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HOUSE BILL NO. 1051

Offered January 10, 2024

Prefiled January 10, 2024

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

Patron—Batten

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

"Department" means the Department of Education.

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

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

"Elementary" includes kindergarten.

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

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

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

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

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

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

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

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

"Superintendent" means the Superintendent of Public Instruction.

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

The Board shall develop guidelines and policies for prioritizing to the maximum extent practicable dual enrollment and concurrent enrollment programs, including the Passport Program, the Uniform

INTRODUCED

HB1051

59 Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and
60 other such programs that allow high school students to receive credit toward the completion of an
61 undergraduate course, degree, or credential offered in the Virginia Community College System. Such
62 guidelines and policies shall include recommendations and strategies on how to ensure the prioritization
63 of such programs to the maximum extent practicable, including ways to direct prioritization of funding
64 to such programs.

65 § 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) **Standard 1.**
66 **Instructional programs supporting the Standards of Learning and other educational objectives.**

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

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

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

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

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

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

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

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

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

118 The Board shall include in the Standards of Learning for health instruction in emergency first aid,
119 cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on
120 practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based

121 on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary
122 resuscitation and the use of an automated external defibrillator, such as a program developed by the
123 American Heart Association or the American Red Cross. No teacher who is in compliance with
124 subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary
125 resuscitation to provide instruction for non-certification.

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

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

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

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

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

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

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

179 The requirement for remediation may, however, be satisfied by the student's attendance in a program
180 of prevention, intervention or remediation that has been selected by his parent, in consultation with the
181 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)

182 a special program that has been determined to be comparable to the required public school remediation
 183 program by the division superintendent. The costs of such private school remediation program or other
 184 special remediation program shall be borne by the student's parent.

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

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

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

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

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

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

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

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

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

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

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

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

225 6. Early identification of gifted students and enrollment of such students in appropriately
 226 differentiated instructional programs.

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

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

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

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

243 11. A plan to notify students and their parents of the availability of dual enrollment, *concurrent*

244 *enrollment*, and advanced placement ~~classes~~ *courses*; career and technical education programs, including
 245 internships, externships, apprenticeships, credentialing programs, certification programs, licensure
 246 programs, and other work-based learning experiences; the International Baccalaureate Program and
 247 Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs,
 248 and experiences; and the availability of financial assistance to low-income and needy students to take the
 249 advanced placement and International Baccalaureate examinations. This plan shall include notification to
 250 students and parents of the agreement with a comprehensive community college in the Commonwealth
 251 to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies
 252 concurrent with a high school diploma.

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

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

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

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

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

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

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

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

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

299 F. Each local school board may enter into agreements for postsecondary course credit, credential,
 300 certification, or license attainment, hereinafter referred to as College and Career Access Pathways
 301 Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher
 302 education or educational institutions established pursuant to Title 23.1 that offer a career and technical
 303 education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part
 304 of the career and technical education curriculum that lead to course credit or an industry-recognized

305 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,
 306 credentials, certifications, or licenses available for such courses; and (iii) specify available options for
 307 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community
 308 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school
 309 credit for successful completion of any such program.

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

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

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

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

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

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

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

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

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

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

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

360 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state**
 361 **regulations.**

362 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
 363 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
 364 measures, (ii) requirements and guidelines for instructional programs and for the integration of
 365 educational technology into such instructional programs, (iii) administrative and instructional staffing
 366 levels and positions, including staff positions for supporting educational technology, (iv) student

367 services, (v) auxiliary education programs such as library and media services, (vi) requirements for
 368 graduation from high school, (vii) community relations, and (viii) the philosophy, goals, and objectives
 369 of public education in the Commonwealth.

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

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

375 The Board shall review annually the accreditation status of all schools in the Commonwealth. The
 376 Board shall review the accreditation status of a school once every three years if the school has been
 377 fully accredited for three consecutive years. Upon such triennial review, the Board shall review the
 378 accreditation status of the school for each individual year within that triennial review period. If the
 379 Board finds that the school would have been accredited every year of that triennial review period the
 380 Board shall accredit the school for another three years. The Board may review the accreditation status of
 381 any other school once every two years or once every three years, provided that any school that receives
 382 a multiyear accreditation status other than full accreditation shall be covered by a Board-approved
 383 multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective
 384 action plan shall include annual written progress updates to the Board. A multiyear accreditation status
 385 shall not relieve any school or division of annual reporting requirements.

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

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

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

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

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

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

428 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
429 determine the level of achievement of the Standards of Learning objectives by all students. Such
430 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to
431 the Standards of Learning being assessed. The Board shall, with the assistance of independent testing
432 experts, conduct a regular analysis and validation process for these assessments. In lieu of a one-time
433 end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual
434 student growth over the course of the school year, a through-year growth assessment system, aligned
435 with the Standards of Learning, for the administration of reading and mathematics assessments in grades
436 three through eight. Such through-year growth assessment system shall include at least one
437 beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student
438 growth scores over the course of the school year, but the total time scheduled for taking all such
439 assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year
440 proficiency assessment. The Department shall ensure adequate training for teachers and principals on
441 how to interpret and use student growth data from such assessments to improve reading and mathematics
442 instruction in grades three through eight throughout the school year. With such funds and content as are
443 available for such purpose, such through-year growth assessment system shall provide accurate
444 measurement of a student's performance, through computer adaptive technology, using test items at,
445 below, and above the student's grade level as necessary.

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

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

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

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

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

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

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

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

489 The Department shall award recovery credit to any student in grades three through eight who

490 performs below grade level on a Standards of Learning assessment in English reading or mathematics,
 491 receives remediation, and subsequently retakes and performs at or above grade level on such an
 492 assessment, including any such student who subsequently retakes such an assessment on an expedited
 493 basis.

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

499 The Standards of Learning requirements, including all related assessments, shall be waived for any
 500 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
 501 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination
 502 approved by the Board or in an adult basic education program or an adult secondary education program
 503 to obtain the high school diploma or a high school equivalency certificate.

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

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

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

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

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

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

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

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

543 F. To assess the educational progress of students as individuals and as groups, each local school
 544 board shall require the use of Standards of Learning assessments, alternative assessments, and other
 545 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
 546 and to determine educational performance. Each local school shall require the administration of
 547 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
 548 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
 549 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall
 550 provide teachers, parents, principals, and other school leaders with their students' results on any

551 Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as
552 practicable after the assessment is administered. Each school board shall analyze and report annually, in
553 compliance with any criteria that may be established by the Board, the results from industry certification
554 examinations and the Standards of Learning assessments to the public.

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

562 G. Each local school division superintendent shall regularly review the division's submission of data
563 and reports required by state and federal law and regulations to ensure that all information is accurate
564 and submitted in a timely fashion. The Superintendent shall provide a list of the required reports and
565 data to division superintendents annually. The status of compliance with this requirement shall be
566 included in the Board's annual report to the Governor and the General Assembly as required by
567 § 22.1-18.

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

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

592 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

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

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

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

609 B. ~~Students identified as disabled who complete the requirements of their individualized education~~
610 ~~programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet~~
611 ~~the requirements for any named diploma shall be awarded Applied Studies diplomas by local school~~
612 ~~boards. The Board shall develop and implement statewide requirements for earning an Applied Studies~~

613 diploma for implementation at the beginning of the 2022-2023 school year.

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

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

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

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

633 Each local school board shall provide notification of the right to a free public education for students
634 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1
635 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve
636 graduation requirements as provided in the standards for accreditation. If such student who does not
637 graduate or complete such requirements is a student for whom English is a second language, the local
638 school board shall notify the parent of the student's opportunity for a free public education in accordance
639 with § 22.1-5.

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

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

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

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

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

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

659 6. Require that students (i) ~~complete~~ *earn college course credit through* an Advanced Placement,
660 ~~honors Cambridge International Assessment Education~~, International Baccalaureate, ~~or dual enrollment,~~
661 ~~or concurrent enrollment~~ course; (ii) *earn an associate degree*; (iii) *earn an enlistment-qualifying score*
662 *on the Armed Forces Qualification Test*; (iv) complete a high-quality work-based learning experience, as
663 defined by the Board; or (iii) (v) earn a *high-demand* career and technical education credential that has
664 been approved by the Board, except when ~~such a career and technical education~~ credential in a
665 particular subject area is not readily available or appropriate or does not adequately measure student
666 competency, in which case the student shall receive satisfactory competency-based instruction in the
667 subject area to earn credit. ~~The career and technical education credential, when required, could include~~
668 ~~the successful completion of an industry certification, a state licensure examination, a national~~
669 ~~occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia~~
670 ~~workplace readiness skills assessment.~~ The Department shall develop, maintain, and make available to
671 each local school board a catalogue of the testing accommodations available to English language
672 learners for ~~each such~~ any certification, examination, assessment, ~~and battery or test that may be used to~~
673 ~~satisfy the requirements of this subdivision.~~ Each local school board shall develop and implement

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

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

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

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

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

685 ~~11.~~ 10. Establish a procedure to facilitate the acceleration of students that allows qualified students,
 686 with the recommendation of the division superintendent, without completing the 140-hour class, to
 687 obtain credit for such class upon demonstrating mastery of the course content and objectives and
 688 receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall
 689 preclude relevant school division personnel from enforcing compulsory attendance in public schools.

690 ~~12.~~ 11. Provide for the award of credit for passing scores on industry certifications, state licensure
 691 examinations, and national occupational competency assessments approved by the Board.

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

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

701 In addition, the Board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

795 J. *The Department shall conduct an annual return on investment analysis and provide a summary*
 796 *report and detailed dataset to the Governor, General Assembly, and Virginia Board of Workforce*

797 *Development and publicly post on its website by November 15 of each year the Commonwealth's K*
 798 *through 12 career and technical education (CTE) offerings, including industry certifications obtained,*
 799 *state licensure examinations passed, national occupational competency assessments passed,*
 800 *enlistment-qualifying scores on the Armed Forces Qualification Test achieved, Virginia workplace*
 801 *readiness skills assessments passed, and the number of CTE completers. Such report and dataset shall*
 802 *include:*

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

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

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

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

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

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

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

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

818 **§ 23.1-100. Definitions.**

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

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

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

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

825 "Baccalaureate public institution of higher education" includes Christopher Newport University,
 826 George Mason University, James Madison University, Longwood University, the University of Mary
 827 Washington, Norfolk State University, Old Dominion University, Radford University, the University of
 828 Virginia, the University of Virginia's College at Wise as a division of the University of Virginia,
 829 Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State
 830 University, Virginia State University, and The College of William and Mary in Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

855 "Nonprofit private institution of higher education" means any postsecondary school, as that term is
 856 defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under
 857 § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt
 858 from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

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

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

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

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

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

870 "System" means the Virginia Community College System.

871 "Virginia student" means any student who has established domicile in the Commonwealth pursuant to
872 § 23.1-502.

873 **§ 23.1-301. Short title; objective; purposes.**

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

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

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

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

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

893 3. To (i) place the Commonwealth among the most highly educated states and countries by
894 conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between
895 2011 and 2025, accompanied by a comparable percentage increase in privately conferred undergraduate
896 degrees in the Commonwealth over the same period and (ii) achieve this purpose by expanding
897 enrollment of Virginians at public institutions of higher education and private institutions of higher
898 education, improving undergraduate graduation and retention rates in the higher education system in the
899 Commonwealth, and increasing degree completion by Virginians with partial credit toward a college
900 degree, including students with ongoing job and family commitments who require access to
901 nontraditional college-level educational opportunities;

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

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

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

915 7. To preserve and enhance the excellence and cost-efficiency of the Commonwealth's higher
916 education system through reform-based investment that promotes innovative instructional models and
917 pathways to degree attainment, including optimal use of physical facilities and instructional resources
918 throughout the year, technology-enhanced instruction, sharing of instructional resources between
919 colleges, universities, and other degree-granting entities in the Commonwealth, increased online learning

920 opportunities for nontraditional students, improved rate and pace of degree completion, expanded
 921 availability of dual enrollment, *concurrent enrollment*, and advanced placement options and early college
 922 commitment programs, expanded comprehensive community college transfer options leading to
 923 bachelor's degree completion, and enhanced college readiness before matriculation;

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

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

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

942 **§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school**
 943 **students.**

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

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

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

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

962 4. Any veteran who resides in the Commonwealth.

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

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

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

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

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

978 10. Any non-Virginia student who is currently present in the Commonwealth as a result of being a
 979 victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human
 980 trafficking regardless of whether any person has been charged with or convicted of any offense.
 981 Eligibility under this subdivision may be proved by a certification of such status as a victim of human

982 trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is
 983 to provide services to victims of human trafficking. For the purposes of this subdivision, "victim of
 984 human trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony
 985 violation of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or
 986 18.2-368; or (iv) sex trafficking or severe forms of trafficking in persons as defined in the Trafficking
 987 Victims Protection Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall
 988 automatically record any student qualifying for in-state tuition pursuant to this subdivision as opting out
 989 of making any directory or educational information available to the public unless the student voluntarily
 990 and affirmatively chooses to opt in to allowing such directory or educational information to be made
 991 available.

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

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

998 1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council
 999 who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state
 1000 that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions
 1001 for Virginia students and (ii) is domiciled in such other state;

1002 2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program
 1003 approved by the institution of higher education during the same period in which a Virginia student from
 1004 such institution is attending such foreign institution as an exchange student; and

1005 3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is
 1006 enrolled in courses specifically designed as part of the high school or magnet school curriculum in a
 1007 comprehensive community college for which he may, upon successful completion, receive high school
 1008 and college credit pursuant to a dual enrollment *or concurrent enrollment* agreement between the high
 1009 school or magnet school and the comprehensive community college.

1010 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a
 1011 non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee
 1012 revenue policies.

1013 C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a
 1014 comprehensive community college who resides in another state within a 30-mile radius of a public
 1015 institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to
 1016 in-state tuition charges at the institutions of higher education in any state that is contiguous to the
 1017 Commonwealth and that has similar reciprocal provisions for Virginia students.

1018 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a
 1019 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee
 1020 revenue policies.

1021 **§ 23.1-509. In-state tuition; surcharge.**

1022 A. For the purpose of this section:

1023 "Credit hour threshold" means 125 percent of the credit hours needed to satisfy the degree
 1024 requirements for a specified undergraduate program.

1025 "Surcharge" means an amount equal to 100 percent of the average cost of a student's education at the
 1026 baccalaureate public institution of higher education that the student attends less tuition and mandatory
 1027 educational and general fee charges assessed to a Virginia student who has not exceeded the credit hour
 1028 threshold.

1029 B. Virginia students who enroll for the first time at baccalaureate public institutions of higher
 1030 education after August 1, 2006, shall be assessed a surcharge for each semester beginning in which the
 1031 student continues to be enrolled after such student has reached the credit hour threshold.

1032 C. In calculating the credit hour threshold, the following courses and credit hours shall be excluded:
 1033 (i) remedial courses; (ii) transfer credits from another institution of higher education that do not meet
 1034 degree requirements for general education courses or the student's chosen program of study; (iii)
 1035 advanced placement or international baccalaureate credits that were obtained while in high school or
 1036 another secondary school program; and (iv) dual enrollment, *or concurrent enrollment* college-level
 1037 credits obtained by the student prior to receiving a high school diploma.

1038 D. The relevant baccalaureate public institution of higher education may waive the surcharge in
 1039 accordance with guidelines and criteria established by the Council, which may include illness, disability,
 1040 and active service in the Armed Forces of the United States.

1041 **§ 23.1-905.1. Course credit; dual enrollment and concurrent enrollment courses.**

1042 A. The Council, in consultation with each public institution of higher education, shall establish a

1043 policy for granting undergraduate course credit to any entering student who has successfully completed a
 1044 dual enrollment *or concurrent enrollment* course. The policy shall:

1045 1. Outline the conditions necessary for each public institution of higher education to grant course
 1046 credit for the successful completion of a dual enrollment *or concurrent enrollment* course;

1047 2. Identify whether each dual enrollment course *and each concurrent enrollment course* offered in
 1048 the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate
 1049 of General Studies Program or Passport Program course credit, (ii) a general elective course credit, or
 1050 (iii) a course credit meeting other academic requirements of a public institution of higher education, or if
 1051 such course is not likely to transfer for course credit. The policy shall also require that each school
 1052 division and comprehensive community college offering a dual enrollment *or concurrent enrollment*
 1053 course clearly specify such transfer information on any website, literature, or other materials describing
 1054 or advertising the course;

1055 3. Require each public institution of higher education offering a dual enrollment *or concurrent*
 1056 *enrollment* course to identify the equivalent non-dual enrollment course *or non-concurrent enrollment*
 1057 *course*;

1058 4. Ensure that the grant of course credit is consistent across each public institution of higher
 1059 education and each such dual enrollment course *and concurrent enrollment course*; and

1060 5. Require that the following information be made available on the online portal maintained by the
 1061 System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course *and*
 1062 *each concurrent enrollment course* offered in the Commonwealth; (ii) the specific academic, career, or
 1063 technical programs in the System that will accept the course credit and which specific comprehensive
 1064 community colleges offer such programs; and (iii) if available, the pathway maps in which the dual
 1065 enrollment *or concurrent enrollment* course is included.

1066 B. The Council and each public institution of higher education shall make the policy available to the
 1067 public on their websites. The Council shall also forward the policy to the System for inclusion in the
 1068 online portal maintained by the System pursuant to § 23.1-908.

1069 C. The Council shall annually report to the House Committee on Education and the Senate
 1070 Committee on Education and Health on the implementation of the course credit policy by each public
 1071 institution of higher education.

1072 **§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of**
 1073 **certain comprehensive community college graduates.**

1074 A. The board of visitors of each baccalaureate public institution of higher education shall develop,
 1075 consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306,
 1076 articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting
 1077 public institution of higher education. Such guaranteed admissions agreements may provide for the
 1078 guaranteed admission of a student who earns an associate degree concurrently with a high school
 1079 diploma through a dual enrollment *or concurrent enrollment* program, in addition to any guaranteed
 1080 admission for a student who earns an associate degree post-high school.

1081 B. The System, in cooperation with the Council and each public institution of higher education, and
 1082 consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a
 1083 one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The
 1084 Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour
 1085 Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program
 1086 and Passport Program course shall be transferable and shall satisfy a lower division general education
 1087 requirement at any public institution of higher education. The Uniform Certificate of General Studies
 1088 Program and Passport Program shall be available at each comprehensive community college and through
 1089 the Online Virginia Network.

1090 C. The Council shall establish procedures under which a baccalaureate public institution of higher
 1091 education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of
 1092 General Studies Program or Passport Program course to satisfy the requirements for the completion of a
 1093 specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to
 1094 (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General
 1095 Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform
 1096 Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An
 1097 application for a waiver shall identify with particularity the course for which the institution is seeking a
 1098 waiver and the particular pathway or degree to which the waiver would apply. The application shall
 1099 provide justification for the waiver and shall designate alternative courses offered through the System
 1100 that may be completed by a student in order to complete a transferable, 30-credit-hour Uniform
 1101 Certificate or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be
 1102 used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted
 1103 if the baccalaureate public institution of higher education provides evidence that the specified pathway
 1104 or degree requires a specialized, lower division course not available through the System. Once approved,

1105 notice of a waiver granted by the Council shall be included in the online portal established pursuant to
1106 § 23.1-908.

1107 D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public
1108 institutions of higher education to use in mapping pathways for the completion of credits in particular
1109 programs of study, including the courses recommended to be taken in a dual enrollment, *concurrent*
1110 *enrollment*, comprehensive community college, and baccalaureate public institution setting in order to
1111 pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and
1112 identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall
1113 establish a multiyear schedule for the development and implementation of pathway maps for all fields of
1114 study.

1115 E. Each baccalaureate public institution of higher education, in cooperation and consultation with the
1116 System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D.
1117 Such pathways maps shall clearly set forth the courses that a student at a comprehensive community
1118 college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the
1119 career education pathway maps shall be to assist students in achieving optimal efficiencies in the time
1120 and cost of completing a degree program. Such program map shall also clearly identify the courses, if
1121 any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

1122 F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from
1123 comprehensive community colleges to baccalaureate public institutions of higher education, including a
1124 review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the
1125 completion of a degree program. The report shall include the following elements: completion rates,
1126 average time to degree, credit accumulation, post-transfer student academic performance, and
1127 comparative efficiency. The Council shall adopt guidelines for data submission from public institutions
1128 of higher education necessary for such report, and all institutions shall report such data in accordance
1129 with the guidelines. The report shall be made publicly available on the Council website and on the
1130 online portal maintained pursuant to § 23.1-908.

1131 G. Each comprehensive community college shall develop agreements for postsecondary attainment
1132 with the public high schools in the school divisions that such comprehensive community college serves
1133 specifying the options for students to complete an associate degree, the Passport Program, ~~or~~ the
1134 Uniform Certificate of General Studies Program, *a Career Studies Certificate, or a high-demand*
1135 *industry-recognized credential* concurrent with a high school diploma. Such agreements shall specify the
1136 credit available for dual enrollment *and concurrent enrollment* courses and Advanced Placement,
1137 *Cambridge International Assessment Education, and International Baccalaureate* courses with ~~qualifying~~
1138 *college-qualifying* exam scores of ~~three or higher~~.

1139 H. The provisions of this section shall not apply to any public institution of higher education
1140 established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

1141 **§ 23.1-908. State Transfer Tool.**

1142 A. The Council shall develop, in cooperation with the System and each public institution of higher
1143 education, a State Transfer Tool that designates each general education course, in addition to the courses
1144 that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is
1145 offered in an associate degree program at an associate-degree-granting public institution of higher
1146 education and transferable for course credit to a baccalaureate public institution of higher education. In
1147 developing the State Transfer Tool, the Council shall also seek the participation of private institutions of
1148 higher education.

1149 B. The Council shall develop guidelines to govern the development and implementation of
1150 articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting
1151 public institutions of higher education and baccalaureate public institutions of higher education. Dual
1152 admissions agreements shall set forth (i) the obligations of each student accepted to such a program,
1153 including grade point average requirements, acceptable associate degree majors, and completion
1154 timetables, and (ii) the extent to which each student accepted to such a program may access the
1155 privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are
1156 subject to the admissions requirements of the baccalaureate public institutions of higher education.

1157 C. Each baccalaureate public institution of higher education shall update its transfer agreements
1158 immediately following any program modifications and shall send a copy of its updated agreement and
1159 any other transfer-related documents and resources to the System. The Council shall also send to the
1160 System a copy of any transfer-related guidelines and resources that it possesses. The System shall
1161 maintain an online portal that allows access to all such agreements, documents, and resources. The
1162 online portal shall also include (i) documents and resources related to course equivalency, (ii) pathway
1163 maps established pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to
1164 subsection A, (iv) information regarding dual enrollment *and concurrent enrollment* courses as described
1165 in § 23.1-905.1, and (v) any other information required to be included by law or deemed relevant by the

1166 System. The online portal shall be available to the public on the websites of the Council, the System,
 1167 each public institution of higher education, and each school division offering a dual enrollment *or*
 1168 *concurrent enrollment* course.

1169 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority and**
 1170 **financial benefits.**

1171 A. The state goals for each public institution of higher education are to:

1172 1. Consistent with its institutional mission, provide access to higher education for all citizens
 1173 throughout the Commonwealth, including underrepresented populations, and consistent with subdivision
 1174 4 of § 23.1-203 and in accordance with anticipated demand analysis, meet enrollment projections and
 1175 degree estimates as agreed upon with the Council. Each such institution shall bear a measure of
 1176 responsibility for ensuring that the statewide demand for enrollment is met;

1177 2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of
 1178 individual or family income, and through a periodic assessment determine the impact of tuition and fee
 1179 levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment
 1180 of tuition, mandatory fees, and other necessary charges;

1181 3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with
 1182 its mission and assess regularly the extent to which the institution's curricula and degree programs
 1183 address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific
 1184 academic disciplines, professions, and geographic regions;

1185 4. Ensure that the institution's academic programs and course offerings maintain high academic
 1186 standards by undertaking a continuous review and improvement of academic programs, course
 1187 availability, faculty productivity, and other relevant factors;

1188 5. Improve student retention so that students progress from initial enrollment to a timely graduation
 1189 and the number of degrees conferred increases as enrollment increases;

1190 6. Consistent with its institutional mission, develop articulation agreements that have uniform
 1191 application to all comprehensive community colleges and meet appropriate general education and
 1192 program requirements at the baccalaureate institution of higher education, provide additional
 1193 opportunities for associate degree graduates to be admitted and enrolled, and offer dual enrollment *and*
 1194 *concurrent enrollment* programs in cooperation with high schools;

1195 7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and
 1196 the area in which the institution is located, and for those institutions subject to a management agreement
 1197 pursuant to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and
 1198 employment rates;

1199 8. Consistent with its institutional mission, increase the level of externally funded research conducted
 1200 at the institution and facilitate the transfer of technology from university research centers to private
 1201 sector companies;

1202 9. Work actively and cooperatively with public elementary and secondary school administrators,
 1203 teachers, and students to improve student achievement, upgrade the knowledge and skills of teachers,
 1204 and strengthen leadership skills of school administrators;

1205 10. Prepare a six-year financial plan consistent with § 23.1-306;

1206 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational
 1207 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and
 1208 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in
 1209 the current general appropriation act, which shall include best practices for electronic procurement and
 1210 leveraged purchasing, information technology, real estate portfolio management, and diversity of
 1211 suppliers through fair and reasonable consideration of small, women-owned, and minority-owned
 1212 business enterprises; and

1213 12. Seek to ensure the safety and security of students on campus.

1214 B. Each public institution of higher education that meets the state goals set forth in subsection A on
 1215 or after August 1, 2005, may:

1216 1. Dispose of its surplus materials at the location where the surplus materials are held and retain any
 1217 proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1218 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a
 1219 building official of the locality in which construction is taking place and for such official to perform any
 1220 inspection and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et
 1221 seq.) pursuant to subsection C of § 36-98.1;

1222 3. For each public institution of higher education that has in effect a signed memorandum of
 1223 understanding with the Secretary of Administration regarding participation in the nongeneral fund
 1224 decentralization program as set forth in the general appropriation act, as provided in subsection C of
 1225 § 2.2-1132, enter into contracts for specific construction projects without the preliminary review and
 1226 approval of the Division of Engineering and Buildings of the Department of General Services, provided
 1227 that such institutions are in compliance with the requirements of the Virginia Public Procurement Act

1228 (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement
 1229 approved by the Division of Engineering and Buildings and the Office of the Attorney General;

1230 4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

1231 5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions in
 1232 subdivision 5 of § 2.2-1149;

1233 6. Convey an easement pertaining to any property such institution owns or controls as provided in
 1234 subsection C of § 2.2-1150;

1235 7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus
 1236 real property that is possessed and controlled by the institution and valued at less than \$5 million;

1237 8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a
 1238 vendor that the institution has certified as a small, women-owned, or minority-owned business enterprise
 1239 pursuant to the conditions and provisions in § 2.2-1609;

1240 9. Be exempt from review of its budget request for information technology by the CIO as provided
 1241 in subdivision B 3 of § 2.2-2007.1;

1242 10. Adopt policies for the designation of administrative and professional faculty positions at the
 1243 institution pursuant to the conditions and provisions in subsection E of § 2.2-2901;

1244 11. Be exempt from reporting its purchases to the Secretary of Education, provided that all
 1245 purchases, including sole source purchases, are placed through the Commonwealth's electronic
 1246 procurement system using proper system codes for the methods of procurement; and

1247 12. Utilize as methods of procurement a fixed price, design-build, or construction management
 1248 contract in compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

1249 C. Each public institution of higher education that (i) has been certified during the fiscal year by the
 1250 Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public
 1251 institutions of higher education and (ii) meets the state goals set in subsection A shall receive the
 1252 following financial benefits:

1253 1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues
 1254 deposited into the state treasury by the institution, as provided in the general appropriation act. Such
 1255 interest shall be paid from the general fund and shall be an appropriate and equitable amount as
 1256 determined and certified in writing by the Secretary of Finance to the Comptroller by the end of each
 1257 fiscal year or as soon as practicable after the end of such fiscal year;

1258 2. Any unexpended appropriations of the public institution of higher education at the end of the
 1259 fiscal year, which shall be reappropriated and allotted for expenditure by the institution in the
 1260 immediately following fiscal year;

1261 3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000 or
 1262 less made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share
 1263 based upon its total transactions of \$5,000 or less using the credit card that is approved for use by all
 1264 state agencies as compared to all transactions of \$5,000 or less using such card by all state agencies.
 1265 The Comptroller shall determine the public institution's pro rata share and, as provided in the general
 1266 appropriation act, shall pay the institution by August 15 of the fiscal year immediately following the
 1267 year of certification or as soon as practicable after August 15 of such fiscal year. The payment to an
 1268 institution of its pro rata share under this subdivision shall also be applicable to other rebate or refund
 1269 programs in effect that are similar to that of the credit card rebate program described in this subdivision.
 1270 The Secretary of Finance shall identify such other rebate or refund programs and shall determine the pro
 1271 rata share to be paid to the institution; and

1272 4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made
 1273 by the institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered
 1274 with the Department of General Services' web-based electronic procurement program commonly known
 1275 as "eVA," as provided in the general appropriation act. Such rebate shall be certified by the Department
 1276 of General Services and paid to each public institution by August 15 of the fiscal year immediately
 1277 following the year of certification or as soon as practicable after August 15 of such fiscal year.

1278 **§ 23.1-2904. State Board; duties.**

1279 In addition to the duties of governing boards of public institutions of higher education set forth in
 1280 Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1281 1. Be the state agency with primary responsibility for coordinating workforce training at the
 1282 postsecondary through the associate degree level, exclusive of the career and technical education
 1283 programs provided through and administered by the public school system. This responsibility shall not
 1284 preclude other agencies from also providing such services as appropriate, but these activities shall be
 1285 coordinated with the comprehensive community colleges;

1286 2. Report on actions that comprehensive community colleges have taken to meet the requirements of
 1287 § 23.1-2906 in its annual report to the General Assembly on workforce development activities required
 1288 by the general appropriation act;

1289 3. Prepare and administer a plan providing standards and policies for the establishment, development,
1290 and administration of comprehensive community colleges under its authority. It shall determine the need
1291 for comprehensive community colleges and develop a statewide plan for their location and a time
1292 schedule for their establishment. In the development of such plan, a principal objective is to provide and
1293 maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make
1294 appropriate educational opportunities and programs available throughout the Commonwealth. In
1295 providing these offerings, the State Board shall recognize the need for excellence in all curricula and
1296 shall establish and maintain standards appropriate to the various purposes the respective programs are
1297 designed to serve;

1298 4. Establish policies providing for the creation of a local community college board for each
1299 comprehensive community college established under this chapter and the procedures and regulations
1300 under which such local boards shall operate. These boards shall assist in ascertaining educational needs
1301 and enlisting community involvement and support and shall perform such other duties as may be
1302 prescribed by the State Board;

1303 5. Adhere to the policies of the Council for the coordination of higher education as required by law;

1304 6. Develop a mental health referral policy directing comprehensive community colleges to designate
1305 at least one individual at each college to serve as a point of contact with an emergency services system
1306 clinician at a local community services board, or another qualified mental health services provider, for
1307 the purposes of facilitating screening and referral of students who may have emergency or urgent mental
1308 health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and
1309 23.1-805. Each comprehensive community college may establish relationships with community services
1310 boards or other mental health providers for referral and treatment of persons with less serious mental
1311 health needs;

1312 7. Develop and implement, in coordination with the Council, the Department of Education, and the
1313 Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards
1314 regarding quality, consistency, and level of evaluation and review for dual enrollment *and concurrent*
1315 *enrollment* courses offered by local school divisions pursuant to § 23.1-907 as are required for all
1316 courses taught in the System and (ii) a process and criteria for determining whether any dual enrollment
1317 *or concurrent enrollment* course offered in the Commonwealth that meets or exceeds such standards is
1318 transferable to a public institution of higher education as (a) a uniform certificate of general studies
1319 program or passport program course credit, (b) a general elective course credit, or (c) a course credit
1320 meeting other academic requirements of a public institution of higher education;

1321 8. Prepare and administer a plan to standardize across all comprehensive community colleges the
1322 courses offered and the quality and content of such courses, as well as to standardize the application and
1323 registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive
1324 community college to provide additional courses, beyond the standard class content offered across the
1325 System, that meet specific regional interests and needs. Regional courses shall be subject to the
1326 standards of quality applied to all courses offered in the System;

1327 9. Develop and implement a plan to standardize across all comprehensive community colleges the
1328 courses offered for health care-related degree, credential, or licensure programs, excluding any registered
1329 nursing programs. Such plan shall include procedures and criteria for (i) standardizing such courses by
1330 name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit
1331 toward the completion of any such health care-related program for any student enrolled in a
1332 comprehensive community college; and (iii) standardizing the manner in which academic and clinical
1333 hour credits are awarded for such courses to ensure that they are stackable and transferrable across the
1334 System; and

1335 10. Develop and implement accountability measures to periodically, but in no case less than every
1336 three years, review the performance of each comprehensive community college to ensure that all
1337 standards established by the Board are being met, with a goal of ensuring a consistent quality of
1338 education and opportunity across the System. If it is found that such standards are not being met at a
1339 particular institution, the Board shall develop a plan for corrective action specific to the issues presented
1340 at that institution.

1341 **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency; workforce**
1342 **training.**

1343 Each comprehensive community college shall enter into agreements with the local school divisions it
1344 serves to facilitate *the* dual enrollment *and concurrent enrollment* of eligible students into a Career
1345 Pathways program preparing students to pass a high school equivalency examination offered by the local
1346 school division and a postsecondary credential, certification, or license attainment program offered by
1347 the comprehensive community college.

1348 **2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the**
1349 **Virginia Administrative Code, as necessary to comply with and effectuate the provisions of this**
1350 **act.**