

SENATE BILL NO. 379

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Boysko)

A BILL to amend and reenact §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia, relating to public high schools; research-based hazing prevention instruction.

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

**1. That §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-207. Physical and health education.**

A. Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health.

B. The Board shall develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as a part of any physical or health education instruction provided to students in grade nine or 10. Such Standards of Learning and curriculum guidelines for such research-based hazing prevention instruction shall include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing; (ii) the dangers of hazing, including the

26 consequences of alcohol intoxication; and (iii) school policies and laws relating to hazing, including  
27 criminal penalties and bystander intervention.

28 C. Each local school board shall provide as a part of any physical or health education instruction  
29 provided to students in grade nine or 10 research-based hazing prevention instruction in accordance with  
30 the Standards of Learning and curriculum guidelines developed by the Board pursuant to subsection B.  
31 Such research-based hazing prevention instruction shall be offered in person, provided that each local  
32 school board shall provide options for virtual participation for any student who is enrolled in an online or  
33 virtual physical or health education program.

34 **§ 22.1-253.13:1. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1. Instructional**  
35 **programs supporting the Standards of Learning and other educational objectives.**

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

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

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

58           The English Standards of Learning for reading in kindergarten through grade eight shall align with  
59 evidence-based literacy instruction and science-based reading research.

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

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

74           In addition, the Department shall make available and maintain a website, either separately or  
75 through an existing website utilized by the Department, enabling public elementary, middle, and high  
76 school educators to submit recommendations for improvements relating to the Standards of Learning,  
77 when under review by the Board according to its established schedule, and related assessments required

78 by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of  
79 recommendations by educators.

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

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

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

95 The Board shall include in the Standards of Learning for physical and health education for grade  
96 nine or 10 research-based hazing prevention instruction, in accordance with the Standards of Learning and  
97 curriculum guidelines for research-based hazing prevention instruction developed by the Board pursuant  
98 to subsection B of § 22.1-207.

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

104           The Board shall establish content standards and curriculum guidelines for courses in career  
105 investigation in elementary school, middle school, and high school. Each school board shall (i) require  
106 each middle school student to take at least one course in career investigation or (ii) select an alternate  
107 means of delivering the career investigation course to each middle school student, provided that such  
108 alternative is equivalent in content and rigor and provides the foundation for such students to develop their  
109 academic and career plans. Any school board may require (a) such courses in career investigation at the  
110 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-  
111 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems  
112 appropriate. The Board shall develop and disseminate to each school board career investigation resource  
113 materials that are designed to ensure that students have the ability to further explore interest in career and  
114 technical education opportunities in middle and high school. In developing such resource materials, the  
115 Board shall consult with representatives of career and technical education, industry, skilled trade  
116 associations, chambers of commerce or similar organizations, and contractor organizations.

117           C. Local school boards shall develop and implement a program of instruction for grades K through  
118 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The  
119 program of instruction shall emphasize reading, writing, speaking, mathematical concepts and  
120 computations, proficiency in the use of computers and related technology, computer science and  
121 computational thinking, including computer coding, and scientific concepts and processes; essential skills  
122 and concepts of citizenship, including knowledge of Virginia history and world and United States history,  
123 economics, government, foreign languages, international cultures, health and physical education,  
124 environmental issues, and geography necessary for responsible participation in American society and in  
125 the international community; fine arts, which may include, but need not be limited to, music and art, and  
126 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or  
127 training in a career or technical field; and development of the ability to apply such skills and knowledge  
128 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

199 6. Early identification of gifted students and enrollment of such students in appropriately  
200 differentiated instructional programs.

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

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

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

209 10. An agreement for postsecondary degree attainment with a comprehensive community college  
210 in the Commonwealth specifying the options for students to complete an associate degree or a one-year  
211 Uniform Certificate of General Studies from a comprehensive community college concurrent with a high



212 school diploma. Such agreement shall specify the credit available for dual enrollment courses and  
213 Advanced Placement courses with qualifying exam scores of three or higher.

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

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

227 13. Early identification, diagnosis, and assistance for students with mathematics problems and  
228 provision of instructional strategies and mathematics practices that benefit the development of  
229 mathematics skills for all students.

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

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

240 15. A program of physical activity available to all students in grades kindergarten through five  
241 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school  
242 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on  
243 average during the regular school year. Such program may include any combination of (i) physical  
244 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities  
245 deemed appropriate by the local school board. Each local school board shall implement such program  
246 during the regular school year. Any physical education class offered to students in grades seven and eight  
247 shall include at least one hour of personal safety training per school year in each such grade level that is  
248 developed and delivered in partnership with the local law-enforcement agency and consists of situational  
249 safety awareness training and social media education. Any physical education class offered to students in  
250 grade nine or 10 shall include research-based hazing prevention instruction pursuant to subsection C of §  
251 22.1-207, unless such hazing prevention instruction is provided as part of a separate health education class  
252 offered to students in grade nine or 10.

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

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

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

259 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be  
260 established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and  
261 technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii)  
262 assist school divisions in implementing those programs and practices that will enhance pupil academic  
263 performance and improve family and community involvement in the public schools. Such unit shall  
264 identify and analyze effective instructional programs and practices and professional development

265 initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes  
266 in student outcomes prompted by family involvement; and collect and disseminate among school divisions  
267 information regarding effective instructional programs and practices, initiatives promoting family and  
268 community involvement, and potential funding and support sources. Such unit may also provide resources  
269 supporting professional development for administrators and teachers. In providing such information,  
270 resources, and other services to school divisions, the unit shall give priority to those divisions  
271 demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

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

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

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

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

294 2. A reading specialist, in collaboration with the teacher of any student who receives reading  
295 intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor  
296 student progress on a student reading plan. The parent of each student who receives reading intervention  
297 services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the  
298 development of the student reading plan. Each student reading plan (i) shall follow the Department  
299 template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii)  
300 shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined  
301 or identified by diagnostic assessment data or the literacy screener provided or approved by the  
302 Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific  
303 measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-  
304 based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will  
305 be provided to the student's parent to support the student to make reading progress; and (f) any additional  
306 services the teacher deems available and appropriate to accelerate the student's reading skill development;  
307 and (iv) may include the following services for the student: instruction from a reading specialist, trained  
308 aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended  
309 instructional time in the school day or school year, or, for students in grades six through eight, a literacy  
310 course, in addition to the course required by the Standards of Learning in English, that provides the  
311 specific evidence-based literacy instruction identified in the student's reading plan. In accordance with §  
312 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student  
313 reading plan.

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

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

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

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

321 2. The Department shall develop a list of core literacy curricula, supplemental instruction practices  
322 and programs, and intervention programs that consist of evidence-based literacy instruction aligned with  
323 science-based reading research for students in kindergarten through grade eight. The list shall be approved  
324 by the Board;

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

327 4. The Department shall develop and implement a plan for the annual collection and public  
328 reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent,  
329 to include results on the literacy screeners provided or approved by the Department and the reading  
330 Standards of Learning assessments; and

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

333 **§ 22.1-279.9. Development of programs to prevent crime and violence; hazing prevention**  
334 **training program.**

335 All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile  
336 and domestic relations district court judges, and personnel, parents, and the community at large, programs  
337 to prevent violence and crime on school property and at school-sponsored events, which shall include  
338 ~~prevention of~~ research-based hazing prevention instruction provided pursuant to subsections B and C of  
339 § 22.1-207. Activities designed to prevent the recurrence of violence and crime, including hazing, may  
340 include such interventions as education relating to Virginia's criminal law, school crime lines, peer  
341 mediation, conflict resolution, community service requirements, and any program focused on  
342 demonstrating the consequences of violence and crime. School boards are encouraged to develop and use  
343 a network of volunteer services in implementing these prevention activities.

344 **2. That each school board shall, beginning with the school year following the Board of Education's**  
345 **adoption of revised Standards of Learning for physical and health education for grades nine and 10**

346 incorporating such research-based hazing prevention instruction, provide research-based hazing  
347 prevention instruction in accordance with the provisions of this act. The Department of Education  
348 shall, prior to the adoption of such revised Standards of Learning for physical and health education  
349 for grades nine and 10, develop and post on its official website guidance documents for the purpose  
350 of making such research-based hazing prevention training available to local school boards.

351 #