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance
723 partnerships.

724 H. Each chief local elected official shall consult with the Governor regarding designation of local
725 workforce development areas; appoint members to the local board in accordance with state criteria; serve
726 as the local grant recipient unless another entity is designated in the local plan; negotiate local performance
727 measures with the Governor; ensure that all mandated partners are active participants in the local
728 workforce development board and one-stop center; and collaborate with the local workforce development
729 board on local plans and program oversight.

730 I. Each local workforce development board shall develop and enter into a memorandum of
731 understanding concerning the operation of the one-stop delivery system in the local area with each entity
732 that carries out any of the following programs or activities:

- 733 1. Programs authorized under Title I of the WIOA;
- 734 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 735 3. Adult education and literacy activities authorized under Title II of the WIOA;
- 736 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 737 5. Postsecondary career and technical education activities authorized under the Carl D. Perkins
738 Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 739 6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
740 seq.);
- 741 7. Activities pertaining to employment and training programs for veterans authorized under 38
742 U.S.C. § 4100 et seq.;
- 743 8. Programs authorized under Title 60.2, in accordance with applicable federal law;
- 744 9. Workforce development activities or work requirements of the Temporary Assistance to Needy
745 Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW)
746 established pursuant to § 63.2-608;

747 10. Workforce development activities or work programs authorized under the Food Stamp Act of
748 1977 (7 U.S.C. § 2011 et seq.);

749 11. Other programs or activities as required by the WIOA; and

750 12. Programs authorized under Title I of the WIOA.

751 J. The quorum for a meeting of a local workforce development board shall consist of a majority of
752 both the private sector and public sector members. Each local workforce development board shall share
753 information regarding its meetings and activities with the public.

754 K. For the purposes of implementing the WIOA, income from service in the Virginia National
755 Guard shall not disqualify unemployed service members from WIOA-related services.

756 L. The Secretary of Labor shall be responsible for the coordination of the Virginia Workforce
757 System and the implementation of the WIOA.

758 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

759 A. Public bodies may hold closed meetings only for the following purposes:

760 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
761 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
762 officers, appointees, or employees of any public body; and evaluation of performance of departments or
763 schools of public institutions of higher education where such evaluation will necessarily involve
764 discussion of the performance of specific individuals. Any teacher shall be permitted to be present during
765 a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the
766 teacher and some student and the student involved in the matter is present, provided the teacher makes a
767 written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision,
768 however, shall be construed to authorize a closed meeting by a local governing body or an elected school
769 board to discuss compensation matters that affect the membership of such body or board collectively.

770 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
771 involve the disclosure of information contained in a scholastic record concerning any student of any public
772 institution of higher education in the Commonwealth or any state school system. However, any such
773 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be

774 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if
775 such student, parents, or guardians so request in writing and such request is submitted to the presiding
776 officer of the appropriate board.

777 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
778 disposition of publicly held real property, where discussion in an open meeting would adversely affect the
779 bargaining position or negotiating strategy of the public body.

780 4. The protection of the privacy of individuals in personal matters not related to public business.

781 5. Discussion concerning a prospective business or industry or the expansion of an existing
782 business or industry where no previous announcement has been made of the business' or industry's interest
783 in locating or expanding its facilities in the community.

784 6. Discussion or consideration of the investment of public funds where competition or bargaining
785 is involved, where, if made public initially, the financial interest of the governmental unit would be
786 adversely affected.

787 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to
788 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect
789 the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable
790 litigation" means litigation that has been specifically threatened or on which the public body or its legal
791 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this
792 subdivision shall be construed to permit the closure of a meeting merely because an attorney representing
793 the public body is in attendance or is consulted on a matter.

794 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
795 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
796 construed to permit the closure of a meeting merely because an attorney representing the public body is
797 in attendance or is consulted on a matter.

798 9. Discussion or consideration by governing boards of public institutions of higher education of
799 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
800 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,

801 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
802 accepted by a public institution of higher education in the Commonwealth shall be subject to public
803 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
804 (i) "foreign government" means any government other than the United States government or the
805 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
806 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
807 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
808 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
809 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
810 national of the United States or a trust territory or protectorate thereof.

811 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
812 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
813 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
814 sources.

815 11. Discussion or consideration of honorary degrees or special awards.

816 12. Discussion or consideration of tests, examinations, or other information used, administered, or
817 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

818 13. Discussion, consideration, or review by the appropriate House or Senate committees of
819 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure
820 statement filed by the member, provided the member may request in writing that the committee meeting
821 not be conducted in a closed meeting.

822 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or
823 to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
824 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position
825 of the governing body or the establishment of the terms, conditions and provisions of the siting agreement,
826 or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

827 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
828 activity and estimating general and nongeneral fund revenues.

829 16. Discussion or consideration of medical and mental health records subject to the exclusion in
830 subdivision 1 of § 2.2-3705.5.

831 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
832 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
833 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
834 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
835 and subdivision 11 of § 2.2-3705.7.

836 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
837 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
838 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
839 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
840 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

841 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
842 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
843 or emergency service officials concerning actions taken to respond to such matters or a related threat to
844 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,
845 where discussion in an open meeting would jeopardize the safety of any person or the security of any
846 facility, building, structure, information technology system, or software program; or discussion of reports
847 or plans related to the security of any governmental facility, building or structure, or the safety of persons
848 using such facility, building or structure.

849 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,
850 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
851 trustees of a trust established by one or more local public bodies to invest funds for postemployment
852 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,
853 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board

854 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or
855 disposition of a security or other ownership interest in an entity, where such security or ownership interest
856 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)
857 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared
858 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings
859 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia
860 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or
861 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the
862 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of
863 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing
864 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of
865 any investment held, the amount invested or the present value of such investment.

866 21. Those portions of meetings in which individual child death cases are discussed by the State
867 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
868 individual child death cases are discussed by a regional or local child fatality review team established
869 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
870 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
871 which individual adult death cases are discussed by the state Adult Fatality Review Team established
872 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
873 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
874 meetings in which individual death cases are discussed by overdose fatality review teams established
875 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
876 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
877 meetings in which individual death cases of persons with developmental disabilities are discussed by the
878 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

879 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern
880 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any

881 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
882 Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary,
883 business-related information pertaining to the operations of the University of Virginia Medical Center or
884 Eastern Virginia Medical School, as the case may be, including business development or marketing
885 strategies and activities with existing or future joint venturers, partners, or other parties with whom the
886 University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed,
887 or forms, any arrangement for the delivery of health care, if disclosure of such information would
888 adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as
889 the case may be.

890 23. Discussion or consideration by the Virginia Commonwealth University Health System
891 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the
892 acquisition or disposition by the Authority of real property, equipment, or technology software or
893 hardware and related goods or services, where disclosure would adversely affect the bargaining position
894 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities
895 of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing
896 or operational strategies plans of the Authority where disclosure of such strategies or plans would
897 adversely affect the competitive position of the Authority; and members of the Authority's medical and
898 teaching staffs and qualifications for appointments thereto.

899 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee
900 within the Department of Health Professions to the extent such discussions identify any practitioner who
901 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

902 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
903 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
904 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
905 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
906 23.1 is discussed.

907 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery
908 Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as
909 defined in § 56-484.12, related to the provision of wireless E-911 service.

910 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
911 Professional and Occupational Regulation, Department of Health Professions, or the Board of
912 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a
913 decision or meetings of health regulatory boards or conference committees of such boards to consider
914 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
915 requested by either of the parties.

916 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
917 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
918 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
919 public entity concerning such records.

920 29. Discussion of the award of a public contract involving the expenditure of public funds,
921 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
922 discussion in an open session would adversely affect the bargaining position or negotiating strategy of the
923 public body.

924 30. Discussion or consideration of grant or loan application information subject to the exclusion
925 in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

926 31. Discussion or consideration by the Commitment Review Committee of information subject to
927 the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
928 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

929 32. Discussion or consideration of confidential proprietary information and trade secrets developed
930 and held by a local public body providing certain telecommunication services or cable television services
931 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
932 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
933 seq.).

934 33. Discussion or consideration by a local authority created in accordance with the Virginia
935 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade
936 secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

937 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
938 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

939 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory
940 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal
941 investigative files.

942 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
943 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
944 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
945 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
946 recover scholarship awards.

947 37. Discussion or consideration by the Virginia Port Authority of information subject to the
948 exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the
949 Virginia Port Authority.

950 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
951 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
952 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
953 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
954 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
955 § 2.2-3705.7.

956 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
957 3705.6 related to economic development.

958 40. Discussion or consideration by the Board of Education of information relating to the denial,
959 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

960 41. Those portions of meetings of the Virginia Military Advisory Council or any commission
961 created by executive order for the purpose of studying and making recommendations regarding preventing
962 closure or realignment of federal military and national security installations and facilities located in
963 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
964 appointed by a local governing body, during which there is discussion of information subject to the
965 exclusion in subdivision 8 of § 2.2-3705.2.

966 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
967 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
968 information of donors.

969 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
970 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information
971 contained in grant applications.

972 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
973 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or
974 charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain
975 proprietary information of a private entity provided to the Authority.

976 45. Discussion or consideration of personal and proprietary information related to the resource
977 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
978 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
979 that contain information that has been certified for release by the person who is the subject of the
980 information or transformed into a statistical or aggregate form that does not allow identification of the
981 person who supplied, or is the subject of, the information.

982 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage
983 Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to
984 investigations of applicants for licenses and permits and of licensees and permittees.

985 47. Discussion or consideration of grant, loan, or investment application records subject to the
986 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
987 2351 et seq.) of Chapter 22.

988 48. Discussion or development of grant proposals by a regional council established pursuant to
989 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and
990 Opportunity Board.

991 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
992 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
993 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
994 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
995 §§ 15.2-1627.5 and 63.2-1605.

996 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
997 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the
998 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to
999 subdivision 33 of § 2.2-3705.7.

1000 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
1001 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
1002 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
1003 § 60.2-114 and the Department Workforce Development and Advancement pursuant to subsection B of §
1004 2.2-2040.

1005 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership
1006 Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the
1007 Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1008 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the
1009 denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or
1010 revocation of any license or permit related to casino gaming, and discussion, consideration, or review of
1011 matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1012 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007
1013 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to
1014 sports betting and any discussion, consideration, or review of matters related to investigations excluded
1015 from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1016 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
1017 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
1018 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
1019 motion that shall have its substance reasonably identified in the open meeting.

1020 C. Public officers improperly selected due to the failure of the public body to comply with the
1021 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
1022 they obtain notice of the legal defect in their election.

1023 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
1024 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
1025 for holding closed meetings as are applicable to any other public body.

1026 E. This section shall not be construed to (i) require the disclosure of any contract between the
1027 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
1028 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
1029 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
1030 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
1031 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
1032 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1033 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1034 A. As used in this section:

1035 "Age" means being an individual who is at least 40 years of age.

1036 "Domestic worker" means an individual who is compensated directly or indirectly for the
1037 performance of services of a household nature performed in or about a private home, including services
1038 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,

1039 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1040 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i)
1041 a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the
1042 child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee
1043 of a child day program; or (iii) any employee employed on a casual basis in domestic service employment
1044 to provide companionship services for individuals who, because of age or infirmity, are unable to care for
1045 themselves.

1046 "Employee" means an individual employed by an employer.

1047 "Employer" means a person employing (i) 15 or more employees for each working day in each of
1048 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or
1049 (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B
1050 1 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1051 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1052 lactation, "employer" means any person employing more than five persons or one or more domestic
1053 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer"
1054 means any employer employing more than five but fewer than 20 persons.

1055 "Employment agency" means any person, or an agent of such person, regularly undertaking with
1056 or without compensation to procure employees for an employer or to procure for employees opportunities
1057 to work for an employer.

1058 "Joint apprenticeship committee" means the same as that term is defined in ~~§ 40.1-120~~ 2.2-2044.

1059 "Labor organization" means an organization engaged in an industry, or an agent of such
1060 organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of
1061 employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions
1062 of employment. "Labor organization" includes employee representation committees, groups, or
1063 associations in which employees participate.

1064 "Lactation" means a condition that may result in the feeding of a child directly from the breast or
1065 the expressing of milk from the breast.

1066 B. It is an unlawful discriminatory practice for:

1067 1. An employer to:

1068 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
1069 such individual's compensation, terms, conditions, or privileges of employment because of such
1070 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1071 childbirth or related medical conditions including lactation, age, military status, disability, or national
1072 origin; or

1073 b. Limit, segregate, or classify employees or applicants for employment in any way that would
1074 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
1075 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
1076 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
1077 lactation, age, military status, disability, or national origin.

1078 2. An employment agency to:

1079 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because
1080 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1081 childbirth or related medical conditions, age, military status, disability, or national origin; or

1082 b. Classify or refer for employment any individual on the basis of such individual's race, color,
1083 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
1084 conditions, age, military status, disability, or national origin.

1085 3. A labor organization to:

1086 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
1087 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1088 childbirth or related medical conditions, age, military status, disability, or national origin;

1089 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to
1090 or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
1091 individual of employment opportunities, or would limit such employment opportunities or otherwise
1092 adversely affect an individual's status as an employee or as an applicant for employment, because of such

1093 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1094 childbirth or related medical conditions, age, military status, disability, or national origin; or

1095 c. Cause or attempt to cause an employer to discriminate against an individual in violation of
1096 subdivisions a or b.

1097 4. An employer, labor organization, or joint apprenticeship committee to discriminate against any
1098 individual in any program to provide apprenticeship or other training program on the basis of such
1099 individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related
1100 medical conditions, age, military status, disability, or national origin.

1101 5. An employer, in connection with the selection or referral of applicants or candidates for
1102 employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the
1103 results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender
1104 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability,
1105 or national origin.

1106 6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual
1107 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1108 military status, disability, or national origin as a motivating factor for any employment practice, even
1109 though other factors also motivate the practice.

1110 7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an
1111 employment agency or a joint apprenticeship committee controlling an apprenticeship or other training
1112 program to discriminate against any individual, or (iii) a labor organization to discriminate against any
1113 member thereof or applicant for membership because such individual has opposed any practice made an
1114 unlawful discriminatory practice by this chapter or because such individual has made a charge, testified,
1115 assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

1116 8. An employer, labor organization, employment agency, or joint apprenticeship committee
1117 controlling an apprenticeship or other training program to print or publish, or cause to be printed or
1118 published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership
1119 in or any classification or referral for employment by such a labor organization, (iii) any classification or

1120 referral for employment by such an employment agency, or (iv) admission to, or employment in, any
1121 program established to provide apprenticeship or other training by such a joint apprenticeship committee
1122 that indicates any preference, limitation, specification, or discrimination based on race, color, religion,
1123 sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions,
1124 age, military status, disability, or national origin, except that such a notice or advertisement may indicate
1125 a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin
1126 when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

1127 C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory
1128 practice:

1129 1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or
1130 refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or
1131 refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship
1132 committee to admit or employ any individual in any apprenticeship or other training program on the basis
1133 of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona
1134 fide occupational qualification reasonably necessary to the normal operation of that particular employer,
1135 employment agency, labor organization, or joint apprenticeship committee;

1136 2. For an elementary or secondary school or institution of higher education to hire and employ
1137 employees of a particular religion if such elementary or secondary school or institution of higher education
1138 is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by
1139 a particular religious corporation, association, or society or if the curriculum of such elementary or
1140 secondary school or institution of higher education is directed toward the propagation of a particular
1141 religion;

1142 3. For an employer to apply different standards of compensation, or different terms, conditions, or
1143 privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures
1144 earnings by quantity or quality of production, or to employees who work in different locations, provided
1145 that such differences are not the result of an intention to discriminate because of race, color, religion, sex,

1146 sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age,
1147 military status, disability, or national origin;

1148 4. For an employer to give and to act upon the results of any professionally developed ability test,
1149 provided that such test, its administration, or an action upon the results is not designed, intended, or used
1150 to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status,
1151 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1152 5. For an employer to provide reasonable accommodations related to disability, pregnancy,
1153 childbirth or related medical conditions, and lactation, when such accommodations are requested by the
1154 employee; or

1155 6. For an employer to condition employment or premises access based upon citizenship where the
1156 employer is subject to any requirement imposed in the interest of the national security of the United States
1157 under any security program in effect pursuant to or administered under any statute or regulation of the
1158 federal government or any executive order of the President of the United States.

1159 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1160 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1161 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity,
1162 marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or
1163 national origin on account of an imbalance that may exist with respect to the total number or percentage
1164 of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1165 childbirth or related medical conditions, age, military status, disability, or national origin employed by
1166 any employer, referred or classified for employment by any employment agency or labor organization,
1167 admitted to membership or classified by any labor organization, or admitted to or employed in any
1168 apprenticeship or other training program, in comparison with the total number or percentage of persons of
1169 such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or
1170 related medical conditions, age, military status, disability, or national origin in any community.

1171 E. The provisions of this section shall not apply to the employment of individuals of a particular
1172 religion by a religious corporation, association, educational institution, or society to perform work
1173 associated with its activities.

1174 § 22.1-253.13:1. (For Expiration Date, see 2022 Acts cc. 549, 550, cl. 2) **Standard 1.**
1175 **Instructional programs supporting the Standards of Learning and other educational objectives.**

1176 A. The General Assembly and the Board of Education believe that the fundamental goal of the
1177 public schools of the Commonwealth must be to enable each student to develop the skills that are
1178 necessary for success in school, preparation for life, and reaching their full potential. The General
1179 Assembly and the Board of Education find that the quality of education is dependent upon the provision
1180 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
1181 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student
1182 achievement; (iii) quality instruction that enables each student to become a productive and educated citizen
1183 of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In
1184 keeping with this goal, the General Assembly shall provide for the support of public education as set forth
1185 in Article VIII, Section 1 of the Constitution of Virginia.

1186 B. The Board of Education shall establish educational objectives known as the Standards of
1187 Learning, which shall form the core of Virginia's educational program, and other educational objectives,
1188 which together are designed to ensure the development of the skills that are necessary for success in school
1189 and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of
1190 Learning for English, mathematics, science, and history and social science. The Standards of Learning
1191 shall not be construed to be regulations as defined in § 2.2-4001.

1192 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
1193 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
1194 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning,
1195 including problem solving and decision making; proficiency in the use of computers and related
1196 technology; computer science and computational thinking, including computer coding; and the skills to
1197 manage personal finances and to make sound financial decisions.

1198 The English Standards of Learning for reading in kindergarten through grade three shall be based
1199 on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic
1200 phonics, fluency, vocabulary development, and text comprehension.

1201 The Standards of Learning in all subject areas shall be subject to regular review and revision to
1202 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
1203 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
1204 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
1205 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once
1206 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
1207 review and revision on a more frequent basis.

1208 To provide appropriate opportunity for input from the general public, teachers, and local school
1209 boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of
1210 Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and
1211 place of the hearings to all local school boards and any other persons requesting to be notified of the
1212 hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of
1213 Regulations. Interested parties shall be given reasonable opportunity to be heard and present information
1214 prior to final adoption of any revisions of the Standards of Learning.

1215 In addition, the Department of Education shall make available and maintain a website, either
1216 separately or through an existing website utilized by the Department of Education, enabling public
1217 elementary, middle, and high school educators to submit recommendations for improvements relating to
1218 the Standards of Learning, when under review by the Board according to its established schedule, and
1219 related assessments required by the Standards of Quality pursuant to this chapter. Such website shall
1220 facilitate the submission of recommendations by educators.

1221 School boards shall implement the Standards of Learning or objectives specifically designed for
1222 their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected
1223 to achieve the educational objectives established by the school division at appropriate age or grade levels.
1224 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

1225 The Board of Education shall include in the Standards of Learning for history and social science
1226 the study of contributions to society of diverse people. For the purposes of this subsection, "diverse"
1227 includes consideration of disability, ethnicity, race, and gender.

1228 The Board of Education shall include in the Standards of Learning for health instruction in
1229 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
1230 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
1231 instruction shall be based on the current national evidence-based emergency cardiovascular care
1232 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
1233 program developed by the American Heart Association or the American Red Cross. No teacher who is in
1234 compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of
1235 cardiopulmonary resuscitation to provide instruction for non-certification.

1236 With such funds as are made available for this purpose, the Board shall regularly review and revise
1237 the competencies for career and technical education programs to require the full integration of English,
1238 mathematics, science, and history and social science Standards of Learning. Career and technical
1239 education programs shall be aligned with industry and professional standard certifications, where they
1240 exist.

1241 The Board shall establish content standards and curriculum guidelines for courses in career
1242 investigation in elementary school, middle school, and high school. Each school board shall (i) require
1243 each middle school student to take at least one course in career investigation or (ii) select an alternate
1244 means of delivering the career investigation course to each middle school student, provided that such
1245 alternative is equivalent in content and rigor and provides the foundation for such students to develop their
1246 academic and career plans. Any school board may require (a) such courses in career investigation at the
1247 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-
1248 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems
1249 appropriate. The Board shall develop and disseminate to each school board career investigation resource
1250 materials that are designed to ensure that students have the ability to further explore interest in career and
1251 technical education opportunities in middle and high school. In developing such resource materials, the

1252 Board shall consult with representatives of career and technical education, industry, skilled trade
1253 associations, chambers of commerce or similar organizations, and contractor organizations.

1254 C. Local school boards shall develop and implement a program of instruction for grades K through
1255 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
1256 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
1257 and computations, proficiency in the use of computers and related technology, computer science and
1258 computational thinking, including computer coding, and scientific concepts and processes; essential skills
1259 and concepts of citizenship, including knowledge of Virginia history and world and United States history,
1260 economics, government, foreign languages, international cultures, health and physical education,
1261 environmental issues, and geography necessary for responsible participation in American society and in
1262 the international community; fine arts, which may include, but need not be limited to, music and art, and
1263 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
1264 training in a career or technical field; and development of the ability to apply such skills and knowledge
1265 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

1266 Local school boards shall also develop and implement programs of prevention, intervention, or
1267 remediation for students who are educationally at risk including, but not limited to, those who fail to
1268 achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail
1269 an end-of-course test required for the award of a verified unit of credit. Such programs shall include
1270 components that are research-based.

1271 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning
1272 assessments for the relevant grade level in grades three through eight may be required to attend a
1273 remediation program.

1274 Any student who fails to achieve a passing score on all of the Standards of Learning assessments
1275 for the relevant grade level in grades three through eight or who fails an end-of-course test required for
1276 the award of a verified unit of credit shall be required to attend a remediation program or to participate in
1277 another form of remediation. Division superintendents shall require such students to take special programs

1278 of prevention, intervention, or remediation, which may include attendance in public summer school
1279 programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

1280 Remediation programs shall include, when applicable, a procedure for early identification of
1281 students who are at risk of failing the Standards of Learning assessments in grades three through eight or
1282 who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
1283 include summer school for all elementary and middle school grades and for all high school academic
1284 courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation.
1285 Summer school remediation programs or other forms of remediation shall be chosen by the division
1286 superintendent to be appropriate to the academic needs of the student. Students who are required to attend
1287 such summer school programs or to participate in another form of remediation shall not be charged tuition
1288 by the school division.

1289 The requirement for remediation may, however, be satisfied by the student's attendance in a
1290 program of prevention, intervention or remediation that has been selected by his parent, in consultation
1291 with the division superintendent or his designee, and is either (i) conducted by an accredited private school
1292 or (ii) a special program that has been determined to be comparable to the required public school
1293 remediation program by the division superintendent. The costs of such private school remediation program
1294 or other special remediation program shall be borne by the student's parent.

1295 The Board of Education shall establish standards for full funding of summer remedial programs
1296 that shall include, but not be limited to, the minimum number of instructional hours or the equivalent
1297 thereof required for full funding and an assessment system designed to evaluate program effectiveness.
1298 Based on the number of students attending and the Commonwealth's share of the per pupil instructional
1299 costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth
1300 in the appropriation act, provided such programs comply with such standards as shall be established by
1301 the Board, pursuant to § 22.1-199.2.

1302 D. Local school boards shall also implement the following:

1303 1. Programs in grades K through three that emphasize developmentally appropriate learning to
1304 enhance success.

1305 2. Programs based on prevention, intervention, or remediation designed to increase the number of
1306 students who earn a high school diploma and to prevent students from dropping out of school. Such
1307 programs shall include components that are research-based.

1308 3. Career and technical education programs incorporated into the K through 12 curricula that
1309 include:

1310 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,
1311 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession,
1312 and emphasize the advantages of completing school with marketable skills;

1313 b. Career exploration opportunities in the middle school grades;

1314 c. Competency-based career and technical education programs that integrate academic outcomes,
1315 career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor
1316 market needs and student interest. Career guidance shall include counseling about available employment
1317 opportunities and placement services for students exiting school. Each school board shall develop and
1318 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
1319 developed with the input of area business and industry representatives and local comprehensive
1320 community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with
1321 the timelines established by federal law;

1322 d. Annual notice on its website to enrolled high school students and their parents of (i) the
1323 availability of the postsecondary education and employment data published by the State Council of Higher
1324 Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a
1325 nationally recognized career readiness certificate at a local public high school, comprehensive community
1326 college, or workforce center; and

1327 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
1328 Commonwealth by median pay and the education, training, and skills required for each such profession
1329 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
1330 pay of program graduates. The Department of Education shall annually compile such lists and provide
1331 them to each local school board.

1332 4. Educational objectives in middle and high school that emphasize economic education and
1333 financial literacy pursuant to § 22.1-200.03.

1334 5. Early identification of students with disabilities and enrollment of such students in appropriate
1335 instructional programs consistent with state and federal law.

1336 6. Early identification of gifted students and enrollment of such students in appropriately
1337 differentiated instructional programs.

1338 7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere
1339 in these standards. Such students shall be counted in average daily membership (ADM) in accordance
1340 with the regulations of the Board of Education.

1341 ~~8. Adult education programs for individuals functioning below the high school completion level.~~
1342 ~~Such programs may be conducted by the school board as the primary agency or through a collaborative~~
1343 ~~arrangement between the school board and other agencies.~~

1344 ~~9.~~A plan to make achievements for students who are educationally at risk a divisionwide priority
1345 that shall include procedures for measuring the progress of such students.

1346 ~~10.~~9. An agreement for postsecondary degree attainment with a comprehensive community
1347 college in the Commonwealth specifying the options for students to complete an associate degree or a
1348 one-year Uniform Certificate of General Studies from a comprehensive community college concurrent
1349 with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses
1350 and Advanced Placement courses with qualifying exam scores of three or higher.

1351 ~~11.~~10. A plan to notify students and their parents of the availability of dual enrollment and
1352 advanced placement classes; career and technical education programs, including internships, externships,
1353 apprenticeships, credentialing programs, certification programs, licensure programs, and other work-
1354 based learning experiences; the International Baccalaureate Program and Academic Year Governor's
1355 School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the
1356 availability of financial assistance to low-income and needy students to take the advanced placement and
1357 International Baccalaureate examinations. This plan shall include notification to students and parents of
1358 the agreement with a comprehensive community college in the Commonwealth to enable students to

1359 complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high
1360 school diploma.

1361 ~~12-~~11. Identification of students with limited English proficiency and enrollment of such students
1362 in appropriate instructional programs, which programs may include dual language programs whereby such
1363 students receive instruction in English and in a second language.

1364 ~~13-~~12. Early identification, diagnosis, and assistance for students with reading and mathematics
1365 problems and provision of instructional strategies and reading and mathematics practices that benefit the
1366 development of reading and mathematics skills for all students.

1367 Local school divisions shall provide reading intervention services to students in kindergarten
1368 through grade three who demonstrate deficiencies based on their individual performance on the Standards
1369 of Learning reading test or any reading diagnostic test that meets criteria established by the Department
1370 of Education. Local school divisions shall report the results of the diagnostic tests to the Department of
1371 Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such
1372 reading intervention services shall be evidence-based, including services that are grounded in the science
1373 of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic,
1374 sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency,
1375 vocabulary development, and text comprehension as appropriate based on the student's demonstrated
1376 reading deficiencies. The parent of each student who receives such reading intervention services shall be
1377 notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of
1378 each such student shall be monitored throughout the provision of services. Each student who receives such
1379 reading intervention services shall be assessed again at the end of that school year. The local school
1380 division, in its discretion, shall provide such reading intervention services prior to promoting a student
1381 from grade three to grade four. Such reading intervention services may be administered through the use
1382 of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher;
1383 computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides
1384 direct instruction to the students who need extra assistance; and extended instructional time in the school
1385 day or school year for these students. Funds appropriated for prevention, intervention, and remediation;

1386 summer school remediation; at-risk; or early intervention reading may be used to meet the requirements
1387 of this subdivision.

1388 Local school divisions shall provide algebra readiness intervention services to students in grades
1389 six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
1390 individual performance on any diagnostic test that has been approved by the Department of Education.
1391 Local school divisions shall report the results of the diagnostic tests to the Department of Education on an
1392 annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who
1393 receives algebra readiness intervention services will be assessed again at the end of that school year. Funds
1394 appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra
1395 readiness intervention services may be used to meet the requirements of this subdivision.

1396 As used in this subdivision:

1397 "Science of reading" means the study of the relationship between cognitive science and educational
1398 outcomes.

1399 ~~14-~~13. Incorporation of art, music, and physical education as a part of the instructional program
1400 at the elementary school level.

1401 ~~15-~~14. A program of physical activity available to all students in grades kindergarten through five
1402 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school
1403 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on
1404 average during the regular school year. Such program may include any combination of (i) physical
1405 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities
1406 deemed appropriate by the local school board. Each local school board shall implement such program
1407 during the regular school year. Any physical education class offered to students in grades seven and eight
1408 shall include at least one hour of personal safety training per school year in each such grade level that is
1409 developed and delivered in partnership with the local law-enforcement agency and consists of situation
1410 safety awareness training and social media education.

1411 ~~16-~~15. A program of student services for kindergarten through grade 12 that shall be designed to
1412 aid students in their educational, social, and career development.

1413 ~~17-16.~~ The collection and analysis of data and the use of the results to evaluate and make decisions
1414 about the instructional program.

1415 ~~18-17.~~ A program of instruction in the high school Virginia and U.S. Government course on all
1416 information and concepts contained in the civics portion of the U.S. Naturalization Test.

1417 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
1418 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
1419 resources and technical assistance to increase the capacity for school divisions to deliver quality
1420 instruction; and (iii) assist school divisions in implementing those programs and practices that will
1421 enhance pupil academic performance and improve family and community involvement in the public
1422 schools. Such unit shall identify and analyze effective instructional programs and practices and
1423 professional development initiatives; evaluate the success of programs encouraging parental and family
1424 involvement; assess changes in student outcomes prompted by family involvement; and collect and
1425 disseminate among school divisions information regarding effective instructional programs and practices,
1426 initiatives promoting family and community involvement, and potential funding and support sources. Such
1427 unit may also provide resources supporting professional development for administrators and teachers. In
1428 providing such information, resources, and other services to school divisions, the unit shall give priority
1429 to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning
1430 assessments.

1431 F. Each local school board may enter into agreements for postsecondary course credit, credential,
1432 certification, or license attainment, hereinafter referred to as College and Career Access Pathways
1433 Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher
1434 education or educational institutions established pursuant to Title 23.1 that offer a career and technical
1435 education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part
1436 of the career and technical education curriculum that lead to course credit or an industry-recognized
1437 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,
1438 credentials, certifications, or licenses available for such courses; and (iii) specify available options for
1439 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community

1440 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school
1441 credit for successful completion of any such program.

1442 § 22.1-253.13:1. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1.
1443 **Instructional programs supporting the Standards of Learning and other educational objectives.**

1444 A. The General Assembly and the Board of Education believe that the fundamental goal of the
1445 public schools of the Commonwealth must be to enable each student to develop the skills that are
1446 necessary for success in school, preparation for life, and reaching their full potential. The General
1447 Assembly and the Board of Education find that the quality of education is dependent upon the provision
1448 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
1449 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student
1450 achievement; (iii) quality instruction that enables each student to become a productive and educated citizen
1451 of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In
1452 keeping with this goal, the General Assembly shall provide for the support of public education as set forth
1453 in Article VIII, Section 1 of the Constitution of Virginia.

1454 B. The Board of Education shall establish educational objectives known as the Standards of
1455 Learning, which shall form the core of Virginia's educational program, and other educational objectives,
1456 which together are designed to ensure the development of the skills that are necessary for success in school
1457 and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of
1458 Learning for English, mathematics, science, and history and social science. The Standards of Learning
1459 shall not be construed to be regulations as defined in § 2.2-4001.

1460 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
1461 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
1462 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning,
1463 including problem solving and decision making; proficiency in the use of computers and related
1464 technology; computer science and computational thinking, including computer coding; and the skills to
1465 manage personal finances and to make sound financial decisions.

1466 The English Standards of Learning for reading in kindergarten through grade three shall be based
1467 on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic
1468 phonics, fluency, vocabulary development, and text comprehension.

1469 The Standards of Learning in all subject areas shall be subject to regular review and revision to
1470 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
1471 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
1472 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
1473 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once
1474 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
1475 review and revision on a more frequent basis.

1476 To provide appropriate opportunity for input from the general public, teachers, and local school
1477 boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of
1478 Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and
1479 place of the hearings to all local school boards and any other persons requesting to be notified of the
1480 hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of
1481 Regulations. Interested parties shall be given reasonable opportunity to be heard and present information
1482 prior to final adoption of any revisions of the Standards of Learning.

1483 In addition, the Department of Education shall make available and maintain a website, either
1484 separately or through an existing website utilized by the Department of Education, enabling public
1485 elementary, middle, and high school educators to submit recommendations for improvements relating to
1486 the Standards of Learning, when under review by the Board according to its established schedule, and
1487 related assessments required by the Standards of Quality pursuant to this chapter. Such website shall
1488 facilitate the submission of recommendations by educators.

1489 School boards shall implement the Standards of Learning or objectives specifically designed for
1490 their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected
1491 to achieve the educational objectives established by the school division at appropriate age or grade levels.
1492 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

1493 The Board of Education shall include in the Standards of Learning for history and social science
1494 the study of contributions to society of diverse people. For the purposes of this subsection, "diverse"
1495 includes consideration of disability, ethnicity, race, and gender.

1496 The Board of Education shall include in the Standards of Learning for health instruction in
1497 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
1498 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
1499 instruction shall be based on the current national evidence-based emergency cardiovascular care
1500 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
1501 program developed by the American Heart Association or the American Red Cross. No teacher who is in
1502 compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of
1503 cardiopulmonary resuscitation to provide instruction for non-certification.

1504 With such funds as are made available for this purpose, the Board shall regularly review and revise
1505 the competencies for career and technical education programs to require the full integration of English,
1506 mathematics, science, and history and social science Standards of Learning. Career and technical
1507 education programs shall be aligned with industry and professional standard certifications, where they
1508 exist.

1509 The Board shall establish content standards and curriculum guidelines for courses in career
1510 investigation in elementary school, middle school, and high school. Each school board shall (i) require
1511 each middle school student to take at least one course in career investigation or (ii) select an alternate
1512 means of delivering the career investigation course to each middle school student, provided that such
1513 alternative is equivalent in content and rigor and provides the foundation for such students to develop their
1514 academic and career plans. Any school board may require (a) such courses in career investigation at the
1515 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-
1516 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems
1517 appropriate. The Board shall develop and disseminate to each school board career investigation resource
1518 materials that are designed to ensure that students have the ability to further explore interest in career and
1519 technical education opportunities in middle and high school. In developing such resource materials, the

1520 Board shall consult with representatives of career and technical education, industry, skilled trade
1521 associations, chambers of commerce or similar organizations, and contractor organizations.

1522 C. Local school boards shall develop and implement a program of instruction for grades K through
1523 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
1524 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
1525 and computations, proficiency in the use of computers and related technology, computer science and
1526 computational thinking, including computer coding, and scientific concepts and processes; essential skills
1527 and concepts of citizenship, including knowledge of Virginia history and world and United States history,
1528 economics, government, foreign languages, international cultures, health and physical education,
1529 environmental issues, and geography necessary for responsible participation in American society and in
1530 the international community; fine arts, which may include, but need not be limited to, music and art, and
1531 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
1532 training in a career or technical field; and development of the ability to apply such skills and knowledge
1533 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

1534 Local school boards shall also develop and implement programs of prevention, intervention, or
1535 remediation for students who are educationally at risk including, but not limited to, those who fail to
1536 achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail
1537 an end-of-course test required for the award of a verified unit of credit. Such programs shall include
1538 components that are research-based.

1539 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning
1540 assessments for the relevant grade level in grades three through eight may be required to attend a
1541 remediation program.

1542 Any student who fails to achieve a passing score on all of the Standards of Learning assessments
1543 for the relevant grade level in grades three through eight or who fails an end-of-course test required for
1544 the award of a verified unit of credit shall be required to attend a remediation program or to participate in
1545 another form of remediation. Division superintendents shall require such students to take special programs

1546 of prevention, intervention, or remediation, which may include attendance in public summer school
1547 programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

1548 Remediation programs shall include, when applicable, a procedure for early identification of
1549 students who are at risk of failing the Standards of Learning assessments in grades three through eight or
1550 who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
1551 include summer school for all elementary and middle school grades and for all high school academic
1552 courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation.
1553 Summer school remediation programs or other forms of remediation shall be chosen by the division
1554 superintendent to be appropriate to the academic needs of the student. Students who are required to attend
1555 such summer school programs or to participate in another form of remediation shall not be charged tuition
1556 by the school division.

1557 The requirement for remediation may, however, be satisfied by the student's attendance in a
1558 program of prevention, intervention or remediation that has been selected by his parent, in consultation
1559 with the division superintendent or his designee, and is either (i) conducted by an accredited private school
1560 or (ii) a special program that has been determined to be comparable to the required public school
1561 remediation program by the division superintendent. The costs of such private school remediation program
1562 or other special remediation program shall be borne by the student's parent.

1563 The Board of Education shall establish standards for full funding of summer remedial programs
1564 that shall include, but not be limited to, the minimum number of instructional hours or the equivalent
1565 thereof required for full funding and an assessment system designed to evaluate program effectiveness.
1566 Based on the number of students attending and the Commonwealth's share of the per pupil instructional
1567 costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth
1568 in the appropriation act, provided such programs comply with such standards as shall be established by
1569 the Board, pursuant to § 22.1-199.2.

1570 D. Local school boards shall also implement the following:

1571 1. Programs in grades K through three that emphasize developmentally appropriate learning to
1572 enhance success.

1573 2. Programs based on prevention, intervention, or remediation designed to increase the number of
1574 students who earn a high school diploma and to prevent students from dropping out of school. Such
1575 programs shall include components that are research-based.

1576 3. Career and technical education programs incorporated into the K through 12 curricula that
1577 include:

1578 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,
1579 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession,
1580 and emphasize the advantages of completing school with marketable skills;

1581 b. Career exploration opportunities in the middle school grades;

1582 c. Competency-based career and technical education programs that integrate academic outcomes,
1583 career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor
1584 market needs and student interest. Career guidance shall include counseling about available employment
1585 opportunities and placement services for students exiting school. Each school board shall develop and
1586 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
1587 developed with the input of area business and industry representatives and local comprehensive
1588 community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with
1589 the timelines established by federal law;

1590 d. Annual notice on its website to enrolled high school students and their parents of (i) the
1591 availability of the postsecondary education and employment data published by the State Council of Higher
1592 Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a
1593 nationally recognized career readiness certificate at a local public high school, comprehensive community
1594 college, or workforce center; and

1595 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
1596 Commonwealth by median pay and the education, training, and skills required for each such profession
1597 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
1598 pay of program graduates. The Department of Education shall annually compile such lists and provide
1599 them to each local school board.

1600 4. Educational objectives in middle and high school that emphasize economic education and
1601 financial literacy pursuant to § 22.1-200.03.

1602 5. Early identification of students with disabilities and enrollment of such students in appropriate
1603 instructional programs consistent with state and federal law.

1604 6. Early identification of gifted students and enrollment of such students in appropriately
1605 differentiated instructional programs.

1606 7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere
1607 in these standards. Such students shall be counted in average daily membership (ADM) in accordance
1608 with the regulations of the Board of Education.

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1610 ~~Such programs may be conducted by the school board as the primary agency or through a collaborative~~
1611 ~~arrangement between the school board and other agencies.~~

1612 ~~9.~~A plan to make achievements for students who are educationally at risk a divisionwide priority
1613 that shall include procedures for measuring the progress of such students.

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1615 college in the Commonwealth specifying the options for students to complete an associate degree or a
1616 one-year Uniform Certificate of General Studies from a comprehensive community college concurrent
1617 with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses
1618 and Advanced Placement courses with qualifying exam scores of three or higher.

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1620 advanced placement classes; career and technical education programs, including internships, externships,
1621 apprenticeships, credentialing programs, certification programs, licensure programs, and other work-
1622 based learning experiences; the International Baccalaureate Program and Academic Year Governor's
1623 School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the
1624 availability of financial assistance to low-income and needy students to take the advanced placement and
1625 International Baccalaureate examinations. This plan shall include notification to students and parents of
1626 the agreement with a comprehensive community college in the Commonwealth to enable students to

1627 complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high
1628 school diploma.

1629 ~~12-~~11. Identification of students with limited English proficiency and enrollment of such students
1630 in appropriate instructional programs, which programs may include dual language programs whereby such
1631 students receive instruction in English and in a second language.

1632 ~~13-~~12. Early identification, diagnosis, and assistance for students with mathematics problems and
1633 provision of instructional strategies and mathematics practices that benefit the development of
1634 mathematics skills for all students.

1635 Local school divisions shall provide algebra readiness intervention services to students in grades
1636 six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
1637 individual performance on any diagnostic test that has been approved by the Department of Education.
1638 Local school divisions shall report the results of the diagnostic tests to the Department of Education on an
1639 annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who
1640 receives algebra readiness intervention services will be assessed again at the end of that school year. Funds
1641 appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra
1642 readiness intervention services may be used to meet the requirements of this subdivision.

1643 ~~14-~~13. Incorporation of art, music, and physical education as a part of the instructional program
1644 at the elementary school level.

1645 ~~15-~~14. A program of physical activity available to all students in grades kindergarten through five
1646 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school
1647 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on
1648 average during the regular school year. Such program may include any combination of (i) physical
1649 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities
1650 deemed appropriate by the local school board. Each local school board shall implement such program
1651 during the regular school year. Any physical education class offered to students in grades seven and eight
1652 shall include at least one hour of personal safety training per school year in each such grade level that is

1653 developed and delivered in partnership with the local law-enforcement agency and consists of situational
1654 safety awareness training and social media education.

1655 ~~16-15.~~ A program of student services for kindergarten through grade 12 that shall be designed to
1656 aid students in their educational, social, and career development.

1657 ~~17-16.~~ The collection and analysis of data and the use of the results to evaluate and make decisions
1658 about the instructional program.

1659 ~~18-17.~~ A program of instruction in the high school Virginia and U.S. Government course on all
1660 information and concepts contained in the civics portion of the U.S. Naturalization Test.

1661 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
1662 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
1663 resources and technical assistance to increase the capacity for school divisions to deliver quality
1664 instruction; and (iii) assist school divisions in implementing those programs and practices that will
1665 enhance pupil academic performance and improve family and community involvement in the public
1666 schools. Such unit shall identify and analyze effective instructional programs and practices and
1667 professional development initiatives; evaluate the success of programs encouraging parental and family
1668 involvement; assess changes in student outcomes prompted by family involvement; and collect and
1669 disseminate among school divisions information regarding effective instructional programs and practices,
1670 initiatives promoting family and community involvement, and potential funding and support sources. Such
1671 unit may also provide resources supporting professional development for administrators and teachers. In
1672 providing such information, resources, and other services to school divisions, the unit shall give priority
1673 to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning
1674 assessments.

1675 F. Each local school board may enter into agreements for postsecondary course credit, credential,
1676 certification, or license attainment, hereinafter referred to as College and Career Access Pathways
1677 Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher
1678 education or educational institutions established pursuant to Title 23.1 that offer a career and technical
1679 education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part

1680 of the career and technical education curriculum that lead to course credit or an industry-recognized
1681 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,
1682 credentials, certifications, or licenses available for such courses; and (iii) specify available options for
1683 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community
1684 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school
1685 credit for successful completion of any such program.

1686 G. Each local school board shall provide a program of literacy instruction that is aligned with
1687 science-based reading research and provides evidenced-based literacy instruction to students in
1688 kindergarten through grade three and is consistent with the school board's literacy plan as required by
1689 subsection B of § 22.1-253.13:6. Pursuant to such program:

1690 1. Each local school board shall provide reading intervention services to students in kindergarten
1691 through grade three who demonstrate substantial deficiencies based on their individual performance on
1692 the Standards of Learning reading assessment or an early literacy screener provided or approved by the
1693 Department. Such reading intervention services shall consist of evidence-based literacy instruction, align
1694 with science-based reading research, and be documented for each student in a written student reading plan,
1695 consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to
1696 subdivision H 2.

1697 2. A reading specialist, in collaboration with the teacher of any student who receives reading
1698 intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor
1699 student progress on a student reading plan. The parent of each student who receives reading intervention
1700 services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the
1701 development of the student reading plan. Each student reading plan (i) shall follow the Department
1702 template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii)
1703 shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined
1704 or identified by diagnostic assessment data or the early literacy screener provided or approved by the
1705 Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific
1706 measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-

1707 based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will
1708 be provided to the student's parent to support the student to make reading progress; and (f) any additional
1709 services the teacher deems available and appropriate to accelerate the student's reading skill development;
1710 and (iv) may include the following services for the student: instruction from a reading specialist, trained
1711 aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended
1712 instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each
1713 student shall receive notice before services begin and a copy of the student reading plan.

1714 3. Each student who receives such reading intervention services shall be assessed utilizing either
1715 the early literacy screener provided or approved by the Department or the grade-level reading Standards
1716 of Learning assessment again at the end of that school year.

1717 4. The local school board shall provide such reading intervention services prior to promoting a
1718 student from grade three to grade four.

1719 5. Funds appropriated for prevention, intervention, and remediation, summer school remediation,
1720 the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

1721 H. In order to assist local school boards to implement the provisions of subsection G:

1722 1. The Board shall provide guidance on the content of student reading plans;

1723 2. The Department shall develop a list of core literacy curricula, supplemental instruction practices
1724 and programs, and intervention programs that consist of evidence-based literacy instruction aligned with
1725 science-based reading research. The list shall be approved by the Board;

1726 3. The Department shall develop a template for student reading plans that aligns with the
1727 requirements of subsection G;

1728 4. The Department shall develop and implement a plan for the annual collection and public
1729 reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent,
1730 to include results on the early literacy screener provided or approved by the Department and the reading
1731 Standards of Learning assessments; and

1732 5. The Department shall provide free online evidence-based literacy instruction resources that can
1733 be accessed by parents and local school boards to support student literacy development at home.

1734 **§ 22.1-254.2. Testing for high school equivalency; eligibility; guidelines.**

1735 ~~A.~~The Board of Education shall establish a program of testing for high school equivalency through
1736 which a person may pass a high school equivalency examination approved by the Board of Education
1737 through which persons may earn a high school equivalency certificate or may earn a diploma as provided
1738 in subsection F of § 22.1-253.13:4. The following persons may participate in the testing program:

1739 1. Persons who are at least 18 years of age and not enrolled in public school or not otherwise
1740 meeting the school attendance requirements set forth in § 22.1-254;

1741 2. Persons 16 years of age or older who have been instructed by their parents in their home pursuant
1742 to § 22.1-254.1 and who have completed such home school instruction;

1743 3. Persons who have been excused from school attendance pursuant to subsections B and D of §
1744 22.1-254;

1745 4. Persons for whom an individual student alternative education plan has been granted pursuant to
1746 subsection E of § 22.1-254;

1747 5. Persons 16 through 18 years of age who are housed in adult correctional facilities and who are
1748 actively pursuing a passing score on a high school equivalency examination approved by the Board of
1749 Education but who are not enrolled in an individual student alternative education plan pursuant to
1750 subsection E of § 22.1-254;

1751 6. Persons 16 years of age or older who have been expelled from school pursuant to §§ 22.1-277.06
1752 through 22.1-277.08; and

1753 7. Persons required by court order to participate in the testing program.

1754 Under no circumstances shall persons under the age of 16 be eligible for the testing program.

1755 ~~B. From such funds as may be appropriated for this purpose, local school boards shall implement~~
1756 ~~programs of preparation and testing for high school equivalency consistent with guidelines to be~~
1757 ~~developed by the Board of Education. Such guidelines shall include a provision that allows preparatory~~
1758 ~~and testing programs to be offered jointly by two or more school boards.~~

1759 **§ 22.1-277.06. Expulsions; procedures; readmission.**

1760 A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent
1761 of the proposed action and the reasons therefor and of the right to a hearing before the school board or a
1762 committee thereof in accordance with regulations of the school board.

1763 If the regulations provide for a hearing by a committee of the school board, the regulations shall
1764 also provide that such committee may confirm or disapprove the expulsion of a student. Any such
1765 committee of the school board shall be composed of at least three members. If the committee's decision is
1766 not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such
1767 appeal shall be decided by the school board within 30 days.

1768 The regulations shall also provide for subsequent confirmation or disapproval of the proposed
1769 expulsion by the school board, or a committee thereof, as may be provided in regulation, regardless of
1770 whether the pupil exercised the right to a hearing.

1771 B. The written notice required by this section shall include notification of the length of the
1772 expulsion and shall provide information to the parent of the student concerning the availability of
1773 community-based educational, training, and intervention programs. Such notice shall state further whether
1774 or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative
1775 education program approved by the school board, ~~or an adult education program offered by the school~~
1776 ~~division~~, during or upon the expiration of the expulsion, and the terms or conditions of such readmission.
1777 The costs of any community-based educational, training, or intervention program that is not a part of the
1778 educational program offered by the school division that the student may attend during his expulsion shall
1779 be borne by the parent of the student.

1780 Nothing in this section shall be construed to prohibit the school board from permitting or requiring
1781 students expelled pursuant to this section to attend an alternative education program provided by the
1782 school board for the term of such expulsion.

1783 If the school board determines that the student is ineligible to return to regular school attendance
1784 or to attend during the expulsion an alternative education program ~~or an adult education program~~ in the
1785 school division, the written notice shall also advise the parent of such student that the student may petition

1786 the school board for readmission to be effective one calendar year from the date of his expulsion, and of
1787 the conditions, if any, under which readmission may be granted.

1788 School boards shall establish, by regulation, a schedule pursuant to which such students may apply
1789 and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition
1790 for readmission will be reviewed by the school board or a committee thereof, or the division
1791 superintendent, and, if granted, would enable the student to resume school attendance one calendar year
1792 from the date of the expulsion. If the division superintendent or a committee of the school board denies
1793 such petition, the student may petition the school board for review of such denial.

1794 C. Recommendations for expulsion for actions other than those specified in §§ 22.1-277.07 and
1795 22.1-277.08 shall be based on consideration of the following factors:

- 1796 1. The nature and seriousness of the violation;
- 1797 2. The degree of danger to the school community;
- 1798 3. The student's disciplinary history, including the seriousness and number of previous infractions;
- 1799 4. The appropriateness and availability of an alternative education placement or program;
- 1800 5. The student's age and grade level;
- 1801 6. The results of any mental health, substance abuse, or special education assessments;
- 1802 7. The student's attendance and academic records; and
- 1803 8. Such other matters as he deems appropriate.

1804 No decision to expel a student shall be reversed on the grounds that such factors were not
1805 considered.

1806 Nothing in this subsection shall be deemed to preclude a school board from considering any of
1807 these factors as "special circumstances" for purposes of §§ 22.1-277.07 and 22.1-277.08.

1808 **§ 23.1-2906.3. Adult education programs.**

1809 A. As used in this section:

1810 "Adult basic education" means education for individuals over the age of compulsory school
1811 attendance specified in § 22.1-254 that enables them to express themselves orally and in writing, read,

1812 access information and resources, make decisions, act independently and interact with others, and continue
1813 lifelong learning to cope with and compete successfully in a global economy.

1814 "Adult education program" means an instructional program below the college credit level provided
1815 by comprehensive community colleges. "Adult education program" includes adult basic education, a credit
1816 program, cultural adult education, an external diploma program, general adult education, and a high school
1817 equivalency program.

1818 "Credit program" means a program of academic courses that are available to individuals over the
1819 age of compulsory school attendance specified in § 22.1-254 to enable them to complete the regular
1820 requirements for a high school diploma.

1821 "Cultural adult education" means English as a second language (ESL), the preparation of foreign-
1822 born adults for participation in American life or for becoming American citizens, and other educational
1823 services for foreign-born individuals over the age of compulsory school attendance specified in § 22.1-
1824 254.

1825 "External diploma program" means a program in which individuals over the age of compulsory
1826 school attendance specified in § 22.1-254 who did not complete high school may earn a high school
1827 diploma by demonstrating with 100 percent mastery the 65 competencies established and validated by the
1828 American Council on Education.

1829 "General adult education" means academic, cultural, and avocational instruction for individuals
1830 over the age of compulsory school attendance specified in § 22.1-254 that may be obtained through
1831 programs other than credit programs, high school equivalency programs, or external diploma programs.

1832 "High school equivalency program" means a program of preparation and instruction to take a high
1833 school equivalency examination approved by the Board of Education for individuals over the age of
1834 compulsory school attendance specified in § 22.1-254 who did not complete high school, individuals who
1835 have been granted permission by the superintendent of the school division in which they are or were last
1836 enrolled to take a high school equivalency examination approved by the Board of Education, individuals
1837 who are at least 16 years of age, and individuals who have been ordered by a court to participate in the
1838 program.

1839 B. The State Board shall:

1840 1. Require the development of adult education programs among eligible providers that ensure
1841 reasonably convenient access for residents of each community college's local service region to adult
1842 education and literacy services in all regions of the Commonwealth by providing federal and state funds
1843 to approved providers;

1844 2. Encourage coordination in the development and provision of adult education programs between
1845 comprehensive community colleges and other federal, state, and local public and private agencies;

1846 3. Promulgate appropriate standards and guidelines for adult education programs;

1847 4. Accept and administer grants, gifts, services, and funds from available sources for use in adult
1848 education programs; and

1849 5. Assist eligible adult education providers with all diligence in meeting the educational needs of
1850 individuals participating in adult education programs to master the requirements for and earn a high school
1851 diploma.

1852 C. Each eligible provider of adult education awarded funds shall provide adult education programs
1853 for residents of the geographical area that it serves and may charge appropriate fees to individuals who
1854 enroll in such programs.

1855 D. With such funds as may be appropriated for the purposes of this section, each comprehensive
1856 community college shall seek to ensure that every individual participating in such programs has an
1857 opportunity to earn the equivalency of a high school diploma.

1858 **§ 40.1-100. Certain employment prohibited or limited.**

1859 A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1860 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or
1861 establishment manufacturing or storing explosives or articles containing explosive components; in any
1862 occupation involving exposure to radioactive substances or to ionizing radiations including X-ray
1863 equipment;

1864 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
1865 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven

1866 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking
1867 machine;

1868 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

1869 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
1870 used;

1871 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
1872 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
1873 consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1,
1874 provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
1875 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
1876 conducted, or to deliver alcoholic goods;

1877 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking
1878 operations;

1879 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who
1880 are at least 17 years of age may drive automobiles or trucks on public roadways if:

1881 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
1882 equipped with seat belts for the driver and any passengers, and the employer requires the employee to use
1883 the seatbelts when driving the automobile or truck;

1884 b. Driving is restricted to daylight hours;

1885 c. The employee has a valid State license for the type of driving involved and has no record of any
1886 moving violations at the time of hire;

1887 d. The employee has successfully completed a State-approved driver education course;

1888 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)
1889 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
1890 the transporting at any time of more than three passengers, including the employees of the employer;

1891 f. The driving performed by the employee does not involve more than two trips away from the
1892 primary place of employment in any single day for the purpose of delivering goods of the employee's
1893 employer to a customer;

1894 g. The driving performed by the employee does not involve more than two trips away from the
1895 primary place of employment in any single day for the purpose of transporting passengers, other than
1896 employees of the employer;

1897 h. The driving takes place within a 30-mile radius of the employee's place of employment; and

1898 i. The driving is only occasional and incidental to the employee's employment and involves no
1899 more than one third of the employee's work time in any workday and no more than 20 percent work time
1900 in any work week;

1901 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
1902 occupation involving slaughtering, meatpacking, processing or rendering;

1903 9. In any occupation determined and declared hazardous by rules and regulations promulgated by
1904 the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

1905 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
1906 voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ Article 3 (§ 2.2-2044 et
1907 seq.) of Chapter 20.2 of Title 2.2 may be employed in any occupation in accordance with rules and
1908 regulations promulgated by the Commissioner.

1909 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89,
1910 no child under 16 years of age shall be employed, permitted or suffered to work:

1911 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation
1912 of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,
1913 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly,
1914 or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse;
1915 in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or
1916 funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber

1917 yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office
1918 work of a clerical nature in bona fide office rooms in the above types of establishments.

1919 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
1920 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

1921 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments
1922 in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
1923 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of
1924 age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not
1925 in or about such machines, and in soda fountains, restaurants and hotel and motel food service
1926 departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming
1927 pools and may be employed by concessionaires operating on beaches where their duties and work pertain
1928 to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach
1929 equipment.

1930 D. Notwithstanding any other provision of this chapter:

1931 1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist
1932 in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as
1933 defined in § 46.2-1099, in their employment;

1934 2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work
1935 as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively
1936 on a farm, in a garden or in an orchard;

1937 3. Children age 16 years or older may participate in all activities of a volunteer fire company;
1938 however, any such child shall not enter a burning structure or a structure which contains burning materials
1939 prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter
1940 standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into
1941 a structure that contains burning materials is during training necessary to attain certification under National
1942 Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of
1943 Fire Programs.

1944 § 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.

1945 A. The provisions of this chapter shall not apply to:

1946 1. Any governmental agency performing work with its own forces;

1947 2. Work bid upon or undertaken for the armed services of the United States under the Armed
1948 Services Procurement Act;

1949 3. Work bid upon or undertaken for the United States government on land under the exclusive
1950 jurisdiction of the federal government either by statute or deed of cession;

1951 4. Work bid upon or undertaken for the Department of Transportation on the construction,
1952 reconstruction, repair, or improvement of any highway or bridge;

1953 5. Any other persons who may be specifically excluded by other laws but only to such an extent
1954 as such laws provide;

1955 6. Any material supplier who renders advice concerning use of products sold and who does not
1956 provide construction or installation services;

1957 7. Any person who performs or supervises the construction, removal, repair, or improvement of
1958 no more than one primary residence owned by him and for his own use during any 24-month period;

1959 8. Any person who performs or supervises the construction, removal, repair, or improvement of a
1960 house upon his own real property as a bona fide gift to a member of his immediate family provided such
1961 member lives in the house. For purposes of this section, "immediate family" includes one's mother, father,
1962 son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

1963 9. Any person who performs or supervises the repair or improvement of industrial or
1964 manufacturing facilities, or a commercial or retail building, for his own use;

1965 10. Any person who performs or supervises the repair or improvement of residential dwelling units
1966 owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

1967 11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary
1968 to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation
1969 to perform the contract extends to both the owner-developer and the third party;

1970 12. Work undertaken by students as part of a career and technical education project as defined in
1971 § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter
1972 13 of Title 22.1 for the construction of portable classrooms or single family homes;

1973 13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or
1974 sanitizing services incidental to the construction, removal, repair, or improvement of real property;

1975 14. Any person who is performing work directly under the supervision of a licensed contractor and
1976 is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a
1977 student enrolled in a career training or technical education program, or (iii) an apprentice as defined in §
1978 ~~40.1-120~~ 2.2-2044; and

1979 15. Work undertaken by a person providing construction, remodeling, repair, improvement,
1980 removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor,
1981 provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building,
1982 or (iii) home improvement building contractor classification. However, any construction services that
1983 require an individual license or certification shall be rendered only by an individual licensed or certified
1984 in accordance with this chapter.

1985 All other contractors performing work for any government or for any governmental agency are
1986 subject to the provisions of this chapter and are required to be licensed as provided herein.

1987 B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7,
1988 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by
1989 him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged
1990 in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the
1991 property without a certificate of occupancy.

1992 C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9,
1993 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building
1994 Code (§ 36-97 et seq.).

1995 D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1
1996 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month
1997 period shall constitute a Class 6 felony.

1998 **§ 60.2-105. Publication and distribution of law, regulations, etc.**

1999 The Commission shall cause to be ~~printed~~ readily available for distribution to the public the text
2000 of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any
2001 other material the Commission deems relevant and suitable. The Commission shall furnish these materials
2002 to any person upon request.

2003 **§ 60.2-111. Duties and powers of Commission; reporting requirements.**

2004 A. It shall be the duty of the Commission to administer this title. The Commission may establish
2005 separate divisions as necessary to carry out the duties and powers prescribed by this section. It shall have
2006 power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make
2007 such expenditures, require such reports, make such investigations, and take such other action, including
2008 the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and
2009 regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to
2010 the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner
2011 prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure
2012 in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

2013 B. The Commission shall take all necessary steps to maintain a solvent trust fund financed through
2014 equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed
2015 covered workers.

2016 C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the
2017 Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if
2018 possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes.
2019 That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the
2020 basis of statistics of employment, business activity, and other relevant factors for the longest possible
2021 period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the

2022 solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make
2023 recommendations with respect thereto.

2024 ~~C~~D. In preparing the annual balance sheet required by subsection ~~B~~C, the Commission shall
2025 regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess
2026 the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit
2027 income replacement ratios. The annual balance sheet shall include the following calculations: (i) the
2028 average unemployment insurance benefit levels, (ii) the average income replacement of unemployment
2029 insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the
2030 Commonwealth.

2031 ~~D~~E. The Commission, as part of its biennial strategic plan submitted to the Department of
2032 Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency
2033 Plan that describes specific actions the Commission will take, depending on the level of increase in
2034 unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of
2035 operations to ensure continued efficient and effective administration of the UI program. The Resiliency
2036 Plan shall include proposed actions consistent with the following objectives to effectively prepare for
2037 periods of high unemployment:

2038 1. Develop specific strategies or steps the Commission will take to modify staffing levels in
2039 response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing
2040 plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance
2041 services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high
2042 demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant
2043 positions such as adjudication and appeals staff.

2044 2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or
2045 processes in response to high demands on its services.

2046 3. Outline a strategy for clearly communicating key UI program changes to customers. This
2047 strategy shall indicate which staff will be responsible for different types of communications and include
2048 several communications goals, such as clearly conveying UI program and policy changes.

2049 4. Outline a strategy for clearly communicating important UI information to Commission staff, the
2050 public, and the General Assembly.

2051 5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high
2052 claims volume. This policy shall detail how prioritization may change in response to claims volume and
2053 state that the policy of the Commission is to generally prioritize resolving older claims before newer
2054 claims.

2055 6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and
2056 customer service.

2057 **§ 60.2-631. Board of Review.**

2058 A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review
2059 consisting of three members, one of whom shall be designated chairman for a term of six years. The terms
2060 of the members first taking office shall be two, four, and six years, respectively, as designated by the
2061 Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the
2062 Commissioner for the unexpired term. During his term of membership on the Board no member shall
2063 serve as an officer or committee member of any political organization. The members of the Board shall
2064 be compensated in a manner determined by the Commission. The Commission shall furnish the Board
2065 such stenographic and clerical assistance as the Board may require. All compensation of the members of
2066 the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund
2067 provided for in §§ ~~60.2-306 through 60.2-309~~, 60.2-307, and 60.2-308 and §§ ~~60.2-311 through, 60.2-~~
2068 312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for
2069 cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding
2070 that the Board is no longer needed, abolish the same.

2071 B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform
2072 the same functions vested in the Commission in this title for review of decisions by an appeal tribunal,
2073 including the power to administer oaths and affirmations, take depositions, certify to official acts, and
2074 issue subpoenas to compel the attendance of witnesses and the production of books, papers,

2075 correspondence, memoranda and other records deemed necessary as evidence in connection with disputed
2076 claims.

2077 2. The Board may hold its hearings in the county or city where the claimant was last employed,
2078 except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county
2079 or city where the claimant was last employed. When the same or substantially similar evidence is relevant
2080 and material to matters in issue in claims by more than one individual or in claims by a single individual
2081 with respect to two or more weeks of unemployment, the same time and place for considering each such
2082 claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

2083 C. The Commission may issue such regulations as it deems necessary for the procedure of the
2084 Board in the conduct of its hearings. During the time the Board is organized under authority of the
2085 Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board
2086 shall become final ten days after the date of notification or mailing and judicial review shall be permitted
2087 the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action
2088 involving any such decision the Commission shall be represented by the Office of the Attorney General.
2089 Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-
2090 625 shall be conclusive against any party to the hearing before the Board and the Commission in any
2091 subsequent judicial proceedings involving liability for taxes under this title.

2092 D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before
2093 the Board, may obtain judicial review by filing in the circuit court of the county or city in which the
2094 individual who filed the claim was last employed, in the Commonwealth, a petition for review of such
2095 decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The
2096 Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A
2097 copy of such petition shall be served upon the Commission and each party to the proceeding held before
2098 the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of
2099 such petition to each party at his last known address shall be sufficient service. The Commission shall file
2100 along with its petition or answer a certified copy of the record of the case, including all documents and

2101 papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions
2102 and decision therein.

2103 E. In any proceeding under this section the Board's findings of facts, if supported by the evidence
2104 and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to
2105 questions of law. The court may order additional evidence to be taken by the Board, which such additional
2106 evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be
2107 certified by the chairman of the Board and filed by him with the court. Such petition for review shall be
2108 heard in a summary manner and shall have preference over all other cases on the docket, except cases in
2109 which the Commonwealth is a party.

2110 F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity
2111 with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision
2112 involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an
2113 employer or (iii) whether services performed for or in connection with the business of an employing unit
2114 constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review
2115 such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any
2116 proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any
2117 appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an
2118 order in accordance with such determination.

2119 **2. That § 2.2-435.8, Article 3 (§§ 22.1-223, 22.1-224, and 22.1-225) of Chapter 13 of Title 22.1,**
2120 **Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110, 60.2-113, 60.2-113.1,**
2121 **60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the**
2122 **Code of Virginia are repealed.**

2123 **3. That the Governor may transfer appropriations or portions thereof within the Virginia**
2124 **Community College System, the Virginia Employment Commission, the State Council of Higher**
2125 **Education for Virginia, the Department of Education, and the Department of Labor and Industry,**
2126 **or from any such agency to another, to support the changes in organization or responsibility**
2127 **resulting from moving the following programs to the Department of Workforce Development and**

2128 Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act: (i)
2129 the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III; (ii) the Trade
2130 Adjustment Assistance Program; (iii) the Jobs for Veterans State Grant program; (iv) the
2131 Reemployment Services and Eligibility Assessment program; (v) registered apprenticeship
2132 programs and other apprenticeship programs; (vi) the Virginia Career Works Referral Portal and
2133 Workforce Data Trust; (vii) the Virginia Workforce Connection; (viii) labor market information
2134 services; (ix) Virginia Voyager; (x) the Innovative Internship Fund and Program; (xi)
2135 Network2Work; and (xii) the Hampton Roads Skilled Trades Rapid On-Ramp Network for
2136 Growth.

2137 4. That the Governor may transfer appropriations or portions thereof within the Department of
2138 Education to support the changes in organization or responsibility resulting from moving the
2139 following programs from the Department of Education and Direct Aid to Public Education to the
2140 Virginia Community College System: (i) the Workforce Innovation and Opportunity Act of 2014
2141 (P.L. 113-128) Title II; (ii) adult education programs; (iii) adult literacy programs; (iv) Race to
2142 GED; and (v) PluggedIn VA.

2143 5. That the Governor may transfer any employee within the Department of Education, the Virginia
2144 Community College System, the Virginia Employment Commission, the State Council of Higher
2145 Education for Virginia, and the Department of Labor and Industry, or from any such agency to
2146 another, to support the changes in organization or responsibility resulting from moving the
2147 programs listed in the third enactment of this act to the Department of Workforce Development
2148 and Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act,
2149 and moving the programs listed in fourth enactment of this act to the Virginia Community College
2150 System.

2151 6. That during the interim period between July 1, 2023, and the formal establishment of the
2152 Department of Workforce Development and Advancement (the Department), established pursuant
2153 to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission
2154 shall be responsible for conducting all necessary business functions assigned to the Department

2155 pursuant to this act. Formal establishment shall include appointment of the Director of the
2156 Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and achievement
2157 of staffing levels adequate to allow the Department to independently accomplish such business
2158 functions as determined by the Director and the Secretary of Labor.

2159 7. That the Comptroller shall provide a line of credit in an amount not to exceed \$5 million to the
2160 Department of Workforce Development and Advancement (the Department), established pursuant
2161 to § 2.2-2035 of the Code of Virginia, as created by this act. The Secretaries of Finance and Labor
2162 shall approve disbursements from this line of credit prior to expenditure of funds. The Department
2163 shall only use such funds from the line of credit for the purpose of paying the costs related to the
2164 transition of workforce development programs, services, and functions to the Department in
2165 accordance with the provisions of this act.

2166 8. That the regulations of the Department of Education, the Virginia Community College System,
2167 the Virginia Employment Commission, the State Council of Higher Education for Virginia, and the
2168 Department of Labor and Industry relating to any program, service, or function be transferred to
2169 the Department of Workforce Development and Advancement (the Department), established
2170 pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, shall be administered by the
2171 Department and shall remain in full force and effect until the Department promulgates regulations
2172 pursuant to this act.

2173 9. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of Virginia,
2174 as amended by this act, shall be submitted to the Governor and the General Assembly no later than
2175 December 1, 2025.

2176 10. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's
2177 workforce development programs and provide recommendations to address a wide range of
2178 subjects relating to improving the effectiveness and efficiency of such programs, including (i) the
2179 adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the
2180 Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of
2181 the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment

2182 boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia
2183 Community College System in supporting workforce development efforts. The Secretary of Labor
2184 shall submit a preliminary report to the Governor and the General Assembly by November 30, 2023.
2185 The final report shall be submitted to the Governor and the General Assembly by June 30, 2025.

2186 11. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting
2187 of representatives from the agencies affected by the transfer of programs pursuant to this act, local
2188 workforce boards, the business community, labor organizations, and any other representatives
2189 deemed appropriate by the Secretary, for the purpose of advising the Secretary during the program
2190 transition period between July 1, 2023, through June 30, 2024.

2191 12. That, to the extent practicable, the Director of the Department of Workforce Development and
2192 Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as
2193 created by this act, or the Governance Council of the Workforce Data Trust may enter into a
2194 research agreement with the Office of Education and Labor Market Alignment on or before
2195 December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board
2196 of Workforce Development, and the General Assembly with research on the outcomes and
2197 performance of Virginia's workforce programs and their alignment to Virginia's labor market.

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