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HOUSE BILL NO. 1051

Offered January 10, 2024

Prefiled January 10, 2024

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.*

Patron—Batten

Referred to Committee on Education

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 the high school, institution of higher education, or online by approved high school faculty, adjunct college faculty, or college faculty.

"Department" means the Department of Education.

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

"Dual enrollment" means a program whereby a student simultaneously receives dual high school credit and transcript college credit for a college-level course offered in the high school.

"Elementary" includes kindergarten.

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

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

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

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

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

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

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

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

"Superintendent" means the Superintendent of Public Instruction.

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

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

59 credential offered in the Virginia Community College System. Such guidelines and policies shall include
60 recommendations and strategies on how to ensure the prioritization of such programs to the maximum extent
61 practicable, including ways to direct prioritization of funding to such programs.

62 **§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 1. Instructional**
63 **programs supporting the Standards of Learning and other educational objectives.**

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

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

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

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

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

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

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

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

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

113 The Board shall include in the Standards of Learning for health instruction in emergency first aid,
114 cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice
115 of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the
116 current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation
117 and the use of an automated external defibrillator, such as a program developed by the American Heart
118 Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-
119 298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for

120 non-certification.

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

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

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

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

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

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

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

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

178 The Board shall establish standards for full funding of summer remedial programs that shall include, but
179 not be limited to, the minimum number of instructional hours or the equivalent thereof required for full
180 funding and an assessment system designed to evaluate program effectiveness. Based on the number of

181 students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be
 182 provided for the full cost of summer and other remediation programs as set forth in the appropriation act,
 183 provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-
 184 199.2.

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

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

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

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

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

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

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

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

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

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

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

217 6. Early identification of gifted students and enrollment of such students in appropriately differentiated
 218 instructional programs.

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

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

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

227 10. An agreement for postsecondary degree attainment with a comprehensive community college in the
 228 Commonwealth specifying the options for students to complete an associate degree ~~or~~, *the Passport*
 229 *Program*, a one-year Uniform Certificate of General Studies, *a Career Studies Certificate*, or a high-demand
 230 *industry-recognized credential* from a comprehensive community college concurrent with a high school
 231 diploma. Such agreement shall specify the credit available for dual enrollment *and concurrent enrollment*
 232 courses and Advanced Placement, *Cambridge International Assessment Education*, and *International*
 233 *Baccalaureate* courses with ~~qualifying college-qualifying exam scores of three or higher.~~

234 11. A plan to notify students and their parents of the availability of dual enrollment, *concurrent*
 235 *enrollment*, and advanced placement ~~classes~~ *courses*; career and technical education programs, including
 236 internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs,
 237 and other work-based learning experiences; the International Baccalaureate Program and Academic Year
 238 Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and
 239 the availability of financial assistance to low-income and needy students to take the advanced placement and
 240 International Baccalaureate examinations. This plan shall include notification to students and parents of the
 241 agreement with a comprehensive community college in the Commonwealth to enable students to complete an

242 associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

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

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

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

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

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

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

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

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

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

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

299 G. Each local school board shall provide a program of literacy instruction that is aligned with science-
300 based reading research and provides evidenced-based literacy instruction to students in kindergarten through
301 grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-
302 253.13:6. Pursuant to such program:

303 1. Each local school board shall provide reading intervention services to students in kindergarten through

304 grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards
305 of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading
306 intervention services shall consist of evidence-based literacy instruction, align with science-based reading
307 research, and be documented for each student in a written student reading plan, consistent with the
308 requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

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

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

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

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

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

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

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

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

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

347 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state**
348 **regulations.**

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

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

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

362 The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board
363 shall review the accreditation status of a school once every three years if the school has been fully accredited
364 for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the

365 school for each individual year within that triennial review period. If the Board finds that the school would
 366 have been accredited every year of that triennial review period the Board shall accredit the school for another
 367 three years. The Board may review the accreditation status of any other school once every two years or once
 368 every three years, provided that any school that receives a multiyear accreditation status other than full
 369 accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the
 370 period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to
 371 the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting
 372 requirements.

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

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

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

385 When the Board determines through its review process that the failure of schools within a division to meet
 386 the standards established by the Board is related to division-level failure to implement the Standards of
 387 Quality or other division-level action or inaction, the Board may require a division-level academic review.
 388 After the conduct of such review and within the time specified by the Board, each school board shall enter
 389 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval
 390 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a
 391 schedule designed to ensure that schools within its school division meet the standards established by the
 392 Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools
 393 within the division to meet the standards established by the Board, the Board may return the plan to the local
 394 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
 395 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

396 B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and
 397 recognizing educational performance in the Commonwealth's local school divisions and public schools. The
 398 portion of such criteria that measures individual student growth shall become an integral part of the
 399 accreditation process for schools in which any grade level in the grade three through eight range is taught.
 400 The Superintendent shall annually report to the Board on the accreditation status of all school divisions and
 401 schools. Such report shall include an analysis of the strengths and weaknesses of public education programs
 402 in the various school divisions in Virginia and recommendations to the General Assembly for further
 403 enhancing student learning uniformly across the Commonwealth. In recognizing educational performance
 404 and individual student growth in the school divisions, the Board shall include consideration of special school
 405 division accomplishments, such as numbers of dual enrollments *and concurrent enrollments* and students in
 406 Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's
 407 Schools.

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

413 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
 414 determine the level of achievement of the Standards of Learning objectives by all students. Such assessments
 415 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of
 416 Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a
 417 regular analysis and validation process for these assessments. In lieu of a one-time end-of-year assessment,
 418 the Board shall establish, for the purpose of providing measures of individual student growth over the course
 419 of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the
 420 administration of reading and mathematics assessments in grades three through eight. Such through-year
 421 growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year
 422 assessment in order to provide individual student growth scores over the course of the school year, but the
 423 total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for
 424 taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for
 425 teachers and principals on how to interpret and use student growth data from such assessments to improve

426 reading and mathematics instruction in grades three through eight throughout the school year. With such
427 funds and content as are available for such purpose, such through-year growth assessment system shall
428 provide accurate measurement of a student's performance, through computer adaptive technology, using test
429 items at, below, and above the student's grade level as necessary.

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

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

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

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

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

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

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

466 Local school divisions shall provide targeted mathematics remediation and intervention to students in
467 grades six through eight who show computational deficiencies as demonstrated by their individual
468 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-
469 calculator computational skills.

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

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

479 The Standards of Learning requirements, including all related assessments, shall be waived for any
480 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to §
481 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by
482 the Board or in an adult basic education program or an adult secondary education program to obtain the high
483 school diploma or a high school equivalency certificate.

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

486 The Board may adopt special provisions related to the administration and use of any Standards of

487 Learning test or tests in a content area as applied to accreditation ratings for any period during which the
488 Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide
489 administration of such tests, the Board shall provide notice to local school boards regarding such special
490 provisions.

491 The Board shall not include in its calculation of the passage rate for a Standards of Learning assessment or
492 the level of achievement of the Standards of Learning objectives for an individual student growth assessment
493 for the purposes of state accountability any student whose parent has decided to not have his child take such
494 Standards of Learning assessment, unless such exclusions would result in the school's not meeting any
495 required state or federal participation rate.

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

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

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

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

517 E. With such funds as may be appropriated, the Board may provide, through an agreement with vendors
518 having the technical capacity and expertise to provide computerized tests and assessments, and test
519 construction, analysis, and security, for (i) web-based computerized tests and assessments, including
520 computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after
521 remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

522 F. To assess the educational progress of students as individuals and as groups, each local school board
523 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,
524 such as industry certification and state licensure examinations, to evaluate student progress and to determine
525 educational performance. Each local school shall require the administration of appropriate assessments to
526 students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards
527 of Learning assessments, the local school board's alternative assessments, and the National Assessment of
528 Educational Progress state-by-state assessment. Each school board shall provide teachers, parents, principals,
529 and other school leaders with their students' results on any Standards of Learning assessment or Virginia
530 Alternate Assessment Program assessment as soon as practicable after the assessment is administered. Each
531 school board shall analyze and report annually, in compliance with any criteria that may be established by the
532 Board, the results from industry certification examinations and the Standards of Learning assessments to the
533 public.

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

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

546 H. Any school board may request the Board for release from state regulations or, on behalf of one or more
547 of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance

548 of one or more of its schools as authorized for certain other schools by the Standards for Accreditation
 549 pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements
 550 may be granted by the Board based on submission of a request from the division superintendent and chairman
 551 of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory
 552 requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The
 553 school board shall provide in its waiver request a description of how the releases from state regulations are
 554 designed to increase the quality of instruction and improve the achievement of students in the affected school
 555 or schools. The Department shall provide (a) guidance to any local school division that requests releases from
 556 state regulations and (b) information about opportunities to form partnerships with other agencies or entities
 557 to any local school division in which the school or schools granted releases from state regulations have
 558 demonstrated improvement in the quality of instruction and the achievement of students.

559 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based
 560 on submission of a request from the division superintendent and chairman of the local school board,
 561 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
 562 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
 563 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
 564 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
 565 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
 566 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
 567 five-year increments, or revoked, based on student achievement results in the affected school or schools.

568 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

569 A. Each local school board shall award diplomas to all secondary school students, including students who
 570 transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the
 571 Board and meet such other requirements as may be prescribed by the local school board and approved by the
 572 Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from
 573 other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards
 574 for accreditation. ~~The standards for accreditation shall include provisions relating to the completion of~~
 575 ~~graduation requirements through Virtual Virginia.~~ Further, reasonable accommodation to meet the
 576 requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

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

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

584 ~~B. Students identified as disabled who complete the requirements of their individualized education~~
 585 ~~programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the~~
 586 ~~requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The~~
 587 ~~Board shall develop and implement statewide requirements for earning an Applied Studies diploma for~~
 588 ~~implementation at the beginning of the 2022-2023 school year.~~

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

592 The Department shall develop guidance, in multiple languages, for students and parents conveying ~~(i) the~~
 593 ~~limitations of the applied studies diploma; (ii) key curriculum and testing decisions that reduce the likelihood~~
 594 ~~that a student will be able to obtain a standard diploma; and (iii) a statement that the pursuit of an applied~~
 595 ~~studies diploma may preclude a student's ability to pursue a standard diploma~~ *recommendations in lieu of the*
 596 *applied studies diploma that focus on ensuring that a student can pursue a standard diploma. Each local*
 597 *school board shall provide guidance from the Department to parents of students with disabilities regarding*
 598 *the transition from an applied studies diploma pathway to a standard diploma pathway.*

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

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

606 Each local school board shall provide notification of the right to a free public education for students who
 607 have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et
 608 seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as

609 provided in the standards for accreditation. If such student who does not graduate or complete such
 610 requirements is a student for whom English is a second language, the local school board shall notify the
 611 parent of the student's opportunity for a free public education in accordance with § 22.1-5.

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

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

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

620 3. Establish ~~multiple~~ paths toward college, *military*, and career readiness for students to follow in the later
 621 years of high school. Each such pathway shall include opportunities for internships, externships,
 622 *apprenticeships*, and *high-demand* credentialing.

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

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

631 6. Require that students (i) ~~complete~~ *earn college course credit through* an Advanced Placement, ~~honors~~
 632 *Cambridge International Assessment Education*, International Baccalaureate, ~~or~~ *dual enrollment, or*
 633 *concurrent enrollment* course; (ii) *earn an associate degree*; (iii) *earn an enlistment-qualifying score on the*
 634 *Armed Forces Qualification Test*; (iv) complete a high-quality work-based learning experience, as defined by
 635 the Board; or ~~(iii)~~ (v) earn a *high-demand* career and technical education credential that has been approved by
 636 the Board, except when *such a career and technical education* credential in a particular subject area is not
 637 readily available or appropriate or does not adequately measure student competency, in which case the
 638 student shall receive satisfactory competency-based instruction in the subject area to earn credit. ~~The career~~
 639 ~~and technical education credential, when required, could include the successful completion of an industry~~
 640 ~~certification, a state licensure examination, a national occupational competency assessment, the Armed~~
 641 ~~Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.~~ The Department
 642 shall develop, maintain, and make available to each local school board a catalogue of the testing
 643 accommodations available to English language learners for ~~each such~~ *any* certification, examination,
 644 assessment, ~~and battery or test that may be used to satisfy the requirements of this subdivision.~~ Each local
 645 school board shall develop and implement policies to require each high school principal or his designee to
 646 notify each English language learner of the availability of such testing accommodations prior to the student's
 647 participation in any such certification, examination, assessment, or ~~battery~~ *test*.

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

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

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

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

656 ~~11.~~ 10. Establish a procedure to facilitate the acceleration of students that allows qualified students, with
 657 the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit
 658 for such class upon demonstrating mastery of the course content and objectives and receiving a passing score
 659 on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school
 660 division personnel from enforcing compulsory attendance in public schools.

661 ~~12.~~ 11. Provide for the award of credit for passing scores on industry certifications, state licensure
 662 examinations, and national occupational competency assessments approved by the Board.

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

668 For the purposes of this subdivision, "career and technical education completer" means a student who has
 669 met the requirements for a *high-demand* career and technical concentration or specialization and all

670 requirements for high school graduation or an approved alternative education program.

671 In addition, the Board may:

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

675 b. Permit students completing *high-demand* career and technical education programs designed to enable
676 such students to pass such industry certification examinations or state licensure examinations to be awarded,
677 upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit
678 for one or more *high-demand* career and technical education classes into which relevant Standards of
679 Learning for various classes taught at the same level have been integrated. Such industry certification and
680 state licensure examinations may cover relevant Standards of Learning for various required classes and may,
681 at the discretion of the Board, address some Standards of Learning for several required classes.

682 12. Approve *degree-qualifying high-demand industry-recognized credentials and work-based learning*
683 *experiences aligned to Department-designated fields selected from the Virginia Office of Education*
684 *Economics' annually updated top jobs list as approved by the Virginia Board of Workforce Development and*
685 *annually publish a list of such approved credentials and experiences.*

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

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

694 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of
695 instruction upon providing the ~~Board~~ *division superintendent* with satisfactory proof, based on Board
696 guidelines, that the students for whom such requirements are waived have learned the content and skills
697 included in the relevant Standards of Learning.

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

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

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

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

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

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

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

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

727 3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and
728 understanding of our state and federal constitutions and the democratic model of government for the Board-
729 approved diplomas. The Board shall consider including criteria for (i) successful completion of history,
730 government, and civics courses, including courses that incorporate character education; (ii) voluntary

731 participation in community service or extracurricular activities that includes the types of activities that shall
 732 qualify as community service and the number of hours required; and (iii) related requirements as it deems
 733 appropriate.

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

741 F. The Board shall establish, by regulation, requirements for the award of a general achievement adult
 742 high school diploma for those persons who are not subject to the compulsory school attendance requirements
 743 of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by
 744 the Board; (ii) successfully completed an education and training program designated by the Board; (iii)
 745 earned a Board-approved *high-demand* career and technical education credential such as the successful
 746 completion of an industry certification, a state licensure examination, a national occupational competency
 747 assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills
 748 assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such
 749 diploma.

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

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

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

760 *J. The Department shall conduct an annual return on investment analysis and provide a summary report*
 761 *and detailed dataset to the Governor, General Assembly, and Virginia Board of Workforce Development and*
 762 *publicly post on its website by November 15 of each year the Commonwealth's K through 12 career and*
 763 *technical education (CTE) offerings, including industry certifications obtained, state licensure examinations*
 764 *passed, national occupational competency assessments passed, enlistment-qualifying scores on the Armed*
 765 *Forces Qualification Test achieved, Virginia workplace readiness skills assessments passed, and the number*
 766 *of CTE completers. Such report and dataset shall include:*

767 1. *The alignment of existing CTE offerings with employer demand, postsecondary degree or certificate*
 768 *programs, and industry-recognized credentials;*

769 2. *The CTE offerings that are linked to high-demand occupations;*

770 3. *An evaluation of student participation and outcomes, such as postsecondary attainment, employment*
 771 *status, and wage earnings, associated with each CTE program disaggregated by student demographics,*
 772 *program, and school division;*

773 4. *Information that can be used to improve the alignment and quality of CTE programs and increase*
 774 *access and successful outcomes for all students, including:*

775 a. *Information about the availability, quality, and student outcomes of CTE offerings to support students*
 776 *and their families in making informed decisions about their educational options;*

777 b. *A list of existing CTE programs that are not aligned to employer demand; and*

778 c. *A list of in-demand knowledge, skills, and competencies by employers that are currently not being met*
 779 *through existing CTE program offerings; and*

780 5. *Beginning with the report due on November 15, 2025, an update on the implementation status,*
 781 *activities, and outcomes stemming from the immediately preceding report's recommendations.*

782 **§ 23.1-100. Definitions.**

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

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

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

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

788 "Baccalaureate public institution of higher education" includes Christopher Newport University, George
 789 Mason University, James Madison University, Longwood University, the University of Mary Washington,
 790 Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the
 791 University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth

792 University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State
793 University, and The College of William and Mary in Virginia.

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

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

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

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

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

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

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

807 "*Concurrent enrollment*" means a program whereby a postsecondary course is taught at the high school,
808 institution of higher education, or online by approved high school faculty, adjunct college faculty, or college
809 faculty.

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

811 "*Dual enrollment*" means a program whereby a student simultaneously receives dual high school credit
812 and transcript college credit for a college-level course offered in the high school.

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

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

818 "Nonprofit private institution of higher education" means any postsecondary school, as that term is
819 defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under §
820 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such
821 certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

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

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

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

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

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

833 "System" means the Virginia Community College System.

834 "Virginia student" means any student who has established domicile in the Commonwealth pursuant to §
835 23.1-502.

836 **§ 23.1-301. Short title; objective; purposes.**

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

839 B. The objective of this chapter is to fuel strong economic growth in the Commonwealth and prepare
840 Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by establishing
841 a long-term commitment, policy, and framework for sustained investment and innovation that will (i) enable
842 the Commonwealth to build upon the strengths of its excellent higher education system and achieve national
843 and international leadership in college degree attainment and personal income and (ii) ensure that these
844 educational and economic opportunities are accessible and affordable for all capable and committed Virginia
845 students.

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

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

853 2. To take optimal advantage of the demonstrated correlation between higher education and economic

854 growth by investing in higher education in a manner that will generate economic growth, job creation,
855 personal income growth, and revenues generated for state and local government in the Commonwealth;

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

864 4. To enhance personal opportunity and earning power for individual Virginians by (i) increasing college
865 degree attainment in the Commonwealth, especially in high-demand, high-income fields such as STEM and
866 health care fields and (ii) providing information about the economic value and impact of individual degree
867 programs by institution;

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

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

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

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

889 9. To establish a higher education funding framework and policy that promotes stable, predictable,
890 equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides
891 incentives for increased enrollment of Virginia students at public institutions of higher education and
892 nonprofit private institutions of higher education, provides need-based financial aid for low-income and
893 middle-income students and families, relieves the upward pressure on tuition associated with loss of state
894 support due to economic downturns or other causes, and provides financial incentives to promote innovation
895 and enhanced economic opportunity in furtherance of the objective of this chapter set forth in subsection A;
896 and

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

903 **§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.**

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

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

912 2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for
913 federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has
914 been employed full time in the Commonwealth for at least one year immediately prior to the date of the

915 alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for
 916 the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state
 917 tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia
 918 income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for
 919 Virginia and federal income tax purposes.

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

922 4. Any veteran who resides in the Commonwealth.

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

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

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

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

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

938 10. Any non-Virginia student who is currently present in the Commonwealth as a result of being a victim
 939 of human trafficking. For the purposes of this subdivision, a person may be a victim of human trafficking
 940 regardless of whether any person has been charged with or convicted of any offense. Eligibility under this
 941 subdivision may be proved by a certification of such status as a victim of human trafficking by a federal,
 942 state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to
 943 victims of human trafficking. For the purposes of this subdivision, "victim of human trafficking" means a
 944 victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation of § 18.2-346; (iii) a
 945 violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv) sex trafficking or severe
 946 forms of trafficking in persons as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §
 947 7101 et seq. Public institutions of higher education shall automatically record any student qualifying for in-
 948 state tuition pursuant to this subdivision as opting out of making any directory or educational information
 949 available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such
 950 directory or educational information to be made available.

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

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

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

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

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

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

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

976 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia

977 student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

978 **§ 23.1-509. In-state tuition; surcharge.**

979 A. For the purpose of this section:

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

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

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

989 C. In calculating the credit hour threshold, the following courses and credit hours shall be excluded: (i)
990 remedial courses; (ii) transfer credits from another institution of higher education that do not meet degree
991 requirements for general education courses or the student's chosen program of study; (iii) advanced
992 placement or international baccalaureate credits that were obtained while in high school or another secondary
993 school program; and (iv) dual enrollment; *or concurrent enrollment* college-level credits obtained by the
994 student prior to receiving a high school diploma.

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

998 **§ 23.1-905.1. Course credit; dual enrollment and concurrent enrollment courses.**

999 A. The Council, in consultation with each public institution of higher education, shall establish a policy
1000 for granting undergraduate course credit to any entering student who has successfully completed a dual
1001 enrollment *or concurrent enrollment* course. The policy shall:

1002 1. Outline the conditions necessary for each public institution of higher education to grant course credit
1003 for the successful completion of a dual enrollment *or concurrent enrollment* course;

1004 2. Identify whether each dual enrollment course *and each concurrent enrollment course* offered in the
1005 Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate of
1006 General Studies Program or Passport Program course credit, (ii) a general elective course credit, or (iii) a
1007 course credit meeting other academic requirements of a public institution of higher education, or if such
1008 course is not likely to transfer for course credit. The policy shall also require that each school division and
1009 comprehensive community college offering a dual enrollment *or concurrent enrollment* course clearly
1010 specify such transfer information on any website, literature, or other materials describing or advertising the
1011 course;

1012 3. Require each public institution of higher education offering a dual enrollment *or concurrent enrollment*
1013 course to identify the equivalent non-dual enrollment course *or non-concurrent enrollment course*;

1014 4. Ensure that the grant of course credit is consistent across each public institution of higher education and
1015 each such dual enrollment course *and concurrent enrollment course*; and

1016 5. Require that the following information be made available on the online portal maintained by the System
1017 pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course *and each concurrent*
1018 *enrollment course* offered in the Commonwealth; (ii) the specific academic, career, or technical programs in
1019 the System that will accept the course credit and which specific comprehensive community colleges offer
1020 such programs; and (iii) if available, the pathway maps in which the dual enrollment *or concurrent*
1021 *enrollment* course is included.

1022 B. The Council and each public institution of higher education shall make the policy available to the
1023 public on their websites. The Council shall also forward the policy to the System for inclusion in the online
1024 portal maintained by the System pursuant to § 23.1-908.

1025 C. The Council shall annually report to the House Committee on Education and the Senate Committee on
1026 Education and Health on the implementation of the course credit policy by each public institution of higher
1027 education.

1028 **§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of
1029 certain comprehensive community college graduates.**

1030 A. The board of visitors of each baccalaureate public institution of higher education shall develop,
1031 consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation,
1032 dual admissions, and guaranteed admissions agreements with each associate-degree-granting public
1033 institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed
1034 admission of a student who earns an associate degree concurrently with a high school diploma through a dual
1035 enrollment *or concurrent enrollment* program, in addition to any guaranteed admission for a student who
1036 earns an associate degree post-high school.

1037 B. The System, in cooperation with the Council and each public institution of higher education, and

1038 consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a one-
 1039 semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport
 1040 Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform
 1041 Certificate of General Studies Program. Each Uniform Certificate of General Studies Program and Passport
 1042 Program course shall be transferable and shall satisfy a lower division general education requirement at any
 1043 public institution of higher education. The Uniform Certificate of General Studies Program and Passport
 1044 Program shall be available at each comprehensive community college and through the Online Virginia
 1045 Network.

1046 C. The Council shall establish procedures under which a baccalaureate public institution of higher
 1047 education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of
 1048 General Studies Program or Passport Program course to satisfy the requirements for the completion of a
 1049 specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i)
 1050 generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies
 1051 Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of
 1052 General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver
 1053 shall identify with particularity the course for which the institution is seeking a waiver and the particular
 1054 pathway or degree to which the waiver would apply. The application shall provide justification for the waiver
 1055 and shall designate alternative courses offered through the System that may be completed by a student in
 1056 order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour Passport. The Council
 1057 shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver
 1058 requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education
 1059 provides evidence that the specified pathway or degree requires a specialized, lower division course not
 1060 available through the System. Once approved, notice of a waiver granted by the Council shall be included in
 1061 the online portal established pursuant to § 23.1-908.

1062 D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public
 1063 institutions of higher education to use in mapping pathways for the completion of credits in particular
 1064 programs of study, including the courses recommended to be taken in a dual enrollment, *concurrent*
 1065 *enrollment*, comprehensive community college, and baccalaureate public institution setting in order to pursue
 1066 a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the
 1067 pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a
 1068 multiyear schedule for the development and implementation of pathway maps for all fields of study.

1069 E. Each baccalaureate public institution of higher education, in cooperation and consultation with the
 1070 System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D.
 1071 Such pathways maps shall clearly set forth the courses that a student at a comprehensive community college
 1072 is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career
 1073 education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of
 1074 completing a degree program. Such program map shall also clearly identify the courses, if any, for which the
 1075 baccalaureate institution has received a waiver from transfer pursuant to subsection C.

1076 F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from
 1077 comprehensive community colleges to baccalaureate public institutions of higher education, including a
 1078 review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the
 1079 completion of a degree program. The report shall include the following elements: completion rates, average
 1080 time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency.
 1081 The Council shall adopt guidelines for data submission from public institutions of higher education necessary
 1082 for such report, and all institutions shall report such data in accordance with the guidelines. The report shall
 1083 be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908
 1084 .

1085 G. Each comprehensive community college shall develop agreements for postsecondary attainment with
 1086 the public high schools in the school divisions that such comprehensive community college serves specifying
 1087 the options for students to complete an associate degree, the Passport Program, ~~or~~ the Uniform Certificate of
 1088 General Studies Program, *a Career Studies Certificate, or a high-demand industry-recognized credential*
 1089 *concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment*
 1090 *and concurrent enrollment* courses and Advanced Placement, *Cambridge International Assessment*
 1091 *Education, and International Baccalaureate* courses with ~~qualifying college-qualifying exam scores of three~~
 1092 ~~or higher.~~

1093 H. The provisions of this section shall not apply to any public institution of higher education established
 1094 pursuant to Chapter 25 (§ 23.1-2500 et seq.).

1095 **§ 23.1-908. State Transfer Tool.**

1096 A. The Council shall develop, in cooperation with the System and each public institution of higher
 1097 education, a State Transfer Tool that designates each general education course, in addition to the courses that
 1098 comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an

1099 associate degree program at an associate-degree-granting public institution of higher education and
 1100 transferable for course credit to a baccalaureate public institution of higher education. In developing the State
 1101 Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

1102 B. The Council shall develop guidelines to govern the development and implementation of articulation,
 1103 dual admissions, and guaranteed admissions agreements between associate-degree-granting public
 1104 institutions of higher education and baccalaureate public institutions of higher education. Dual admissions
 1105 agreements shall set forth (i) the obligations of each student accepted to such a program, including grade
 1106 point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the extent
 1107 to which each student accepted to such a program may access the privileges of enrollment at both institutions
 1108 while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the
 1109 baccalaureate public institutions of higher education.

1110 C. Each baccalaureate public institution of higher education shall update its transfer agreements
 1111 immediately following any program modifications and shall send a copy of its updated agreement and any
 1112 other transfer-related documents and resources to the System. The Council shall also send to the System a
 1113 copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online
 1114 portal that allows access to all such agreements, documents, and resources. The online portal shall also
 1115 include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to
 1116 subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information
 1117 regarding dual enrollment *and concurrent enrollment* courses as described in § 23.1-905.1, and (v) any other
 1118 information required to be included by law or deemed relevant by the System. The online portal shall be
 1119 available to the public on the websites of the Council, the System, each public institution of higher education,
 1120 and each school division offering a dual enrollment *or concurrent enrollment* course.

1121 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority and**
 1122 **financial benefits.**

1123 A. The state goals for each public institution of higher education are to:

1124 1. Consistent with its institutional mission, provide access to higher education for all citizens throughout
 1125 the Commonwealth, including underrepresented populations, and consistent with subdivision 4 of § 23.1-203
 1126 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as
 1127 agreed upon with the Council. Each such institution shall bear a measure of responsibility for ensuring that
 1128 the statewide demand for enrollment is met;

1129 2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of individual or
 1130 family income, and through a periodic assessment determine the impact of tuition and fee levels net of
 1131 financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition,
 1132 mandatory fees, and other necessary charges;

1133 3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its
 1134 mission and assess regularly the extent to which the institution's curricula and degree programs address the
 1135 Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic
 1136 disciplines, professions, and geographic regions;

1137 4. Ensure that the institution's academic programs and course offerings maintain high academic standards
 1138 by undertaking a continuous review and improvement of academic programs, course availability, faculty
 1139 productivity, and other relevant factors;

1140 5. Improve student retention so that students progress from initial enrollment to a timely graduation and
 1141 the number of degrees conferred increases as enrollment increases;

1142 6. Consistent with its institutional mission, develop articulation agreements that have uniform application
 1143 to all comprehensive community colleges and meet appropriate general education and program requirements
 1144 at the baccalaureate institution of higher education, provide additional opportunities for associate degree
 1145 graduates to be admitted and enrolled, and offer dual enrollment *and concurrent enrollment* programs in
 1146 cooperation with high schools;

1147 7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the
 1148 area in which the institution is located, and for those institutions subject to a management agreement pursuant
 1149 to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and employment rates;

1150 8. Consistent with its institutional mission, increase the level of externally funded research conducted at
 1151 the institution and facilitate the transfer of technology from university research centers to private sector
 1152 companies;

1153 9. Work actively and cooperatively with public elementary and secondary school administrators, teachers,
 1154 and students to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen
 1155 leadership skills of school administrators;

1156 10. Prepare a six-year financial plan consistent with § 23.1-306;

1157 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational
 1158 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and
 1159 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in the

1160 current general appropriation act, which shall include best practices for electronic procurement and leveraged
1161 purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair
1162 and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

1163 12. Seek to ensure the safety and security of students on campus.

1164 B. Each public institution of higher education that meets the state goals set forth in subsection A on or
1165 after August 1, 2005, may:

1166 1. Dispose of its surplus materials at the location where the surplus materials are held and retain any
1167 proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1168 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a building
1169 official of the locality in which construction is taking place and for such official to perform any inspection
1170 and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to
1171 subsection C of § 36-98.1;

1172 3. For each public institution of higher education that has in effect a signed memorandum of
1173 understanding with the Secretary of Administration regarding participation in the nongeneral fund
1174 decentralization program as set forth in the general appropriation act, as provided in subsection C of § 2.2-
1175 1132, enter into contracts for specific construction projects without the preliminary review and approval of
1176 the Division of Engineering and Buildings of the Department of General Services, provided that such
1177 institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et
1178 seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division of
1179 Engineering and Buildings and the Office of the Attorney General;

1180 4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

1181 5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions in
1182 subdivision 5 of § 2.2-1149;

1183 6. Convey an easement pertaining to any property such institution owns or controls as provided in
1184 subsection C of § 2.2-1150;

1185 7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus real
1186 property that is possessed and controlled by the institution and valued at less than \$5 million;

1187 8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a vendor
1188 that the institution has certified as a small, women-owned, or minority-owned business enterprise pursuant to
1189 the conditions and provisions in § 2.2-1609;

1190 9. Be exempt from review of its budget request for information technology by the CIO as provided in
1191 subdivision B 3 of § 2.2-2007.1;

1192 10. Adopt policies for the designation of administrative and professional faculty positions at the institution
1193 pursuant to the conditions and provisions in subsection E of § 2.2-2901;

1194 11. Be exempt from reporting its purchases to the Secretary of Education, provided that all purchases,
1195 including sole source purchases, are placed through the Commonwealth's electronic procurement system
1196 using proper system codes for the methods of procurement; and

1197 12. Utilize as methods of procurement a fixed price, design-build, or construction management contract in
1198 compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

1199 C. Each public institution of higher education that (i) has been certified during the fiscal year by the
1200 Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public institutions
1201 of higher education and (ii) meets the state goals set in subsection A shall receive the following financial
1202 benefits:

1203 1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues deposited
1204 into the state treasury by the institution, as provided in the general appropriation act. Such interest shall be
1205 paid from the general fund and shall be an appropriate and equitable amount as determined and certified in
1206 writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as soon as practicable
1207 after the end of such fiscal year;

1208 2. Any unexpended appropriations of the public institution of higher education at the end of the fiscal
1209 year, which shall be reappropriated and allotted for expenditure by the institution in the immediately
1210 following fiscal year;

1211 3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000 or less
1212 made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share based upon
1213 its total transactions of \$5,000 or less using the credit card that is approved for use by all state agencies as
1214 compared to all transactions of \$5,000 or less using such card by all state agencies. The Comptroller shall
1215 determine the public institution's pro rata share and, as provided in the general appropriation act, shall pay the
1216 institution by August 15 of the fiscal year immediately following the year of certification or as soon as
1217 practicable after August 15 of such fiscal year. The payment to an institution of its pro rata share under this
1218 subdivision shall also be applicable to other rebate or refund programs in effect that are similar to that of the
1219 credit card rebate program described in this subdivision. The Secretary of Finance shall identify such other
1220 rebate or refund programs and shall determine the pro rata share to be paid to the institution; and

1221 4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made by the

1222 institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered with the
1223 Department of General Services' web-based electronic procurement program commonly known as "eVA," as
1224 provided in the general appropriation act. Such rebate shall be certified by the Department of General
1225 Services and paid to each public institution by August 15 of the fiscal year immediately following the year of
1226 certification or as soon as practicable after August 15 of such fiscal year.

1227 **§ 23.1-2904. State Board; duties.**

1228 In addition to the duties of governing boards of public institutions of higher education set forth in Chapter
1229 13 (§ 23.1-1300 et seq.), the State Board shall:

1230 1. Be the state agency with primary responsibility for coordinating workforce training at the
1231 postsecondary through the associate degree level, exclusive of the career and technical education programs
1232 provided through and administered by the public school system. This responsibility shall not preclude other
1233 agencies from also providing such services as appropriate, but these activities shall be coordinated with the
1234 comprehensive community colleges;

1235 2. Report on actions that comprehensive community colleges have taken to meet the requirements of §
1236 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the
1237 general appropriation act;

1238 3. Prepare and administer a plan providing standards and policies for the establishment, development, and
1239 administration of comprehensive community colleges under its authority. It shall determine the need for
1240 comprehensive community colleges and develop a statewide plan for their location and a time schedule for
1241 their establishment. In the development of such plan, a principal objective is to provide and maintain a system
1242 of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational
1243 opportunities and programs available throughout the Commonwealth. In providing these offerings, the State
1244 Board shall recognize the need for excellence in all curricula and shall establish and maintain standards
1245 appropriate to the various purposes the respective programs are designed to serve;

1246 4. Establish policies providing for the creation of a local community college board for each
1247 comprehensive community college established under this chapter and the procedures and regulations under
1248 which such local boards shall operate. These boards shall assist in ascertaining educational needs and
1249 enlisting community involvement and support and shall perform such other duties as may be prescribed by
1250 the State Board;

1251 5. Adhere to the policies of the Council for the coordination of higher education as required by law;

1252 6. Develop a mental health referral policy directing comprehensive community colleges to designate at
1253 least one individual at each college to serve as a point of contact with an emergency services system clinician
1254 at a local community services board, or another qualified mental health services provider, for the purposes of
1255 facilitating screening and referral of students who may have emergency or urgent mental health needs and of
1256 assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive
1257 community college may establish relationships with community services boards or other mental health
1258 providers for referral and treatment of persons with less serious mental health needs;

1259 7. Develop and implement, in coordination with the Council, the Department of Education, and the
1260 Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards
1261 regarding quality, consistency, and level of evaluation and review for dual enrollment *and concurrent*
1262 *enrollment* courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses
1263 taught in the System and (ii) a process and criteria for determining whether any dual enrollment *or*
1264 *concurrent enrollment* course offered in the Commonwealth that meets or exceeds such standards is
1265 transferable to a public institution of higher education as (a) a uniform certificate of general studies program
1266 or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other
1267 academic requirements of a public institution of higher education;

1268 8. Prepare and administer a plan to standardize across all comprehensive community colleges the courses
1269 offered and the quality and content of such courses, as well as to standardize the application and registration
1270 process at all comprehensive community colleges. Such plan shall allow for a comprehensive community
1271 college to provide additional courses, beyond the standard class content offered across the System, that meet
1272 specific regional interests and needs. Regional courses shall be subject to the standards of quality applied to
1273 all courses offered in the System;

1274 9. Develop and implement a plan to standardize across all comprehensive community colleges the courses
1275 offered for health care-related degree, credential, or licensure programs, excluding any registered nursing
1276 programs. Such plan shall include procedures and criteria for (i) standardizing such courses by name,
1277 curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit toward the
1278 completion of any such health care-related program for any student enrolled in a comprehensive community
1279 college; and (iii) standardizing the manner in which academic and clinical hour credits are awarded for such
1280 courses to ensure that they are stackable and transferrable across the System; and

1281 10. Develop and implement accountability measures to periodically, but in no case less than every three
1282 years, review the performance of each comprehensive community college to ensure that all standards

1283 established by the Board are being met, with a goal of ensuring a consistent quality of education and
1284 opportunity across the System. If it is found that such standards are not being met at a particular institution,
1285 the Board shall develop a plan for corrective action specific to the issues presented at that institution.

1286 **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency; workforce**
1287 **training.**

1288 Each comprehensive community college shall enter into agreements with the local school divisions it
1289 serves to facilitate *the dual enrollment and concurrent enrollment* of eligible students into a Career Pathways
1290 program preparing students to pass a high school equivalency examination offered by the local school
1291 division and a postsecondary credential, certification, or license attainment program offered by the
1292 comprehensive community college.

1293 **2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the Virginia**
1294 **Administrative Code, as necessary to comply with and effectuate the provisions of this act.**