

SENATE BILL NO. 563

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator Hackworth)

A BILL to amend and reenact §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 22.1-253.13:3, 22.1-253.13:4, 23.1-100, 23.1-301, 23.1-506, 23.1-509, 23.1-905.1, 23.1-907, 23.1-908, 23.1-1002, 23.1-2904, and 23.1-2906.1 of the Code of Virginia, relating to public education; dual enrollment and concurrent enrollment; high school graduation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 22.1-253.13:3, 22.1-253.13:4, 23.1-100, 23.1-301, 23.1-506, 23.1-509, 23.1-905.1, 23.1-907, 23.1-908, 23.1-1002, 23.1-2904, and 23.1-2906.1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Definitions.

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

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

"Concurrent enrollment" means a program whereby a postsecondary course is taught at a high school, an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education, an educational institution set forth in Chapter 13 (§ 23.1-1300 et seq.) of Title 23.1, or an entity recognized by a state education agency and taught by an approved high school faculty, adjunct college faculty, or college faculty member. "Concurrent enrollment" includes associate degree transfer programs, career and technical education programs as defined in § 22.1-227.01, and noncredit industry-recognized credentials, including those earned through programs offered by the Virginia Community College System and funded through the New Economy Workforce Credential Grant Program established pursuant to § 23.1-627.3.

"Department" means the Department of Education.

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

28 "Dual enrollment" means the enrollment of a qualified high school student in a postsecondary
29 course through which credit may be earned simultaneously toward the completion of high school and the
30 completion of a certificate, associate degree, or baccalaureate degree offered at a public institution of
31 higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in
32 any postsecondary course for which credit toward high school completion is unavailable.

33 "Elementary" includes kindergarten.

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

36 "Evidence-based literacy instruction" means structured instructional practices, including
37 sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and
38 valid evidence consistent with science-based reading research; (ii) are used in core or general instruction,
39 supplemental instruction, intervention services, and intensive intervention services; (iii) have a
40 demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral
41 language, and comprehension and in building mastery of the foundational reading skills of phonological
42 and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are
43 able to be differentiated in order to meet the individual needs of students.

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

47 "High-demand career and technical education" means a course, program, or earned credential,
48 license, or certification for an occupation on the list of high-demand fields compiled biennially by the
49 Virginia Office of Education Economics and approved by the Virginia Board of Workforce Development
50 and that meets or exceeds the wage threshold determined by the Virginia Office of Education Economics.

51 "High-demand industry recognized credential" means a credential, license, or certification earned
52 for an occupation on the high-demand occupations list compiled biennially by the Virginia Office of

53 Education Economics and approved by the Virginia Board of Workforce Development and that meets or
54 exceeds the wage threshold determined by the Virginia Office of Education Economics.

55 "Industry-recognized credential" means a credential that is (i) recognized statewide, nationally, or
56 internationally by employers and sought or accepted by employers within the industry or sector
57 recruitment, screening, hiring, retention, or advancement purposes and (ii) awarded by a third-party
58 certifying entity using predetermined standards for knowledge, skills, and competencies.

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

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

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

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

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

73 "Superintendent" means the Superintendent of Public Instruction.

74 **§ 22.1-206.3. (Effective July 1, 2024) Dual enrollment and concurrent enrollment; course**
75 **credit; guidelines.**

76 The Board shall develop guidelines and policies for prioritizing to the maximum extent practicable
77 dual enrollment and concurrent enrollment programs, including the Passport Program, the Uniform
78 Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and
79 other such programs that allow high school students to receive credit toward the completion of an

80 undergraduate course, degree, or credential offered in the Virginia Community College System. Such
81 guidelines and policies shall include recommendations and strategies on how to ensure the prioritization
82 of such programs to the maximum extent practicable, including ways to direct prioritization of funding to
83 such programs.

84 § 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) **Standard 1.**
85 **Instructional programs supporting the Standards of Learning and other educational objectives.**

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

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

102 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
103 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
104 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning,
105 including problem solving and decision making; proficiency in the use of computers and related

106 technology; computer science and computational thinking, including computer coding; and the skills to
107 manage personal finances and to make sound financial decisions.

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

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

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

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

130 School boards shall implement the Standards of Learning or objectives specifically designed for
131 their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected

132 to achieve the educational objectives established by the school division at appropriate age or grade levels.

133 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

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

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

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

150 The Board shall establish content standards and curriculum guidelines for courses in career
151 investigation in elementary school, middle school, and high school. Each school board shall (i) require
152 each middle school student to take at least one course in career investigation or (ii) select an alternate
153 means of delivering the career investigation course to each middle school student, provided that such
154 alternative is equivalent in content and rigor and provides the foundation for such students to develop their
155 academic and career plans. Any school board may require (a) such courses in career investigation at the
156 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-
157 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems
158 appropriate. The Board shall develop and disseminate to each school board career investigation resource

159 materials that are designed to ensure that students have the ability to further explore interest in career and
160 technical education opportunities in middle and high school. In developing such resource materials, the
161 Board shall consult with representatives of career and technical education, industry, skilled trade
162 associations, chambers of commerce or similar organizations, and contractor organizations.

163 C. Local school boards shall develop and implement a program of instruction for grades K through
164 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The
165 program of instruction shall emphasize reading, writing, speaking, mathematical concepts and
166 computations, proficiency in the use of computers and related technology, computer science and
167 computational thinking, including computer coding, and scientific concepts and processes; essential skills
168 and concepts of citizenship, including knowledge of Virginia history and world and United States history,
169 economics, government, foreign languages, international cultures, health and physical education,
170 environmental issues, and geography necessary for responsible participation in American society and in
171 the international community; fine arts, which may include, but need not be limited to, music and art, and
172 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
173 training in a career or technical field; and development of the ability to apply such skills and knowledge
174 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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

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

183 Any student who fails to achieve a passing score on all of the Standards of Learning assessments
184 for the relevant grade level in grades three through eight or who fails an end-of-course test required for
185 the award of a verified unit of credit shall be required to attend a remediation program or to participate in

186 another form of remediation. Division superintendents shall require such students to take special programs
187 of prevention, intervention, or remediation, which may include attendance in public summer school
188 programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

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

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

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

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

- 212 1. Programs in grades K through three that emphasize developmentally appropriate learning to
213 enhance success.
- 214 2. Programs based on prevention, intervention, or remediation designed to increase the number of
215 students who earn a high school diploma and to prevent students from dropping out of school. Such
216 programs shall include components that are research-based.
- 217 3. Career and technical education programs incorporated into the K through 12 curricula that
218 include:
- 219 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,
220 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession,
221 and emphasize the advantages of completing school with marketable skills;
- 222 b. Career exploration opportunities in the middle school grades;
- 223 c. Competency-based career and technical education programs that integrate academic outcomes,
224 career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor
225 market needs and student interest. Career guidance shall include counseling about available employment
226 opportunities and placement services for students exiting school. Each school board shall develop and
227 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
228 developed with the input of area business and industry representatives and local comprehensive
229 community colleges and shall be submitted to the Superintendent in accordance with the timelines
230 established by federal law;
- 231 d. Annual notice on its website to enrolled high school students and their parents of (i) the
232 availability of the postsecondary education and employment data published by the State Council of Higher
233 Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a
234 nationally recognized career readiness certificate at a local public high school, comprehensive community
235 college, or workforce center; and
- 236 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
237 Commonwealth by median pay and the education, training, and skills required for each such profession
238 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median

239 pay of program graduates. The Department shall annually compile such lists and provide them to each
240 local school board.

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

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

245 6. Early identification of gifted students and enrollment of such students in appropriately
246 differentiated instructional programs.

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

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

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

255 10. An agreement for postsecondary degree attainment with a comprehensive community college
256 in the Commonwealth specifying the options for students to complete an associate degree ~~or~~, the Passport
257 Program, a one-year Uniform Certificate of General Studies, or a high-demand industry-recognized
258 credential from a comprehensive community college or an educational institution set forth in Chapter 13
259 (§ 23.1-1300 et seq.) of Title 23.1, concurrent with a high school diploma. Such agreement shall specify
260 the credit available for dual enrollment and concurrent enrollment courses and Advanced Placement,
261 Cambridge International Assessment Education, and International Baccalaureate courses with ~~qualifying~~
262 college-qualifying exam scores ~~of three or higher~~.

263 11. A plan to notify students and their parents of the availability of dual enrollment, concurrent
264 enrollment, and advanced placement ~~classes~~ courses; career and technical education programs, including
265 internships, externships, apprenticeships, industry-recognized credentialing programs, certification

266 programs, licensure programs, and other work-based learning experiences; the Cambridge International
267 Assessment Education, the International Baccalaureate Program, Advanced Placement courses, and
268 Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs,
269 and experiences; and the availability of financial assistance to low-income and needy students to take ~~the~~
270 ~~advanced placement and International Baccalaureate~~ examinations to earn credit, certificates, or licenses
271 for such programs. This plan shall include notification to students and parents of the agreement with a
272 comprehensive community college in the Commonwealth to enable students to complete an associate
273 degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

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

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

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

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

290 15. A program of physical activity available to all students in grades kindergarten through five
291 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school
292 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on

293 average during the regular school year. Such program may include any combination of (i) physical
294 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities
295 deemed appropriate by the local school board. Each local school board shall implement such program
296 during the regular school year. Any physical education class offered to students in grades seven and eight
297 shall include at least one hour of personal safety training per school year in each such grade level that is
298 developed and delivered in partnership with the local law-enforcement agency and consists of situational
299 safety awareness training and social media education.

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

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

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

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

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

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

334 1. Each local school board shall provide reading intervention services to students in kindergarten
335 through grade eight who demonstrate substantial deficiencies based on their individual performance on
336 the Standards of Learning reading assessment or a literacy screener provided or approved by the
337 Department. Such reading intervention services shall consist of evidence-based literacy instruction, align
338 with science-based reading research, and be documented for each student in a written student reading plan,
339 consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to
340 subdivision H 2.

341 2. A reading specialist, in collaboration with the teacher of any student who receives reading
342 intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor
343 student progress on a student reading plan. The parent of each student who receives reading intervention
344 services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the
345 development of the student reading plan. Each student reading plan (i) shall follow the Department

346 template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii)
347 shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined
348 or identified by diagnostic assessment data or the literacy screener provided or approved by the
349 Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific
350 measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-
351 based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will
352 be provided to the student's parent to support the student to make reading progress; and (f) any additional
353 services the teacher deems available and appropriate to accelerate the student's reading skill development;
354 and (iv) may include the following services for the student: instruction from a reading specialist, trained
355 aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended
356 instructional time in the school day or school year, or, for students in grades six through eight, a literacy
357 course, in addition to the course required by the Standards of Learning in English, that provides the
358 specific evidence-based literacy instruction identified in the student's reading plan. In accordance with §
359 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student
360 reading plan.

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

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

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

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

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

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

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

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

380 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from**
381 **state regulations.**

382 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
383 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
384 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational
385 technology into such instructional programs, (iii) administrative and instructional staffing levels and
386 positions, including staff positions for supporting educational technology, (iv) student services, (v)
387 auxiliary education programs such as library and media services, (vi) requirements for graduation from
388 high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education
389 in the Commonwealth.

390 The Board shall promulgate regulations establishing standards for accreditation of public virtual
391 schools under the authority of the local school board that enroll students full time.

392 The Board's regulations establishing standards for accreditation shall ensure that the accreditation
393 process is transparent and based on objective measurements and that any appeal of the accreditation status
394 of a school is heard and decided by the Board.

395 The Board shall review annually the accreditation status of all schools in the Commonwealth. The
396 Board shall review the accreditation status of a school once every three years if the school has been fully
397 accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation
398 status of the school for each individual year within that triennial review period. If the Board finds that the

399 school would have been accredited every year of that triennial review period the Board shall accredit the
400 school for another three years. The Board may review the accreditation status of any other school once
401 every two years or once every three years, provided that any school that receives a multiyear accreditation
402 status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan
403 for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual
404 written progress updates to the Board. A multiyear accreditation status shall not relieve any school or
405 division of annual reporting requirements.

406 Each local school board shall maintain schools that are fully accredited pursuant to the standards
407 for accreditation as prescribed by the Board. Each local school board shall report the accreditation status
408 of all schools in the local school division annually in public session.

409 The Board shall establish a review process to assist any school that does not meet the standards
410 established by the Board. The relevant school board shall report the results of such review and any annual
411 progress reports in public session and shall implement any actions identified through such review and
412 utilize them for improvement planning.

413 The Board shall establish a corrective action plan process for any school that does not meet the
414 standards established by the Board. Such process shall require (a) each school board to submit a corrective
415 action plan for any school in the local school division that does not meet the standards established by the
416 Board and (b) any school board that fails to demonstrate progress in developing or implementing any such
417 corrective action plan to enter into a memorandum of understanding with the Board.

418 When the Board determines through its review process that the failure of schools within a division
419 to meet the standards established by the Board is related to division-level failure to implement the
420 Standards of Quality or other division-level action or inaction, the Board may require a division-level
421 academic review. After the conduct of such review and within the time specified by the Board, each school
422 board shall enter into a memorandum of understanding with the Board and shall subsequently submit to
423 the Board for approval a corrective action plan, consistent with criteria established by the Board setting
424 forth specific actions and a schedule designed to ensure that schools within its school division meet the
425 standards established by the Board. If the Board determines that the proposed corrective action plan is not

426 sufficient to enable all schools within the division to meet the standards established by the Board, the
427 Board may return the plan to the local school board with directions to submit an amended plan pursuant
428 to Board guidance. Such corrective action plans shall be part of the relevant school division's
429 comprehensive plan pursuant to § 22.1-253.13:6.

430 B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and
431 recognizing educational performance in the Commonwealth's local school divisions and public schools.
432 The portion of such criteria that measures individual student growth shall become an integral part of the
433 accreditation process for schools in which any grade level in the grade three through eight range is taught.
434 The Superintendent shall annually report to the Board on the accreditation status of all school divisions
435 and schools. Such report shall include an analysis of the strengths and weaknesses of public education
436 programs in the various school divisions in Virginia and recommendations to the General Assembly for
437 further enhancing student learning uniformly across the Commonwealth. In recognizing educational
438 performance and individual student growth in the school divisions, the Board shall include consideration
439 of special school division accomplishments, such as numbers of dual enrollments and concurrent
440 enrollments and students in Advanced Placement and International Baccalaureate courses, and
441 participation in academic year Governor's Schools.

442 The Superintendent shall assist local school boards in the implementation of action plans for
443 increasing educational performance and individual student growth in those school divisions and schools
444 that are identified as not meeting the approved criteria. The Superintendent shall monitor the
445 implementation of and report to the Board on the effectiveness of the corrective actions taken to improve
446 the educational performance in such school divisions and schools.

447 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods
448 to determine the level of achievement of the Standards of Learning objectives by all students. Such
449 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the
450 Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts,
451 conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year
452 assessment, the Board shall establish, for the purpose of providing measures of individual student growth

453 over the course of the school year, a through-year growth assessment system, aligned with the Standards
454 of Learning, for the administration of reading and mathematics assessments in grades three through eight.
455 Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year,
456 and one end-of-year assessment in order to provide individual student growth scores over the course of
457 the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent
458 of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure
459 adequate training for teachers and principals on how to interpret and use student growth data from such
460 assessments to improve reading and mathematics instruction in grades three through eight throughout the
461 school year. With such funds and content as are available for such purpose, such through-year growth
462 assessment system shall provide accurate measurement of a student's performance, through computer
463 adaptive technology, using test items at, below, and above the student's grade level as necessary.

464 The Board shall also provide the option of industry certification and state licensure examinations
465 as a student-selected credit.

466 The Department shall make available to school divisions Standards of Learning assessments
467 typically administered by high schools by December 1 of the school year in which such assessments are
468 to be administered or when newly developed assessments are available, whichever is later.

469 The Board shall make publicly available such assessments in a timely manner and as soon as
470 practicable following the administration of such tests, so long as the release of such assessments does not
471 compromise test security or deplete the bank of assessment questions necessary to construct subsequent
472 tests, or limit the ability to test students on demand and provide immediate results in the web-based
473 assessment system.

474 The Board shall prescribe alternative methods of Standards of Learning assessment administration
475 for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the
476 Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual
477 Education Program team shall make the final determination as to whether an alternative method of
478 administration is appropriate for the student.

479 The Board shall include in the student outcome and growth measures that are required by the
480 standards of accreditation the required assessments for various grade levels and classes, including the
481 completion of the alternative assessments implemented by each local school board, in accordance with the
482 Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English,
483 mathematics, science, and history and social science and may be integrated to include multiple subject
484 areas.

485 The Standards of Learning assessments administered to students in grades three through eight shall
486 not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in
487 grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics
488 in grade eight; (v) science after the student receives instruction in the grade six science, life science, and
489 physical science Standards of Learning and before the student completes grade eight; and (vi) Virginia
490 Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school
491 board. The reading and mathematics assessments administered to students in grades three through eight
492 shall be through-year growth assessments.

493 Each school board shall annually certify that it has provided instruction and administered an
494 alternative assessment, consistent with Board guidelines, to students in grades three through eight in each
495 Standards of Learning subject area in which a Standards of Learning assessment was not administered
496 during the school year. Such guidelines shall (a) incorporate options for age-appropriate, authentic
497 performance assessments and portfolios with rubrics and other methodologies designed to ensure that
498 students are making adequate academic progress in the subject area and that the Standards of Learning
499 content is being taught; (b) permit and encourage integrated assessments that include multiple subject
500 areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments
501 and the professional development of teachers to enable them to make the best use of alternative
502 assessments.

503 Local school divisions shall provide targeted mathematics remediation and intervention to students
504 in grades six through eight who show computational deficiencies as demonstrated by their individual

505 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures
506 non-calculator computational skills.

507 The Department shall award recovery credit to any student in grades three through eight who
508 performs below grade level on a Standards of Learning assessment in English reading or mathematics,
509 receives remediation, and subsequently retakes and performs at or above grade level on such an
510 assessment, including any such student who subsequently retakes such an assessment on an expedited
511 basis.

512 In addition, to assess the educational progress of students, the Board shall (1) develop appropriate
513 assessments, which may include criterion-referenced tests and other assessment instruments that may be
514 used by classroom teachers; (2) select appropriate industry certification and state licensure examinations;
515 and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify
516 students who score in the bottom quartile at selected grade levels.

517 The Standards of Learning requirements, including all related assessments, shall be waived for any
518 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
519 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved
520 by the Board or in an adult basic education program or an adult secondary education program to obtain
521 the high school diploma or a high school equivalency certificate.

522 The Department shall develop processes for informing school divisions of changes in the Standards
523 of Learning.

524 The Board may adopt special provisions related to the administration and use of any Standards of
525 Learning test or tests in a content area as applied to accreditation ratings for any period during which the
526 Standards of Learning content or assessments in that area are being revised and phased in. Prior to
527 statewide administration of such tests, the Board shall provide notice to local school boards regarding such
528 special provisions.

529 The Board shall not include in its calculation of the passage rate for a Standards of Learning
530 assessment or the level of achievement of the Standards of Learning objectives for an individual student
531 growth assessment for the purposes of state accountability any student whose parent has decided to not

532 have his child take such Standards of Learning assessment, unless such exclusions would result in the
533 school's not meeting any required state or federal participation rate.

534 D. The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative
535 action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials
536 or test results.

537 The Board may initiate or cause to be initiated a review or investigation of any alleged breach in
538 security, unauthorized alteration, or improper administration of tests, including the exclusion of students
539 from testing who are required to be assessed, by local school board employees responsible for the
540 distribution or administration of the tests.

541 Records and other information furnished to or prepared by the Board during the conduct of a
542 review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section
543 shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the
544 purpose of permitting such board or superintendent to consider or to take personnel action with regard to
545 an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does
546 not reveal the identity of any person making a complaint or supplying information to the Board on a
547 confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local
548 school board or division superintendent receiving such records or other information shall, upon taking
549 personnel action against a relevant employee, place copies of such records or information relating to the
550 specific employee in such person's personnel file.

551 Notwithstanding any other provision of state law, no test or examination authorized by this section,
552 including the Standards of Learning assessments, shall be released or required to be released as minimum
553 competency tests, if, in the judgment of the Board, such release would breach the security of such test or
554 examination or deplete the bank of questions necessary to construct future secure tests.

555 E. With such funds as may be appropriated, the Board may provide, through an agreement with
556 vendors having the technical capacity and expertise to provide computerized tests and assessments, and
557 test construction, analysis, and security, for (i) web-based computerized tests and assessments, including
558 computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and

559 after remediation and (ii) the development of a remediation item bank directly related to the Standards of
560 Learning.

561 F. To assess the educational progress of students as individuals and as groups, each local school
562 board shall require the use of Standards of Learning assessments, alternative assessments, and other
563 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
564 and to determine educational performance. Each local school shall require the administration of
565 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
566 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
567 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall
568 provide teachers, parents, principals, and other school leaders with their students' results on any Standards
569 of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after
570 the assessment is administered. Each school board shall analyze and report annually, in compliance with
571 any criteria that may be established by the Board, the results from industry certification examinations and
572 the Standards of Learning assessments to the public.

573 The Board shall include requirements for the reporting of the Standards of Learning assessment
574 data, regardless of accreditation frequency, as part of the Board's requirements relating to the School
575 Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the
576 Virginia assessment program as appropriate and shall be reported to the public within three months of
577 their receipt. These reports (i) shall be posted on the portion of the Department's website relating to the
578 School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and
579 (ii) may include the National Assessment of Educational Progress state-by-state assessment.

580 G. Each local school division superintendent shall regularly review the division's submission of
581 data and reports required by state and federal law and regulations to ensure that all information is accurate
582 and submitted in a timely fashion. The Superintendent shall provide a list of the required reports and data
583 to division superintendents annually. The status of compliance with this requirement shall be included in
584 the Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

585 H. Any school board may request the Board for release from state regulations or, on behalf of one
586 or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the
587 performance of one or more of its schools as authorized for certain other schools by the Standards for
588 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory
589 requirements may be granted by the Board based on submission of a request from the division
590 superintendent and chairman of the local school board. The Board may grant, for a period up to five years,
591 a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to
592 promote health or safety. The school board shall provide in its waiver request a description of how the
593 releases from state regulations are designed to increase the quality of instruction and improve the
594 achievement of students in the affected school or schools. The Department shall provide (a) guidance to
595 any local school division that requests releases from state regulations and (b) information about
596 opportunities to form partnerships with other agencies or entities to any local school division in which the
597 school or schools granted releases from state regulations have demonstrated improvement in the quality
598 of instruction and the achievement of students.

599 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2,
600 based on submission of a request from the division superintendent and chairman of the local school board,
601 permitting the local school board to assign instructional personnel to the schools with the greatest needs,
602 so long as the school division employs a sufficient number of personnel divisionwide to meet the total
603 number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in
604 subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of
605 how the waivers from specific Standards of Quality staffing standards are designed to increase the quality
606 of instruction and improve the achievement of students in the affected school or schools. The waivers may
607 be renewed in up to five-year increments, or revoked, based on student achievement results in the affected
608 school or schools.

609 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

610 A. Each local school board shall award diplomas to all secondary school students, including
611 students who transfer from nonpublic schools or from home instruction, who meet the requirements

612 prescribed by the Board and meet such other requirements as may be prescribed by the local school board
613 and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade
614 placement of students from other public secondary schools, from nonpublic schools, or from home
615 instruction as outlined in the standards for accreditation. ~~The standards for accreditation shall include~~
616 ~~provisions relating to the completion of graduation requirements through Virtual Virginia.~~ Further,
617 reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise
618 qualified students with disabilities as needed.

619 In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary
620 school students, a mechanism for calculating class rankings that takes into consideration whether the
621 student has taken a required class more than one time and has had any prior earned grade for such required
622 class expunged.

623 Each local school board shall notify the parents of rising ~~eleventh~~ ninth and ~~twelfth~~ tenth grade
624 students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the
625 requirements that have yet to be completed by the individual student.

626 B. Students identified as disabled who complete the requirements of their individualized education
627 programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet
628 the requirements for any named diploma shall be awarded Applied Studies diplomas by local school
629 boards. The Board shall develop and implement statewide requirements for earning an Applied Studies
630 diploma for implementation at the beginning of the 2022-2023 school year. The Board shall develop
631 recommendations for ensuring any student has the ability to pursue a standard diploma and for
632 transitioning students from the applied studies diploma pathway to the standard diploma pathway.

633 Each local school board shall notify the parent of ~~such~~ students with disabilities who have an
634 individualized education program and who fail to meet the graduation requirements of the student's right
635 to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of
636 Chapter 13.

637 The Department shall develop guidance, in multiple languages, for students and parents conveying
638 (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the

639 likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of
640 an applied studies diploma may preclude a student's ability to pursue a standard diploma.

641 Each local school board shall provide guidance from the Department to parents of students with
642 disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized
643 education program meeting corresponding to grades three through 12 when curriculum or statewide
644 assessment decisions are being made that impact the type of diploma for which the student can qualify.

645 C. Students who have completed a prescribed course of study as defined by the local school board
646 shall be awarded certificates of program completion by local school boards if they are not eligible to
647 receive a Board-approved diploma.

648 Each local school board shall provide notification of the right to a free public education for students
649 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§
650 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation
651 requirements as provided in the standards for accreditation. If such student who does not graduate or
652 complete such requirements is a student for whom English is a second language, the local school board
653 shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-
654 5.

655 D. In establishing graduation requirements, the Board shall:

656 1. Develop and implement, in consultation with stakeholders representing elementary and
657 secondary education, higher education, and business and industry in the Commonwealth and including
658 parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate
659 that identifies the knowledge and skills that students should attain during high school in order to be
660 successful contributors to the economy of the Commonwealth, giving due consideration to critical
661 thinking, creative thinking, collaboration, communication, and citizenship.

662 2. Emphasize the development of core skill sets in the early years of high school.

663 3. Establish ~~multiple~~ paths toward college, military, and career readiness for students to follow in
664 the later years of high school. Each such pathway shall include opportunities for internships, externships,
665 apprenticeships, co-ops, and high-demand industry-recognized credentialing.

666 4. Provide for the selection of integrated learning courses meeting the Standards of Learning and
667 approved by the Board to satisfy graduation requirements, which shall include Standards of Learning
668 testing, as necessary.

669 5. Require students to complete at least one course in fine or performing arts or high-demand career
670 and technical education, one course in United States and Virginia history, and two sequential elective
671 courses chosen from a concentration of courses selected from a variety of options that may be planned to
672 ensure the completion of a focused sequence of elective courses that provides a foundation for further
673 education or training or preparation for employment.

674 6. Require that students (i) ~~complete~~ earn college course credit through an Advanced Placement,
675 ~~honors~~ Cambridge International Assessment Education, International Baccalaureate, ~~or~~ dual enrollment,
676 or concurrent enrollment course; (ii) earn an associate degree; (iii) earn an enlistment-qualifying score on
677 the Armed Forces Qualification Test; (iv) complete a high-quality work-based learning experience, as
678 defined by the Board; ~~or (iii) (v)~~ earn a high-demand industry-recognized career and technical education
679 ~~credential that has been approved by~~ is on the list approved by the Board pursuant to subdivision 12 for
680 any school year in which the student is enrolled in high school, except when ~~such a career and technical~~
681 ~~education~~ credential in a particular subject area is not readily available or appropriate or does not
682 adequately measure student competency, in which case the student shall receive satisfactory competency-
683 based instruction in the subject area to earn credit. ~~The career and technical education credential, when~~
684 ~~required, could include the successful completion of an industry certification, a state licensure~~
685 ~~examination, a national occupational competency assessment, the Armed Services Vocational Aptitude~~
686 ~~Battery, or the Virginia workplace readiness skills assessment.~~ A student may meet the high-demand
687 industry-recognized credential requirement through successful completion of the Virginia workplace
688 readiness skills assessment if such assessment is paired with completion of an additional high-demand
689 industry-recognized credential. The Department shall develop, maintain, and make available to each local
690 school board a catalogue of the testing accommodations available to English language learners for ~~each~~
691 ~~such~~ any certification, examination, assessment, ~~and battery~~ or test that may be used to satisfy the
692 requirements of this subdivision. Each local school board shall develop and implement policies to require

693 each high school principal or his designee to notify each English language learner of the availability of
694 such testing accommodations prior to the student's participation in any such certification, examination,
695 assessment, or ~~battery test~~.

696 7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the
697 use of automated external defibrillators, including hands-on practice of the skills necessary to perform
698 cardiopulmonary resuscitation.

699 8. Make provision in its regulations for students with disabilities to earn a diploma.

700 ~~9. Require students to complete one virtual course, which may be a noncredit-bearing course.~~

701 ~~10.~~ Provide that students who complete elective classes into which the Standards of Learning for
702 any required course have been integrated and achieve a passing score on the relevant Standards of
703 Learning test for the relevant required course receive credit for such elective class.

704 ~~11.~~ 10. Establish a procedure to facilitate the acceleration of students that allows qualified students,
705 with the recommendation of the division superintendent, without completing the 140-hour class, to obtain
706 credit for such class upon demonstrating mastery of the course content and objectives and receiving a
707 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude
708 relevant school division personnel from enforcing compulsory attendance in public schools.

709 ~~12.~~ 11. Provide for the award of credit for passing scores on industry certifications, state licensure
710 examinations, and national occupational competency assessments approved by the Board.

711 School boards shall report annually to the Board the number of Board-approved industry
712 certifications obtained, state licensure examinations passed, national occupational competency
713 assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia
714 workplace readiness skills assessments passed, and the number of career and technical education
715 completers who graduated. These numbers shall be reported as separate categories on the School
716 Performance Report Card.

717 For the purposes of this subdivision, "career and technical education completer" means a student
718 who has met the requirements for a high-demand career and technical concentration or specialization and
719 all requirements for high school graduation or an approved alternative education program.

720 In addition, the Board may:

721 a. For the purpose of awarding credit, approve the use of additional or substitute tests for the
722 correlated Standards of Learning assessment, such as academic achievement tests, industry certifications,
723 or state licensure examinations; and

724 b. Permit students completing high-demand career and technical education programs designed to
725 enable such students to pass such industry certification examinations or state licensure examinations to be
726 awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations,
727 appropriate credit for one or more high-demand career and technical education classes into which relevant
728 Standards of Learning for various classes taught at the same level have been integrated. Such industry
729 certification and state licensure examinations may cover relevant Standards of Learning for various
730 required classes and may, at the discretion of the Board, address some Standards of Learning for several
731 required classes.

732 12. Approve degree-qualifying high-demand industry-recognized credentials and high-quality
733 work-based learning experiences aligned to the high-demand occupations list compiled biennially by the
734 Virginia Office of Education Economics and approved by the Virginia Board of Workforce Development
735 and annually publish a list of such approved credentials and experiences.

736 13. Provide for the waiver of certain graduation requirements and the subsequent award of a high
737 school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the
738 request of the parent of any high school senior who died in good standing prior to graduation during the
739 student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-
740 by-case basis.

741 14. Consider all computer science course credits earned by students to be science course credits,
742 mathematics course credits, or high-demand career and technical education credits. The Board shall
743 develop guidelines addressing how computer science and artificial intelligence courses can satisfy
744 graduation requirements.

745 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours
746 of instruction upon providing the ~~Board~~ division superintendent with satisfactory proof, based on Board

747 guidelines, that the students for whom such requirements are waived have learned the content and skills
748 included in the relevant Standards of Learning.

749 16. Provide for the award of verified units of credit for a satisfactory score, as determined by the
750 Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying
751 Test (PSAT/NMSQT) examination.

752 17. Permit students to exceed a full course load in order to participate in courses offered by an
753 institution of higher education that lead to a degree, or high-demand certificate, or credential at such
754 institution.

755 18. Permit local school divisions to waive the requirement for students to receive 140 clock hours
756 of instruction after the student has completed the course curriculum and relevant Standards of Learning
757 end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives
758 instruction, coursework, or study toward ~~an~~ a high-demand industry certification approved by the ~~local~~
759 ~~school board~~ Board.

760 19. Permit any English language learner who previously earned a sufficient score on an Advanced
761 Placement, Cambridge International Assessment Education, or International Baccalaureate foreign
762 language examination or an SAT II Subject Test in a foreign language to substitute computer coding
763 course credit for any foreign language course credit required to graduate, except in cases in which such
764 foreign language course credit is required to earn an advanced diploma offered by a nationally recognized
765 provider of college-level courses.

766 20. Permit a student who is pursuing an advanced diploma and whose individualized education
767 program specifies a credit accommodation for world language to substitute two standard units of credit in
768 computer science for two standard units of credit in a world language. For any student that elects to
769 substitute a credit in computer science for credit in world language, his or her school counselor must
770 provide notice to the student and parent or guardian of possible impacts related to college entrance
771 requirements.

772 E. In the exercise of its authority to recognize exemplary performance by providing for diploma
773 seals:

774 1. The Board shall develop criteria for recognizing exemplary performance in high-demand career
775 and technical education programs by students who have completed the requirements for a Board of
776 Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

777 2. The Board shall establish criteria for awarding a diploma seal for science, technology,
778 engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider
779 including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication
780 skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

781 3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education
782 and understanding of our state and federal constitutions and the democratic model of government for the
783 Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of
784 history, government, and civics courses, including courses that incorporate character education; (ii)
785 voluntary participation in community service or extracurricular activities that includes the types of
786 activities that shall qualify as community service and the number of hours required; and (iii) related
787 requirements as it deems appropriate.

788 4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who
789 demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The
790 Board shall consider criteria including the student's (i) score on a College Board Advanced Placement
791 foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency
792 level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or
793 another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point
794 average in a sequence of foreign language courses approved by the Board.

795 F. The Board shall establish, by regulation, requirements for the award of a general achievement
796 adult high school diploma for those persons who are not subject to the compulsory school attendance
797 requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency
798 examination approved by the Board; (ii) successfully completed an education and training program
799 designated by the Board; (iii) earned a Board-approved high-demand career and technical education
800 credential such as the successful completion of an industry certification, a state licensure examination, a

801 national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the
802 Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established
803 by the Board for the award of such diploma.

804 G. To ensure the uniform assessment of high school graduation rates, the Board shall collect,
805 analyze, report, and make available to the public high school graduation and dropout data using a formula
806 prescribed by the Board.

807 H. The Board shall also collect, analyze, report, and make available to the public high school
808 graduation and dropout data using a formula that excludes any student who fails to graduate because such
809 student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local
810 law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation
811 rate required by this subsection.

812 I. The Board may promulgate such regulations as may be necessary and appropriate for the
813 collection, analysis, and reporting of such data required by subsections G and H.

814 J. The Virginia Department of Education, State Council of Higher Education for Virginia, Virginia
815 Community College System, and the Department of Labor shall annually provide to the Virginia Office
816 of Education Economics data and defined data points needed for the Virginia Office of Education
817 Economics to conduct an annual return on investment analysis and provide a summary report and detailed
818 dataset to the Governor, General Assembly, and Virginia Board of Workforce Development and publicly
819 post on its website by December 31 of each year the Commonwealth's secondary and postsecondary career
820 and technical education (CTE) and work-based learning offerings. Such report and dataset shall include:

821 1. The alignment of existing CTE and work-based learning offerings with employer demand,
822 postsecondary degree or certificate programs, and industry-recognized credentials;

823 2. The CTE and work-based learning offerings that are linked to high-demand occupations;

824 3. An evaluation of student participation and outcomes, such as postsecondary attainment,
825 employment status, and wage earnings, associated with each CTE program disaggregated by student
826 demographics, program, industry, superintendent region, and school division;

- 827 4. Information that can be used to improve the alignment and quality of CTE and work-based
828 learning programs and increase access and successful outcomes for all students, including:
- 829 a. Information about the availability, quality, and student outcomes of CTE and work-based
830 learning offerings to support students and their families in making informed decisions about their
831 educational options:
- 832 b. A list of existing CTE and work-based learning programs that are not aligned to employer
833 demand; and
- 834 c. A list of in-demand knowledge, skills, and competencies by employers that are currently not
835 being met through existing CTE and work-based learning program offerings; and
- 836 5. Beginning with the report due on December 31, 2025, an update on the implementation status,
837 activities, and outcomes stemming from the immediately preceding report's recommendations.

838 **§ 23.1-100. Definitions.**

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

840 "Associate-degree-granting" means that an associate degree is the most advanced degree that is
841 granted.

842 "Associate-degree-granting public institution of higher education" includes Richard Bland College
843 and each comprehensive community college.

844 "Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

845 "Baccalaureate public institution of higher education" includes Christopher Newport University,
846 George Mason University, James Madison University, Longwood University, the University of Mary
847 Washington, Norfolk State University, Old Dominion University, Radford University, the University of
848 Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia
849 Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State
850 University, Virginia State University, and The College of William and Mary in Virginia.

851 "Chief executive officer" includes the Chancellor of the Virginia Community College System, the
852 Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military
853 Institute, and the president of each other public institution of higher education.

854 "Comprehensive community college" means an associate-degree-granting public institution of
855 higher education governed by the State Board that offers instruction in one or more of the following fields:

856 1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate
857 degree programs;

858 2. Diversified technical curricula, including programs leading to an associate degree;

859 3. Career and technical education leading directly to employment;

860 4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2,
861 and 3; or

862 5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of
863 business and industry in the Commonwealth.

864 "Concurrent enrollment" means a program whereby a postsecondary course is taught at a high
865 school, an institution of higher education accredited by an agency recognized by the U.S. Secretary of
866 Education, an educational institution set forth in Chapter 13 of Title 23.1 (§ 23.1-1300 et seq.), or by an
867 entity recognized by a state education agency and taught by an approved high school faculty, adjunct
868 college faculty, or college faculty member. "Concurrent enrollment" includes associate degree transfer
869 programs, career and technical education programs as defined in § 22.1-227.01, and noncredit industry-
870 recognized credentials, including those earned through programs offered by the Virginia Community
871 College System and funded through the New Economy Workforce Credential Grant Program established
872 pursuant to § 23.1-627.3.

873 "Council" means the State Council of Higher Education for Virginia.

874 Dual enrollment" means the enrollment of a qualified high school student in a postsecondary
875 course through which credit may be earned simultaneously toward the completion of high school and the
876 completion of a certificate, associate degree, or baccalaureate degree offered at a public institution of
877 higher education "Dual enrollment" does not include the enrollment of a qualified high school student in
878 any postsecondary course for which credit toward high school completion is unavailable.

879 "Governing board" includes the State Board and the board of visitors of each baccalaureate public
880 institution of higher education. "Governing board" does not include local community college boards.

881 "Local community college board" means the board established to act in an advisory capacity to the
882 State Board and perform such duties with respect to the operation of a single comprehensive community
883 college as may be delegated to it by the State Board.

884 "Nonprofit private institution of higher education" means any postsecondary school, as that term
885 is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under §
886 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from
887 such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

888 "Non-Virginia student" means any student who has not established domicile in the Commonwealth
889 pursuant to § 23.1-502.

890 "Private institution of higher education" includes each nonprofit private institution of higher
891 education and proprietary private institution of higher education in the Commonwealth.

892 "Proprietary private institution of higher education" means any postsecondary school, as that term
893 is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated
894 to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or
895 exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

896 "Public institution of higher education" includes the System as a whole and each associate-degree-
897 granting and baccalaureate public institution of higher education in the Commonwealth.

898 "State Board" means the State Board for Community Colleges.

899 "System" means the Virginia Community College System.

900 "Virginia student" means any student who has established domicile in the Commonwealth
901 pursuant to § 23.1-502.

902 **§ 23.1-301. Short title; objective; purposes.**

903 A. This chapter may be cited as the "Preparing for the Top Jobs of the 21st Century: The Virginia
904 Higher Education Opportunity Act of 2011," the "Top Jobs Act," or "TJ21."

905 B. The objective of this chapter is to fuel strong economic growth in the Commonwealth and
906 prepare Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by
907 establishing a long-term commitment, policy, and framework for sustained investment and innovation that

908 will (i) enable the Commonwealth to build upon the strengths of its excellent higher education system and
909 achieve national and international leadership in college degree attainment and personal income and (ii)
910 ensure that these educational and economic opportunities are accessible and affordable for all capable and
911 committed Virginia students.

912 C. In furtherance of the objective set forth in subsection B, the following purposes shall inform the
913 development and implementation of funding policies, performance criteria, economic opportunity metrics,
914 and recommendations required by this chapter:

915 1. To ensure an educated workforce in the Commonwealth through a public-private higher
916 education system whose hallmarks are instructional excellence, affordable access, economic impact,
917 institutional diversity and managerial autonomy, cost-efficient operation, technological and pedagogical
918 innovation, and reform-based investment;

919 2. To take optimal advantage of the demonstrated correlation between higher education and
920 economic growth by investing in higher education in a manner that will generate economic growth, job
921 creation, personal income growth, and revenues generated for state and local government in the
922 Commonwealth;

923 3. To (i) place the Commonwealth among the most highly educated states and countries by
924 conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between
925 2011 and 2025, accompanied by a comparable percentage increase in privately conferred undergraduate
926 degrees in the Commonwealth over the same period and (ii) achieve this purpose by expanding enrollment
927 of Virginians at public institutions of higher education and private institutions of higher education,
928 improving undergraduate graduation and retention rates in the higher education system in the
929 Commonwealth, and increasing degree completion by Virginians with partial credit toward a college
930 degree, including students with ongoing job and family commitments who require access to nontraditional
931 college-level educational opportunities;

932 4. To enhance personal opportunity and earning power for individual Virginians by (i) increasing
933 college degree attainment in the Commonwealth, especially in high-demand, high-income fields such as

934 STEM and health care fields and (ii) providing information about the economic value and impact of
935 individual degree programs by institution;

936 5. To promote university-based research that produces outside investment in the Commonwealth,
937 fuels economic advances, triggers commercialization of new products and processes, fosters the formation
938 of new businesses, leads businesses to bring their facilities and jobs to the Commonwealth, and in other
939 ways helps place the Commonwealth on the cutting edge of the knowledge-driven economy;

940 6. To support the national effort to enhance the security and economic competitiveness of the
941 United States and secure a leading economic position for the Commonwealth through increased research
942 and instruction in STEM and related fields that require qualified faculty, appropriate research facilities
943 and equipment, public-private and intergovernmental collaboration, and sustained state support;

944 7. To preserve and enhance the excellence and cost-efficiency of the Commonwealth's higher
945 education system through reform-based investment that promotes innovative instructional models and
946 pathways to degree attainment, including optimal use of physical facilities and instructional resources
947 throughout the year, technology-enhanced instruction, sharing of instructional resources between colleges,
948 universities, and other degree-granting entities in the Commonwealth, increased online learning
949 opportunities for nontraditional students, improved rate and pace of degree completion, expanded
950 availability of dual enrollment, concurrent enrollment, and advanced placement options and early college
951 commitment programs, expanded comprehensive community college transfer options leading to
952 bachelor's degree completion, and enhanced college readiness before matriculation;

953 8. To realize the potential for enhanced benefits from the Restructured Higher Education Financial
954 and Administrative Operations Act (§ 23.1-1000 et seq.) through a sustained commitment to the principles
955 of autonomy, accountability, affordable access, and mutual trust and obligation underlying the
956 restructuring initiative;

957 9. To establish a higher education funding framework and policy that promotes stable, predictable,
958 equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides
959 incentives for increased enrollment of Virginia students at public institutions of higher education and
960 nonprofit private institutions of higher education, provides need-based financial aid for low-income and

961 middle-income students and families, relieves the upward pressure on tuition associated with loss of state
962 support due to economic downturns or other causes, and provides financial incentives to promote
963 innovation and enhanced economic opportunity in furtherance of the objective of this chapter set forth in
964 subsection A; and

965 10. To recognize that the unique mission and contributions of each public institution of higher
966 education and private institution of higher education is consistent with the desire to build upon the
967 strengths of the Commonwealth's excellent system of higher education, afford these unique missions and
968 contributions appropriate safeguards, and allow these attributes to inform the development and
969 implementation of funding policies, performance criteria, economic opportunity metrics, and
970 recommendations in the furtherance of the objective of this chapter set forth in subsection B.

971 **§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school**
972 **students.**

973 A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students
974 are eligible for in-state tuition charges regardless of domicile:

975 1. Any non-Virginia student who resides outside the Commonwealth and has been employed full
976 time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if
977 such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the
978 tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state
979 tuition charges for so long as the student is employed full time in the Commonwealth and the student pays
980 Virginia income taxes on all taxable income earned in the Commonwealth.

981 2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent
982 for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent
983 has been employed full time in the Commonwealth for at least one year immediately prior to the date of
984 the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth
985 for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for
986 in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth,

987 pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as
988 a dependent for Virginia and federal income tax purposes.

989 3. Any active duty member, activated guard or reserve member, or guard or reserve member
990 mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

991 4. Any veteran who resides in the Commonwealth.

992 5. Any surviving spouse who resides in the Commonwealth.

993 6. Following completion of active duty service, any non-Virginia student who established domicile
994 before being called to active duty in the National Guard of another state if during such active duty he
995 maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle
996 registration, voter registration, employment, property ownership, or sources of financial support.

997 7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days
998 immediately prior to receiving a foreign service assignment and who continues to be assigned overseas,
999 and any dependents of such member.

1000 8. Any child of an active duty member or veteran who claims Virginia as his home state and filed
1001 Virginia tax returns for at least 10 years during active duty service.

1002 9. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157
1003 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a
1004 status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two
1005 calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside
1006 in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

1007 10. Any non-Virginia student who is currently present in the Commonwealth as a result of being
1008 a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human
1009 trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility
1010 under this subdivision may be proved by a certification of such status as a victim of human trafficking by
1011 a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide
1012 services to victims of human trafficking. For the purposes of this subdivision, "victim of human
1013 trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation

1014 of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv)
1015 sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection
1016 Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall automatically record
1017 any student qualifying for in-state tuition pursuant to this subdivision as opting out of making any directory
1018 or educational information available to the public unless the student voluntarily and affirmatively chooses
1019 to opt in to allowing such directory or educational information to be made available.

1020 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a
1021 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee
1022 revenue policies.

1023 B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the
1024 governing board of any public institution of higher education may charge in-state tuition to the following
1025 students regardless of domicile:

1026 1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council
1027 who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that
1028 is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for
1029 Virginia students and (ii) is domiciled in such other state;

1030 2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program
1031 approved by the institution of higher education during the same period in which a Virginia student from
1032 such institution is attending such foreign institution as an exchange student; and

1033 3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is
1034 enrolled in courses specifically designed as part of the high school or magnet school curriculum in a
1035 comprehensive community college for which he may, upon successful completion, receive high school
1036 and college credit pursuant to a dual enrollment or concurrent enrollment agreement between the high
1037 school or magnet school and the comprehensive community college.

1038 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a
1039 non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee
1040 revenue policies.

1041 C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a
1042 comprehensive community college who resides in another state within a 30-mile radius of a public
1043 institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to
1044 in-state tuition charges at the institutions of higher education in any state that is contiguous to the
1045 Commonwealth and that has similar reciprocal provisions for Virginia students.

1046 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a
1047 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee
1048 revenue policies.

1049 **§ 23.1-509. In-state tuition; surcharge.**

1050 A. For the purpose of this section:

1051 "Credit hour threshold" means 125 percent of the credit hours needed to satisfy the degree
1052 requirements for a specified undergraduate program.

1053 "Surcharge" means an amount equal to 100 percent of the average cost of a student's education at
1054 the baccalaureate public institution of higher education that the student attends less tuition and mandatory
1055 educational and general fee charges assessed to a Virginia student who has not exceeded the credit hour
1056 threshold.

1057 B. Virginia students who enroll for the first time at baccalaureate public institutions of higher
1058 education after August 1, 2006, shall be assessed a surcharge for each semester beginning in which the
1059 student continues to be enrolled after such student has reached the credit hour threshold.

1060 C. In calculating the credit hour threshold, the following courses and credit hours shall be
1061 excluded: (i) remedial courses; (ii) transfer credits from another institution of higher education that do not
1062 meet degree requirements for general education courses or the student's chosen program of study; (iii)
1063 advanced placement, Cambridge International Assessment Education, or international baccalaureate
1064 credits that were obtained while in high school or another secondary school program; and (iv) dual
1065 enrollment, or concurrent enrollment college-level credits obtained by the student prior to receiving a high
1066 school diploma.

1067 D. The relevant baccalaureate public institution of higher education may waive the surcharge in
1068 accordance with guidelines and criteria established by the Council, which may include illness, disability,
1069 and active service in the Armed Forces of the United States.

1070 **§ 23.1-905.1. Course credit; dual enrollment and concurrent enrollment courses.**

1071 A. The Council, in consultation with each public institution of higher education, shall establish a
1072 policy for granting undergraduate course credit to any entering student who has successfully completed a
1073 dual enrollment or concurrent enrollment course. The policy shall:

1074 1. Outline the conditions necessary for each public institution of higher education to grant course
1075 credit for the successful completion of a dual enrollment or concurrent enrollment course;

1076 2. Identify whether each dual enrollment course and each concurrent enrollment course offered in
1077 the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate
1078 of General Studies Program or Passport Program course credit, (ii) a general elective course credit, or (iii)
1079 a course credit meeting other academic requirements of a public institution of higher education, or if such
1080 course is not likely to transfer for course credit. The policy shall also require that each school division and
1081 comprehensive community college offering a dual enrollment or concurrent enrollment course clearly
1082 specify such transfer information on any website, literature, or other materials describing or advertising
1083 the course;

1084 3. Require each public institution of higher education offering a dual enrollment or concurrent
1085 enrollment course to identify the equivalent non-dual enrollment course or non-concurrent enrollment
1086 course;

1087 4. Ensure that the grant of course credit is consistent across each public institution of higher
1088 education and each such dual enrollment course and concurrent enrollment course; and

1089 5. Require that the following information be made available on the online portal maintained by the
1090 System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course and each
1091 concurrent enrollment course offered in the Commonwealth; (ii) the specific academic, career, or technical
1092 programs in the System that will accept the course credit and which specific comprehensive community

1093 colleges offer such programs; and (iii) if available, the pathway maps in which the dual enrollment or
1094 concurrent enrollment course is included.

1095 B. The Council and each public institution of higher education shall make the policy available to
1096 the public on their websites. The Council shall also forward the policy to the System for inclusion in the
1097 online portal maintained by the System pursuant to § 23.1-908.

1098 C. The Council shall annually report to the House Committee on Education and the Senate
1099 Committee on Education and Health on the implementation of the course credit policy by each public
1100 institution of higher education.

1101 **§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission**
1102 **of certain comprehensive community college graduates.**

1103 A. The board of visitors of each baccalaureate public institution of higher education shall develop,
1104 consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation,
1105 dual admissions, and guaranteed admissions agreements with each associate-degree-granting public
1106 institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed
1107 admission of a student who earns an associate degree concurrently with a high school diploma through a
1108 dual enrollment or concurrent enrollment program, in addition to any guaranteed admission for a student
1109 who earns an associate degree post-high school.

1110 B. The System, in cooperation with the Council and each public institution of higher education,
1111 and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a
1112 one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The
1113 Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour
1114 Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program
1115 and Passport Program course shall be transferable and shall satisfy a lower division general education
1116 requirement at any public institution of higher education. The Uniform Certificate of General Studies
1117 Program and Passport Program shall be available at each comprehensive community college and through
1118 the Online Virginia Network.

1119 C. The Council shall establish procedures under which a baccalaureate public institution of higher
1120 education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of
1121 General Studies Program or Passport Program course to satisfy the requirements for the completion of a
1122 specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to
1123 (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies
1124 Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate
1125 of General Studies Program or Passport Program for all pathway maps and degrees. An application for a
1126 waiver shall identify with particularity the course for which the institution is seeking a waiver and the
1127 particular pathway or degree to which the waiver would apply. The application shall provide justification
1128 for the waiver and shall designate alternative courses offered through the System that may be completed
1129 by a student in order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour
1130 Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions
1131 regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public
1132 institution of higher education provides evidence that the specified pathway or degree requires a
1133 specialized, lower division course not available through the System. Once approved, notice of a waiver
1134 granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

1135 D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public
1136 institutions of higher education to use in mapping pathways for the completion of credits in particular
1137 programs of study, including the courses recommended to be taken in a dual enrollment, concurrent
1138 enrollment, comprehensive community college, and baccalaureate public institution setting in order to
1139 pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify
1140 the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish
1141 a multiyear schedule for the development and implementation of pathway maps for all fields of study.

1142 E. Each baccalaureate public institution of higher education, in cooperation and consultation with
1143 the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection
1144 D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community
1145 college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the

1146 career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and
1147 cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for
1148 which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

1149 F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring
1150 from comprehensive community colleges to baccalaureate public institutions of higher education,
1151 including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost
1152 savings in the completion of a degree program. The report shall include the following elements:
1153 completion rates, average time to degree, credit accumulation, post-transfer student academic
1154 performance, and comparative efficiency. The Council shall adopt guidelines for data submission from
1155 public institutions of higher education necessary for such report, and all institutions shall report such data
1156 in accordance with the guidelines. The report shall be made publicly available on the Council website and
1157 on the online portal maintained pursuant to § 23.1-908.

1158 G. Each comprehensive community college shall develop agreements for postsecondary
1159 attainment with the public high schools in the school divisions that such comprehensive community
1160 college serves specifying the options for students to complete an associate degree, the Passport Program,
1161 ~~or~~ the Uniform Certificate of General Studies Program, a Career Studies Certificate, or a high-demand
1162 industry-recognized credential concurrent with a high school diploma. Such agreements shall specify the
1163 credit available for dual enrollment and concurrent enrollment courses and Advanced Placement,
1164 Cambridge International Assessment Education, and International Baccalaureate courses with ~~qualifying~~
1165 college-qualifying exam scores of ~~three or higher~~.

1166 H. The provisions of this section shall not apply to any public institution of higher education
1167 established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

1168 **§ 23.1-908. State Transfer Tool.**

1169 A. The Council shall develop, in cooperation with the System and each public institution of higher
1170 education, a State Transfer Tool that designates each general education course, in addition to the courses
1171 that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is
1172 offered in an associate degree program at an associate-degree-granting public institution of higher

1173 education and transferable for course credit to a baccalaureate public institution of higher education. In
1174 developing the State Transfer Tool, the Council shall also seek the participation of private institutions of
1175 higher education.

1176 B. The Council shall develop guidelines to govern the development and implementation of
1177 articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting
1178 public institutions of higher education and baccalaureate public institutions of higher education. Dual
1179 admissions agreements shall set forth (i) the obligations of each student accepted to such a program,
1180 including grade point average requirements, acceptable associate degree majors, and completion
1181 timetables, and (ii) the extent to which each student accepted to such a program may access the privileges
1182 of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to
1183 the admissions requirements of the baccalaureate public institutions of higher education.

1184 C. Each baccalaureate public institution of higher education shall update its transfer agreements
1185 immediately following any program modifications and shall send a copy of its updated agreement and any
1186 other transfer-related documents and resources to the System. The Council shall also send to the System
1187 a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an
1188 online portal that allows access to all such agreements, documents, and resources. The online portal shall
1189 also include (i) documents and resources related to course equivalency, (ii) pathway maps established
1190 pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv)
1191 information regarding dual enrollment and concurrent enrollment courses as described in § 23.1-905.1,
1192 and (v) any other information required to be included by law or deemed relevant by the System. The online
1193 portal shall be available to the public on the websites of the Council, the System, each public institution
1194 of higher education, and each school division offering a dual enrollment or concurrent enrollment course.

1195 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority**
1196 **and financial benefits.**

1197 A. The state goals for each public institution of higher education are to:

1198 1. Consistent with its institutional mission, provide access to higher education for all citizens
1199 throughout the Commonwealth, including underrepresented populations, and consistent with subdivision

1200 4 of § 23.1-203 and in accordance with anticipated demand analysis, meet enrollment projections and
1201 degree estimates as agreed upon with the Council. Each such institution shall bear a measure of
1202 responsibility for ensuring that the statewide demand for enrollment is met;

1203 2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of
1204 individual or family income, and through a periodic assessment determine the impact of tuition and fee
1205 levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment
1206 of tuition, mandatory fees, and other necessary charges;

1207 3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with
1208 its mission and assess regularly the extent to which the institution's curricula and degree programs address
1209 the Commonwealth's need for sufficient graduates in particular shortage areas, including specific
1210 academic disciplines, professions, and geographic regions;

1211 4. Ensure that the institution's academic programs and course offerings maintain high academic
1212 standards by undertaking a continuous review and improvement of academic programs, course
1213 availability, faculty productivity, and other relevant factors;

1214 5. Improve student retention so that students progress from initial enrollment to a timely graduation
1215 and the number of degrees conferred increases as enrollment increases;

1216 6. Consistent with its institutional mission, develop articulation agreements that have uniform
1217 application to all comprehensive community colleges and meet appropriate general education and program
1218 requirements at the baccalaureate institution of higher education, provide additional opportunities for
1219 associate degree graduates to be admitted and enrolled, and offer dual enrollment and concurrent
1220 enrollment programs in cooperation with high schools;

1221 7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and
1222 the area in which the institution is located, and for those institutions subject to a management agreement
1223 pursuant to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and
1224 employment rates;

1225 8. Consistent with its institutional mission, increase the level of externally funded research
1226 conducted at the institution and facilitate the transfer of technology from university research centers to
1227 private sector companies;

1228 9. Work actively and cooperatively with public elementary and secondary school administrators,
1229 teachers, and students to improve student achievement, upgrade the knowledge and skills of teachers, and
1230 strengthen leadership skills of school administrators;

1231 10. Prepare a six-year financial plan consistent with § 23.1-306;

1232 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational
1233 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and
1234 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in
1235 the current general appropriation act, which shall include best practices for electronic procurement and
1236 leveraged purchasing, information technology, real estate portfolio management, and diversity of
1237 suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business
1238 enterprises; and

1239 12. Seek to ensure the safety and security of students on campus.

1240 B. Each public institution of higher education that meets the state goals set forth in subsection A
1241 on or after August 1, 2005, may:

1242 1. Dispose of its surplus materials at the location where the surplus materials are held and retain
1243 any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1244 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a
1245 building official of the locality in which construction is taking place and for such official to perform any
1246 inspection and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et
1247 seq.) pursuant to subsection C of § 36-98.1;

1248 3. For each public institution of higher education that has in effect a signed memorandum of
1249 understanding with the Secretary of Administration regarding participation in the nongeneral fund
1250 decentralization program as set forth in the general appropriation act, as provided in subsection C of § 2.2-
1251 1132, enter into contracts for specific construction projects without the preliminary review and approval

1252 of the Division of Engineering and Buildings of the Department of General Services, provided that such
1253 institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300
1254 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the
1255 Division of Engineering and Buildings and the Office of the Attorney General;

1256 4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

1257 5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions
1258 in subdivision 5 of § 2.2-1149;

1259 6. Convey an easement pertaining to any property such institution owns or controls as provided in
1260 subsection C of § 2.2-1150;

1261 7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus
1262 real property that is possessed and controlled by the institution and valued at less than \$5 million;

1263 8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a
1264 vendor that the institution has certified as a small, women-owned, or minority-owned business enterprise
1265 pursuant to the conditions and provisions in § 2.2-1609;

1266 9. Be exempt from review of its budget request for information technology by the CIO as provided
1267 in subdivision B 3 of § 2.2-2007.1;

1268 10. Adopt policies for the designation of administrative and professional faculty positions at the
1269 institution pursuant to the conditions and provisions in subsection E of § 2.2-2901;

1270 11. Be exempt from reporting its purchases to the Secretary of Education, provided that all
1271 purchases, including sole source purchases, are placed through the Commonwealth's electronic
1272 procurement system using proper system codes for the methods of procurement; and

1273 12. Utilize as methods of procurement a fixed price, design-build, or construction management
1274 contract in compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

1275 C. Each public institution of higher education that (i) has been certified during the fiscal year by
1276 the Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public
1277 institutions of higher education and (ii) meets the state goals set in subsection A shall receive the following
1278 financial benefits:

1279 1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues
1280 deposited into the state treasury by the institution, as provided in the general appropriation act. Such
1281 interest shall be paid from the general fund and shall be an appropriate and equitable amount as determined
1282 and certified in writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as
1283 soon as practicable after the end of such fiscal year;

1284 2. Any unexpended appropriations of the public institution of higher education at the end of the
1285 fiscal year, which shall be reappropriated and allotted for expenditure by the institution in the immediately
1286 following fiscal year;

1287 3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000
1288 or less made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share
1289 based upon its total transactions of \$5,000 or less using the credit card that is approved for use by all state
1290 agencies as compared to all transactions of \$5,000 or less using such card by all state agencies. The
1291 Comptroller shall determine the public institution's pro rata share and, as provided in the general
1292 appropriation act, shall pay the institution by August 15 of the fiscal year immediately following the year
1293 of certification or as soon as practicable after August 15 of such fiscal year. The payment to an institution
1294 of its pro rata share under this subdivision shall also be applicable to other rebate or refund programs in
1295 effect that are similar to that of the credit card rebate program described in this subdivision. The Secretary
1296 of Finance shall identify such other rebate or refund programs and shall determine the pro rata share to be
1297 paid to the institution; and

1298 4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made
1299 by the institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered
1300 with the Department of General Services' web-based electronic procurement program commonly known
1301 as "eVA," as provided in the general appropriation act. Such rebate shall be certified by the Department
1302 of General Services and paid to each public institution by August 15 of the fiscal year immediately
1303 following the year of certification or as soon as practicable after August 15 of such fiscal year.

1304 **§ 23.1-2904. State Board; duties.**

1305 In addition to the duties of governing boards of public institutions of higher education set forth in
1306 Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1307 1. Be the state agency with primary responsibility for coordinating workforce training at the
1308 postsecondary through the associate degree level, exclusive of the career and technical education programs
1309 provided through and administered by the public school system. This responsibility shall not preclude
1310 other agencies from also providing such services as appropriate, but these activities shall be coordinated
1311 with the comprehensive community colleges;

1312 2. Report on actions that comprehensive community colleges have taken to meet the requirements
1313 of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required
1314 by the general appropriation act;

1315 3. Prepare and administer a plan providing standards and policies for the establishment,
1316 development, and administration of comprehensive community colleges under its authority. It shall
1317 determine the need for comprehensive community colleges and develop a statewide plan for their location
1318 and a time schedule for their establishment. In the development of such plan, a principal objective is to
1319 provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-
1320 100 to make appropriate educational opportunities and programs available throughout the
1321 Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in
1322 all curricula and shall establish and maintain standards appropriate to the various purposes the respective
1323 programs are designed to serve;

1324 4. Establish policies providing for the creation of a local community college board for each
1325 comprehensive community college established under this chapter and the procedures and regulations
1326 under which such local boards shall operate. These boards shall assist in ascertaining educational needs
1327 and enlisting community involvement and support and shall perform such other duties as may be
1328 prescribed by the State Board;

1329 5. Adhere to the policies of the Council for the coordination of higher education as required by
1330 law;

1331 6. Develop a mental health referral policy directing comprehensive community colleges to
1332 designate at least one individual at each college to serve as a point of contact with an emergency services
1333 system clinician at a local community services board, or another qualified mental health services provider,
1334 for the purposes of facilitating screening and referral of students who may have emergency or urgent
1335 mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and
1336 23.1-805. Each comprehensive community college may establish relationships with community services
1337 boards or other mental health providers for referral and treatment of persons with less serious mental
1338 health needs;

1339 7. Develop and implement, in coordination with the Council, the Department of Education, and
1340 the Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards
1341 regarding quality, consistency, and level of evaluation and review for dual enrollment and concurrent
1342 enrollment courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses
1343 taught in the System and (ii) a process and criteria for determining whether any dual enrollment or
1344 concurrent enrollment course offered in the Commonwealth that meets or exceeds such standards is
1345 transferable to a public institution of higher education as (a) a uniform certificate of general studies
1346 program or passport program course credit, (b) a general elective course credit, or (c) a course credit
1347 meeting other academic requirements of a public institution of higher education;

1348 8. Prepare and administer a plan to standardize across all comprehensive community colleges the
1349 courses offered and the quality and content of such courses, as well as to standardize the application and
1350 registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive
1351 community college to provide additional courses, beyond the standard class content offered across the
1352 System, that meet specific regional interests and needs. Regional courses shall be subject to the standards
1353 of quality applied to all courses offered in the System;

1354 9. Develop and implement a plan to standardize across all comprehensive community colleges the
1355 courses offered for health care-related degree, credential, or licensure programs, excluding any registered
1356 nursing programs. Such plan shall include procedures and criteria for (i) standardizing such courses by
1357 name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit

1358 toward the completion of any such health care-related program for any student enrolled in a
1359 comprehensive community college; and (iii) standardizing the manner in which academic and clinical
1360 hour credits are awarded for such courses to ensure that they are stackable and transferrable across the
1361 System; and

1362 10. Develop and implement accountability measures to periodically, but in no case less than every
1363 three years, review the performance of each comprehensive community college to ensure that all standards
1364 established by the Board are being met, with a goal of ensuring a consistent quality of education and
1365 opportunity across the System. If it is found that such standards are not being met at a particular institution,
1366 the Board shall develop a plan for corrective action specific to the issues presented at that institution.

1367 **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency;**
1368 **workforce training.**

1369 Each comprehensive community college shall enter into agreements with the local school divisions
1370 it serves to facilitate the dual enrollment and concurrent enrollment of eligible students into a Career
1371 Pathways program preparing students to pass a high school equivalency examination offered by the local
1372 school division and a postsecondary credential, certification, or license attainment program offered by the
1373 comprehensive community college.

1374 **2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the**
1375 **Virginia Administrative Code, as necessary to comply with and effectuate the provisions of this act.**

1376 **3. That the Board of Education shall develop the recommendations required pursuant to subsection**
1377 **B of § 21.1-253.13:4, as amended by this act, of the Code of Virginia, by December 1, 2024.**

1378 **4. That the provisions of subsection D of § 22.1-253.13:1, as amended by this act, of the Code of**
1379 **Virginia shall become effective August 1, 2025.**

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