

SENATE BILL NO. 434

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on February 8, 2024)

(Patron Prior to Substitute--Senator Suetterlein)

A BILL to amend and reenact §§ 22.1-212.28, 22.1-212.29, 22.1-212.30, and 22.1-212.32 of the Code of Virginia; to amend the Code of Virginia by adding in Article 1.5 of Chapter 13 of Title 22.1 a section numbered 22.1-212.33; and to repeal § 22.1-212.31 of the Code of Virginia, relating to public schools; instructional time.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.28, 22.1-212.29, 22.1-212.30, and 22.1-212.32 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Article 1.5 of Chapter 13 of Title 22.1 a section numbered 22.1-212.33 as follows:

§ 22.1-212.28. Definitions.

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

"Innovation" means a new, creative alternative to existing instructional or administrative practices, personalized or competency-based learning models, or school structures that evidence-based practice suggests will be effective in improving student learning and educational performance.

"In-person instruction" means teacher-delivered instruction that occurs synchronously in person or in a virtual setting. "In-person instruction" does not include any asynchronous online learning.

"Instructional hour" means a period at school or in another aligned learning environment during which students receive instruction aligned to academic content and performance standards. "Instructional hour" includes any period during which students participate in or receive, as the case may be, (i) a school program required pursuant to this title; (ii) advanced learning opportunities focused on problem-solving, critical thinking, creative thinking, communication, collaboration, and citizenship skills; (iii) content that provides technical knowledge, skills, and competency-based applied learning; (iv) direct instruction

27 aligned to the Standards of Quality; and (v) any of the time and hour requirements in any manner
 28 prescribed in a School Division of Innovation's instructional time model adopted pursuant to § 22.1-
 29 212.33.

30 "Instructional time model" means a model adopted to meet instructional hour requirements through
 31 a variety of learning modalities such as project-based learning, mastery-based learning, weekend courses,
 32 evening courses, and other remote synchronous activities to allow a student to use flexible time options to
 33 accelerate demonstration of mastery.

34 "Mastery-based learning" means a system of learning in which students accelerate to deeper levels
 35 of learning when they master the course content by demonstrating at least 80 percent of the competencies
 36 required by course standards, regardless of time, place, or pace.

37 "School Division of Innovation" or "SDI" means a school division in which the local school board
 38 has developed and for which the Board has approved pursuant to regulations as set forth in this article—a
 39 ~~plan of innovation~~ an instructional time model to improve student learning; educational performance; and
 40 college, career, and citizenship readiness skills in each school in the local school division.

41 ~~"Innovation" means a new or creative alternative to existing instructional or administrative~~
 42 ~~practices or school structures that evidence-based practice suggests will be effective in improving student~~
 43 ~~learning and educational performance.~~

44 **§ 22.1-212.29. Purpose; Board regulations.**

45 A. The purpose of this article is to enable school divisions to advance, pursuant to policy,
 46 innovative learning models that allow students to personalize the pace of learning and accelerate their
 47 learning based on the mastery of course content by demonstrating at least 80 percent of the competencies
 48 required by course standards, regardless of time, place, or pace.

49 B. The Board shall promulgate regulations for the designation of School Divisions of Innovation
 50 in which the local school board in the local school division so designated shall, pursuant to ~~a plan of~~
 51 ~~innovation~~ an instructional time model, be exempted from selected regulatory provisions and be permitted
 52 to adopt alternative policies for school administrators, teachers, and staff to ~~meet the diverse needs of~~
 53 students advance innovative learning models.

54 **§ 22.1-212.30. Board regulations; procedure.**

55 Any local school board may apply to the Board for the local school division or any school therein
56 to be designated as an SDI. Such application shall consist of ~~a plan of innovation for the local school~~
57 ~~division~~ an instructional time model pursuant to § 22.1-212.33. The Board shall include in regulations
58 promulgated pursuant to § 22.1-212.29:

59 1. The procedure and timeline for application, review, amendment, approval, renewal, and
60 revocation of SDI designation;

61 2. ~~The procedure for the ongoing evaluation of an SDI~~ Any expectations for the SDI applicant or
62 instructional time model;

63 3. The procedure for monitoring instructional time model implementation; and

64 ~~3-4.~~ Any other process or procedure that the Board deems appropriate.

65 **§ 22.1-212.32. SDI designation; duration.**

66 ~~A. The initial~~ designation of an SDI shall be ongoing for a five-year period school divisions that
67 comply with § 22.1-212.33 and with Board monitoring as outlined in Board regulations promulgated in
68 accordance with subdivision 3 of § 22.1-212.30.

69 ~~B. The initial designation of an SDI may be renewed for subsequent periods not to exceed five~~
70 ~~years each.~~

71 **§ 22.1-212.33. Instructional time models; requirements.**

72 Notwithstanding any other provision of law, any school board may, after holding two public
73 hearings in the school division on its proposed instructional time model, submitting such proposed
74 instructional time model to the Board, and receiving approval from the Board, adopt an instructional time
75 model for one or more schools in the SDI for the purposes of meeting the instructional time and
76 instructional hours requirements prescribed in §§ 22.1-2.1, 22.1-79.1, 22.1-200.2, and 22.1-253.13:4 and
77 Board regulations; determining average daily membership, daily attendance, or student count; or for any
78 other purpose relating to instructional time or instructional hours, provided that:

79 1. Students receive the minimum instructional time or instructional hours required under §§ 22.1-
80 2.1, 22.1-79.1, 22.1-200.2, and 22.1-253.13:4 and Board regulations, as applicable, for the full school year
81 in any day, week, and course length increments adopted by the school board;

82 2. The SDI may deliver the annual required instructional time or instructional hours to students
83 through any combination of direct instruction; project-based learning; independent or experiential
84 learning; or mastery-based learning that is delivered in a blended classroom or learning environment in
85 which multiple grade levels or age bands are served or blended grade-level content is provided;

86 3. The SDI may define instructional time and instructional hours to include a combination of
87 attendance-validated programs, including both in-person instruction and remote synchronous instruction;

88 4. The SDI or a school therein may accelerate a student's course sequence based on the student's
89 ability to demonstrate competencies at the student's own pace;

90 5. The SDI may stagger learning times and schedules for students and may offer courses and other
91 instructional time options on the weekend or in the evenings so that all students are not expected to attend
92 or complete their school day or instructional time at the same time;

93 6. The SDI shall align its attendance policies to reflect the instructional time and instructional
94 hours policies prescribed under the instructional time model;

95 7. The SDI may waive specific course requirements based on the individual student mastery of
96 course content by demonstrating at least 80 percent of the competencies required by course standards,
97 regardless of time, place, or pace;

98 8. The SDI may grant course credit to a student who has demonstrated proficiency relating to
99 course content through alternative means, such as dual enrollment or concurrent enrollment; and

100 9. The SDI may expand partnerships with work-based learning partners and grant equivalent
101 course credit for time spent by a student participating in on-the-job experiences with such a work-based
102 learning partner.

103 **2. That § 22.1-212.31 of the Code of Virginia is repealed.**

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