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SENATE BILL NO. 563

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to direct the Department of Education, in collaboration with the Virginia Community College System, to study the feasibility of and make recommendations on developing a plan for establishing in Planning District 2 a regional career and technical education program.

Patron—Hackworth

Referred to Committee on Education and Health

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 credential offered in the Virginia Community College System. Such guidelines and policies shall include

59 recommendations and strategies on how to ensure the prioritization of such programs to the maximum extent
60 practicable, including ways to direct prioritization of funding to such programs.

61 **§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 1. Instructional**
62 **programs supporting the Standards of Learning and other educational objectives.**

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

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

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

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

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

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

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

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

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

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

120 With such funds as are made available for this purpose, the Board shall regularly review and revise the

121 competencies for career and technical education programs to require the full integration of English,
 122 mathematics, science, and history and social science Standards of Learning. Career and technical education
 123 programs shall be aligned with industry and professional standard certifications, where they exist.

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

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

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

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

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

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

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

177 The Board shall establish standards for full funding of summer remedial programs that shall include, but
 178 not be limited to, the minimum number of instructional hours or the equivalent thereof required for full
 179 funding and an assessment system designed to evaluate program effectiveness. Based on the number of
 180 students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be
 181 provided for the full cost of summer and other remediation programs as set forth in the appropriation act,

182 provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-
183 199.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

242 12. Identification of students with limited English proficiency and enrollment of such students in

243 appropriate instructional programs, which programs may include dual language programs whereby such
 244 students receive instruction in English and in a second language.

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

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

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

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

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

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

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

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

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

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

302 1. Each local school board shall provide reading intervention services to students in kindergarten through
 303 grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards

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

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

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

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

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

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

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

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

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

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

346 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state**
347 **regulations.**

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

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

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

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

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

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

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

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

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

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

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

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

426 funds and content as are available for such purpose, such through-year growth assessment system shall
427 provide accurate measurement of a student's performance, through computer adaptive technology, using test
428 items at, below, and above the student's grade level as necessary.

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

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

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

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

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

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

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

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

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

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

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

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

485 The Board may adopt special provisions related to the administration and use of any Standards of
486 Learning test or tests in a content area as applied to accreditation ratings for any period during which the

487 Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide
488 administration of such tests, the Board shall provide notice to local school boards regarding such special
489 provisions.

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

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

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

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

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

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

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

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

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

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

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

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

567 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

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

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

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

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

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

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

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

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

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

609 requirements is a student for whom English is a second language, the local school board shall notify the
 610 parent of the student's opportunity for a free public education in accordance with § 22.1-5.

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

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

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

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

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

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

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

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

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

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

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

655 11. 10. Establish a procedure to facilitate the acceleration of students that allows qualified students, with
 656 the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit
 657 for such class upon demonstrating mastery of the course content and objectives and receiving a passing score
 658 on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school
 659 division personnel from enforcing compulsory attendance in public schools.

660 12. 11. Provide for the award of credit for passing scores on industry certifications, state licensure
 661 examinations, and national occupational competency assessments approved by the Board.

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

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

670 In addition, the Board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

732 appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

781 **§ 23.1-100. Definitions.**

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

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

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

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

787 "Baccalaureate public institution of higher education" includes Christopher Newport University, George
 788 Mason University, James Madison University, Longwood University, the University of Mary Washington,
 789 Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the
 790 University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth
 791 University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State
 792 University, and The College of William and Mary in Virginia.

793 "Chief executive officer" includes the Chancellor of the Virginia Community College System, the

794 Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute,
795 and the president of each other public institution of higher education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

832 "System" means the Virginia Community College System.

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

835 **§ 23.1-301. Short title; objective; purposes.**

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

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

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

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

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

855 3. To (i) place the Commonwealth among the most highly educated states and countries by conferring

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

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

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

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

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

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

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

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

902 **§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.**

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

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

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

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

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

921 4. Any veteran who resides in the Commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

977 **§ 23.1-509. In-state tuition; surcharge.**

978 A. For the purpose of this section:

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

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

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

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

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

997 **§ 23.1-905.1. Course credit; dual enrollment and concurrent enrollment courses.**

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

1001 1. Outline the conditions necessary for each public institution of higher education to grant course credit
1002 for the successful completion of a dual enrollment *or concurrent enrollment* course;

1003 2. Identify whether each dual enrollment course *and each concurrent enrollment course* offered in the
1004 Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate of
1005 General Studies Program or Passport Program course credit, (ii) a general elective course credit, or (iii) a
1006 course credit meeting other academic requirements of a public institution of higher education, or if such
1007 course is not likely to transfer for course credit. The policy shall also require that each school division and
1008 comprehensive community college offering a dual enrollment *or concurrent enrollment* course clearly
1009 specify such transfer information on any website, literature, or other materials describing or advertising the
1010 course;

1011 3. Require each public institution of higher education offering a dual enrollment *or concurrent enrollment*
1012 course to identify the equivalent non-dual enrollment course *or non-concurrent enrollment course*;

1013 4. Ensure that the grant of course credit is consistent across each public institution of higher education and
1014 each such dual enrollment course *and concurrent enrollment course*; and

1015 5. Require that the following information be made available on the online portal maintained by the System
1016 pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course *and each concurrent*
1017 *enrollment course* offered in the Commonwealth; (ii) the specific academic, career, or technical programs in
1018 the System that will accept the course credit and which specific comprehensive community colleges offer
1019 such programs; and (iii) if available, the pathway maps in which the dual enrollment *or concurrent*
1020 *enrollment* course is included.

1021 B. The Council and each public institution of higher education shall make the policy available to the
1022 public on their websites. The Council shall also forward the policy to the System for inclusion in the online
1023 portal maintained by the System pursuant to § 23.1-908.

1024 C. The Council shall annually report to the House Committee on Education and the Senate Committee on
1025 Education and Health on the implementation of the course credit policy by each public institution of higher
1026 education.

1027 **§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of**
1028 **certain comprehensive community college graduates.**

1029 A. The board of visitors of each baccalaureate public institution of higher education shall develop,
1030 consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation,
1031 dual admissions, and guaranteed admissions agreements with each associate-degree-granting public
1032 institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed
1033 admission of a student who earns an associate degree concurrently with a high school diploma through a dual
1034 enrollment *or concurrent enrollment* program, in addition to any guaranteed admission for a student who
1035 earns an associate degree post-high school.

1036 B. The System, in cooperation with the Council and each public institution of higher education, and
1037 consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a one-
1038 semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport
1039 Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform

1040 Certificate of General Studies Program. Each Uniform Certificate of General Studies Program and Passport
 1041 Program course shall be transferable and shall satisfy a lower division general education requirement at any
 1042 public institution of higher education. The Uniform Certificate of General Studies Program and Passport
 1043 Program shall be available at each comprehensive community college and through the Online Virginia
 1044 Network.

1045 C. The Council shall establish procedures under which a baccalaureate public institution of higher
 1046 education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of
 1047 General Studies Program or Passport Program course to satisfy the requirements for the completion of a
 1048 specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i)
 1049 generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies
 1050 Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of
 1051 General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver
 1052 shall identify with particularity the course for which the institution is seeking a waiver and the particular
 1053 pathway or degree to which the waiver would apply. The application shall provide justification for the waiver
 1054 and shall designate alternative courses offered through the System that may be completed by a student in
 1055 order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour Passport. The Council
 1056 shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver
 1057 requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education
 1058 provides evidence that the specified pathway or degree requires a specialized, lower division course not
 1059 available through the System. Once approved, notice of a waiver granted by the Council shall be included in
 1060 the online portal established pursuant to § 23.1-908.

1061 D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public
 1062 institutions of higher education to use in mapping pathways for the completion of credits in particular
 1063 programs of study, including the courses recommended to be taken in a dual enrollment, *concurrent*
 1064 *enrollment*, comprehensive community college, and baccalaureate public institution setting in order to pursue
 1065 a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the
 1066 pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a
 1067 multiyear schedule for the development and implementation of pathway maps for all fields of study.

1068 E. Each baccalaureate public institution of higher education, in cooperation and consultation with the
 1069 System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D.
 1070 Such pathway maps shall clearly set forth the courses that a student at a comprehensive community college
 1071 is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career
 1072 education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of
 1073 completing a degree program. Such program map shall also clearly identify the courses, if any, for which the
 1074 baccalaureate institution has received a waiver from transfer pursuant to subsection C.

1075 F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from
 1076 comprehensive community colleges to baccalaureate public institutions of higher education, including a
 1077 review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the
 1078 completion of a degree program. The report shall include the following elements: completion rates, average
 1079 time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency.
 1080 The Council shall adopt guidelines for data submission from public institutions of higher education necessary
 1081 for such report, and all institutions shall report such data in accordance with the guidelines. The report shall
 1082 be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908
 1083 .

1084 G. Each comprehensive community college shall develop agreements for postsecondary attainment with
 1085 the public high schools in the school divisions that such comprehensive community college serves specifying
 1086 the options for students to complete an associate degree, the Passport Program, ~~or~~ the Uniform Certificate of
 1087 General Studies Program, *a Career Studies Certificate, or a high-demand industry-recognized credential*
 1088 *concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment*
 1089 *and concurrent enrollment* courses and Advanced Placement, *Cambridge International Assessment*
 1090 *Education, and International Baccalaureate* courses with ~~qualifying~~ *college-qualifying* exam scores of ~~three~~
 1091 ~~or higher.~~

1092 H. The provisions of this section shall not apply to any public institution of higher education established
 1093 pursuant to Chapter 25 (§ 23.1-2500 et seq.).

1094 **§ 23.1-908. State Transfer Tool.**

1095 A. The Council shall develop, in cooperation with the System and each public institution of higher
 1096 education, a State Transfer Tool that designates each general education course, in addition to the courses that
 1097 comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an
 1098 associate degree program at an associate-degree-granting public institution of higher education and
 1099 transferable for course credit to a baccalaureate public institution of higher education. In developing the State
 1100 Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

1101 B. The Council shall develop guidelines to govern the development and implementation of articulation,

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

1109 C. Each baccalaureate public institution of higher education shall update its transfer agreements
 1110 immediately following any program modifications and shall send a copy of its updated agreement and any
 1111 other transfer-related documents and resources to the System. The Council shall also send to the System a
 1112 copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online
 1113 portal that allows access to all such agreements, documents, and resources. The online portal shall also
 1114 include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to
 1115 subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information
 1116 regarding dual enrollment *and concurrent enrollment* courses as described in § 23.1-905.1, and (v) any other
 1117 information required to be included by law or deemed relevant by the System. The online portal shall be
 1118 available to the public on the websites of the Council, the System, each public institution of higher education,
 1119 and each school division offering a dual enrollment *or concurrent enrollment* course.

1120 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority and**
 1121 **financial benefits.**

1122 A. The state goals for each public institution of higher education are to:

1123 1. Consistent with its institutional mission, provide access to higher education for all citizens throughout
 1124 the Commonwealth, including underrepresented populations, and consistent with subdivision 4 of § 23.1-203
 1125 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as
 1126 agreed upon with the Council. Each such institution shall bear a measure of responsibility for ensuring that
 1127 the statewide demand for enrollment is met;

1128 2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of individual or
 1129 family income, and through a periodic assessment determine the impact of tuition and fee levels net of
 1130 financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition,
 1131 mandatory fees, and other necessary charges;

1132 3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its
 1133 mission and assess regularly the extent to which the institution's curricula and degree programs address the
 1134 Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic
 1135 disciplines, professions, and geographic regions;

1136 4. Ensure that the institution's academic programs and course offerings maintain high academic standards
 1137 by undertaking a continuous review and improvement of academic programs, course availability, faculty
 1138 productivity, and other relevant factors;

1139 5. Improve student retention so that students progress from initial enrollment to a timely graduation and
 1140 the number of degrees conferred increases as enrollment increases;

1141 6. Consistent with its institutional mission, develop articulation agreements that have uniform application
 1142 to all comprehensive community colleges and meet appropriate general education and program requirements
 1143 at the baccalaureate institution of higher education, provide additional opportunities for associate degree
 1144 graduates to be admitted and enrolled, and offer dual enrollment *and concurrent enrollment* programs in
 1145 cooperation with high schools;

1146 7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the
 1147 area in which the institution is located, and for those institutions subject to a management agreement pursuant
 1148 to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and employment rates;

1149 8. Consistent with its institutional mission, increase the level of externally funded research conducted at
 1150 the institution and facilitate the transfer of technology from university research centers to private sector
 1151 companies;

1152 9. Work actively and cooperatively with public elementary and secondary school administrators, teachers,
 1153 and students to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen
 1154 leadership skills of school administrators;

1155 10. Prepare a six-year financial plan consistent with § 23.1-306;

1156 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational
 1157 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and
 1158 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in the
 1159 current general appropriation act, which shall include best practices for electronic procurement and leveraged
 1160 purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair
 1161 and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

1162 12. Seek to ensure the safety and security of students on campus.

1163 B. Each public institution of higher education that meets the state goals set forth in subsection A on or

1164 after August 1, 2005, may:

1165 1. Dispose of its surplus materials at the location where the surplus materials are held and retain any
1166 proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1167 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a building
1168 official of the locality in which construction is taking place and for such official to perform any inspection
1169 and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to
1170 subsection C of § 36-98.1;

1171 3. For each public institution of higher education that has in effect a signed memorandum of
1172 understanding with the Secretary of Administration regarding participation in the nongeneral fund
1173 decentralization program as set forth in the general appropriation act, as provided in subsection C of § 2.2-
1174 1132, enter into contracts for specific construction projects without the preliminary review and approval of
1175 the Division of Engineering and Buildings of the Department of General Services, provided that such
1176 institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et
1177 seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division of
1178 Engineering and Buildings and the Office of the Attorney General;

1179 4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

1180 5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions in
1181 subdivision 5 of § 2.2-1149;

1182 6. Convey an easement pertaining to any property such institution owns or controls as provided in
1183 subsection C of § 2.2-1150;

1184 7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus real
1185 property that is possessed and controlled by the institution and valued at less than \$5 million;

1186 8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a vendor
1187 that the institution has certified as a small, women-owned, or minority-owned business enterprise pursuant to
1188 the conditions and provisions in § 2.2-1609;

1189 9. Be exempt from review of its budget request for information technology by the CIO as provided in
1190 subdivision B 3 of § 2.2-2007.1;

1191 10. Adopt policies for the designation of administrative and professional faculty positions at the institution
1192 pursuant to the conditions and provisions in subsection E of § 2.2-2901;

1193 11. Be exempt from reporting its purchases to the Secretary of Education, provided that all purchases,
1194 including sole source purchases, are placed through the Commonwealth's electronic procurement system
1195 using proper system codes for the methods of procurement; and

1196 12. Utilize as methods of procurement a fixed price, design-build, or construction management contract in
1197 compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

1198 C. Each public institution of higher education that (i) has been certified during the fiscal year by the
1199 Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public institutions
1200 of higher education and (ii) meets the state goals set in subsection A shall receive the following financial
1201 benefits:

1202 1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues deposited
1203 into the state treasury by the institution, as provided in the general appropriation act. Such interest shall be
1204 paid from the general fund and shall be an appropriate and equitable amount as determined and certified in
1205 writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as soon as practicable
1206 after the end of such fiscal year;

1207 2. Any unexpended appropriations of the public institution of higher education at the end of the fiscal
1208 year, which shall be reappropriated and allotted for expenditure by the institution in the immediately
1209 following fiscal year;

1210 3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000 or less
1211 made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share based upon
1212 its total transactions of \$5,000 or less using the credit card that is approved for use by all state agencies as
1213 compared to all transactions of \$5,000 or less using such card by all state agencies. The Comptroller shall
1214 determine the public institution's pro rata share and, as provided in the general appropriation act, shall pay the
1215 institution by August 15 of the fiscal year immediately following the year of certification or as soon as
1216 practicable after August 15 of such fiscal year. The payment to an institution of its pro rata share under this
1217 subdivision shall also be applicable to other rebate or refund programs in effect that are similar to that of the
1218 credit card rebate program described in this subdivision. The Secretary of Finance shall identify such other
1219 rebate or refund programs and shall determine the pro rata share to be paid to the institution; and

1220 4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made by the
1221 institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered with the
1222 Department of General Services' web-based electronic procurement program commonly known as "eVA," as
1223 provided in the general appropriation act. Such rebate shall be certified by the Department of General
1224 Services and paid to each public institution by August 15 of the fiscal year immediately following the year of

1225 certification or as soon as practicable after August 15 of such fiscal year.

1226 **§ 23.1-2904. State Board; duties.**

1227 In addition to the duties of governing boards of public institutions of higher education set forth in Chapter
1228 13 (§ 23.1-1300 et seq.), the State Board shall:

1229 1. Be the state agency with primary responsibility for coordinating workforce training at the
1230 postsecondary through the associate degree level, exclusive of the career and technical education programs
1231 provided through and administered by the public school system. This responsibility shall not preclude other
1232 agencies from also providing such services as appropriate, but these activities shall be coordinated with the
1233 comprehensive community colleges;

1234 2. Report on actions that comprehensive community colleges have taken to meet the requirements of §
1235 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the
1236 general appropriation act;

1237 3. Prepare and administer a plan providing standards and policies for the establishment, development, and
1238 administration of comprehensive community colleges under its authority. It shall determine the need for
1239 comprehensive community colleges and develop a statewide plan for their location and a time schedule for
1240 their establishment. In the development of such plan, a principal objective is to provide and maintain a system
1241 of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational
1242 opportunities and programs available throughout the Commonwealth. In providing these offerings, the State
1243 Board shall recognize the need for excellence in all curricula and shall establish and maintain standards
1244 appropriate to the various purposes the respective programs are designed to serve;

1245 4. Establish policies providing for the creation of a local community college board for each
1246 comprehensive community college established under this chapter and the procedures and regulations under
1247 which such local boards shall operate. These boards shall assist in ascertaining educational needs and
1248 enlisting community involvement and support and shall perform such other duties as may be prescribed by
1249 the State Board;

1250 5. Adhere to the policies of the Council for the coordination of higher education as required by law;

1251 6. Develop a mental health referral policy directing comprehensive community colleges to designate at
1252 least one individual at each college to serve as a point of contact with an emergency services system clinician
1253 at a local community services board, or another qualified mental health services provider, for the purposes of
1254 facilitating screening and referral of students who may have emergency or urgent mental health needs and of
1255 assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive
1256 community college may establish relationships with community services boards or other mental health
1257 providers for referral and treatment of persons with less serious mental health needs;

1258 7. Develop and implement, in coordination with the Council, the Department of Education, and the
1259 Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards
1260 regarding quality, consistency, and level of evaluation and review for dual enrollment *and concurrent*
1261 *enrollment* courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses
1262 taught in the System and (ii) a process and criteria for determining whether any dual enrollment *or*
1263 *concurrent enrollment* course offered in the Commonwealth that meets or exceeds such standards is
1264 transferable to a public institution of higher education as (a) a uniform certificate of general studies program
1265 or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other
1266 academic requirements of a public institution of higher education;

1267 8. Prepare and administer a plan to standardize across all comprehensive community colleges the courses
1268 offered and the quality and content of such courses, as well as to standardize the application and registration
1269 process at all comprehensive community colleges. Such plan shall allow for a comprehensive community
1270 college to provide additional courses, beyond the standard class content offered across the System, that meet
1271 specific regional interests and needs. Regional courses shall be subject to the standards of quality applied to
1272 all courses offered in the System;

1273 9. Develop and implement a plan to standardize across all comprehensive community colleges the courses
1274 offered for health care-related degree, credential, or licensure programs, excluding any registered nursing
1275 programs. Such plan shall include procedures and criteria for (i) standardizing such courses by name,
1276 curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit toward the
1277 completion of any such health care-related program for any student enrolled in a comprehensive community
1278 college; and (iii) standardizing the manner in which academic and clinical hour credits are awarded for such
1279 courses to ensure that they are stackable and transferrable across the System; and

1280 10. Develop and implement accountability measures to periodically, but in no case less than every three
1281 years, review the performance of each comprehensive community college to ensure that all standards
1282 established by the Board are being met, with a goal of ensuring a consistent quality of education and
1283 opportunity across the System. If it is found that such standards are not being met at a particular institution,
1284 the Board shall develop a plan for corrective action specific to the issues presented at that institution.

1285 **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency; workforce**

1286 **training.**

1287 Each comprehensive community college shall enter into agreements with the local school divisions it
1288 serves to facilitate *the* dual enrollment *and concurrent enrollment* of eligible students into a Career Pathways
1289 program preparing students to pass a high school equivalency examination offered by the local school
1290 division and a postsecondary credential, certification, or license attainment program offered by the
1291 comprehensive community college.

1292 **2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the Virginia**
1293 **Administrative Code, as necessary to comply with and effectuate the provisions of this act.**