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HOUSE BILL NO. 886

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact §§ 22.1-253.13:1, 23-9.2:3.04, and 23-9.6:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23-2.4, relating to State Council of Higher Education; postsecondary education and employment data.

Patrons—Peace and Ramadan

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1, 23-9.2:3.04, and 23-9.6:1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding a section numbered 23-2.4 as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

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

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

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

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

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

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

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

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59 facilitate the submission of recommendations by educators.

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

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

67 The Board of Education shall include in the Standards of Learning for health instruction in
68 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
69 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
70 instruction shall be based on the current national evidence-based emergency cardiovascular care
71 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
72 program developed by the American Heart Association or the American Red Cross. No teacher who is
73 in compliance with subdivision D 4 of § 22.1-298.1 shall be required to be certified as a trainer of
74 cardiopulmonary resuscitation to provide instruction for non-certification.

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

80 C. Local school boards shall develop and implement a program of instruction for grades K through
81 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
82 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
83 and computations, proficiency in the use of computers and related technology, and scientific concepts
84 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
85 world and United States history, economics, government, foreign languages, international cultures, health
86 and physical education, environmental issues, and geography necessary for responsible participation in
87 American society and in the international community; fine arts, which may include, but need not be
88 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
89 education, gainful employment, or training in a career or technical field; and development of the ability
90 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
91 achieve economic self-sufficiency.

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

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

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

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

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

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

D. Local school boards shall also implement the following:

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

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

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

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

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

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

d. The opportunity for students and their parents to view, either in-person or on the school's website, a copy of the postsecondary education and employment data received from the State Council for Higher Education pursuant to § 23-9.2:3.04 and subdivision 9 of § 23-9.6:1.

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

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

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

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

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

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

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

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

Local school divisions shall provide reading intervention services to students in kindergarten through

grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

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

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

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

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

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

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

§ 23-2.4. Postsecondary education and employment data.

Each institution of higher education in the Commonwealth shall provide enrolled students and their parents with the opportunity to view, either in-person or on the school's website, a copy of the postsecondary education and employment data received from the State Council for Higher Education pursuant to § 23-9.2:3.04 and subdivision 9 of § 23-9.6:1.

§ 23-9.2:3.04. (Expires June 30, 2017) Post-graduation employment rates.

By August 1, 2013, and each year thereafter, the State Council of Higher Education for Virginia shall publish ~~data~~ on its website, and disseminate to each public secondary school and each institution of higher education in the Commonwealth, data on the proportion of graduates with employment at 18 months and five years after the date of graduation for each public institution and each private nonprofit institution of higher education eligible to participate in the Tuition Assistance Grant Program. The data shall include the program and the program level, as recognized by the State Council of Higher Education, for each degree awarded by each institution and shall, at a minimum, include the percentage of graduates known to be employed in the Commonwealth, the average salary, and the average higher education-related debt for the graduates on which the data is based. The published data shall be

consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

§ 23-9.6:1. Duties of Council generally.

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. Study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. Review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution that has been created and established by the General Assembly.

305 8. Review the proposed closure of any academic program in a high demand or critical shortage area,
306 as defined by the Council, by any public institution of higher education and assist in the development of
307 an orderly closure plan, when needed.

308 9. Develop a uniform, comprehensive data information system designed to gather all information
309 necessary to the performance of the Council's duties. The system shall include information on
310 admissions, enrollments, self-identified students with documented disabilities, personnel, programs,
311 financing, space inventory, facilities and such other areas as the Council deems appropriate. When
312 consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 *et seq.*),
313 the Virginia Unemployment Compensation Act (§ 60.2-100 *et seq.*), and applicable federal law, the
314 Council, acting solely or in partnership with the Virginia Department of Education or the Virginia
315 Employment Commission, ~~may~~ *shall* contract with private entities to create de-identified student records
316 for the purpose of assessing (i) the performance of institutions and specific programs relative to the
317 workforce needs of the Commonwealth, (ii) *rates of enrollment in remedial coursework for each*
318 *institution*, (iii) *individual student credit accumulation for each institution*, (iv) *rates of postsecondary*
319 *degree completion*, and (v) *any other information that the Council determines is necessary to address*
320 *adequate preparation for success in postsecondary education and alignment between secondary and*
321 *postsecondary education. The council shall disseminate the institution-level data collected pursuant to*
322 *this subdivision to each public secondary school and each institution of higher education in the*
323 *Commonwealth.* For the purposes of this section, "de-identified student records" means records in which
324 all personally identifiable information has been removed.

325 10. Develop in cooperation with institutions of higher education guidelines for the assessment of
326 student achievement. An institution shall use an approved program that complies with the guidelines of
327 the Council and is consistent with the institution's mission and educational objectives in the development
328 of such assessment. The Council shall report the institutions' assessments of student achievement in the
329 biennial revisions to the state's master plan for higher education.

330 11. Develop in cooperation with the appropriate state financial and accounting officials and to
331 establish uniform standards and systems of accounting, record keeping and statistical reporting for the
332 public institutions of higher education.

333 12. Review biennially and approve or disapprove all changes in the inventory of educational and
334 general space that any public institution of higher education may propose, and to make a report to the
335 Governor and the General Assembly with respect thereto. No such change shall be made until 30 days
336 after the adjournment of the session of the General Assembly next following the filing of such report.

337 13. Visit and study the operations of each of the public institutions of higher education at such times
338 as the Council shall deem appropriate and to conduct such other studies in the field of higher education
339 as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

340 14. Provide advisory services to private, accredited and nonprofit institutions of higher education,
341 whose primary purpose is to provide collegiate or graduate education and not to provide religious
342 training or theological education, on academic, administrative, financial and space utilization matters.
343 The Council may also review and advise on joint activities, including contracts for services between
344 such public and private institutions of higher education or between such private institutions and any
345 agency of the Commonwealth or political subdivision thereof.

346 15. Adopt such rules and regulations as the Council believes necessary to implement all of the
347 Council's duties and responsibilities as set forth in this Code. The various public institutions of higher
348 education shall comply with such rules and regulations.

349 16. Issue guidelines consistent with the provisions of the federal Family Education Rights and
350 Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a
351 student's academic and disciplinary record to a student's parent.

352 17. Require that each institution of higher education formed, chartered, or established in the
353 Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of
354 institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An
355 institution may provide for the preservation of student transcripts by binding agreement with another
356 institution of higher education with which it is not corporately connected or in such other way as the
357 Council may authorize by regulation. In the event an institution closes, or has its approval to operate in
358 the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to
359 secure and preserve the student transcripts until such time as an appropriate institution accepts all or
360 some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student
361 to his own transcripts; nor shall this section authorize disclosure of student records except as may
362 otherwise be authorized by law.

363 18. Require the development and submission of articulation, transfer, and dual enrollment and
364 admissions agreements between two- and four-year public institutions of higher education in Virginia,
365 including programs for qualified students to be simultaneously accepted by a community college and a
366 four-year public institution of higher education and, upon successful completion of an associate degree

367 program from the community college, to be automatically enrolled in the four-year institution of higher
368 education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such
369 programs, including grade point average requirements, acceptable associate degree majors, and
370 completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions
371 during the time enrolled in either institution. Such agreements shall be subject to the admissions
372 requirements of the four-year institutions, except as provided in § 23-9.2:3.02.

373 19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee
374 Studying Higher Education Funding Policies for the various public institutions.

375 20. Develop a uniform certificate of general studies program, in consultation with the Virginia
376 Community College System and Virginia public institutions of higher education, to be offered at each
377 community college in Virginia. Such program shall ensure that a community college student who
378 completes the one-year certificate program shall be able to transfer all credits earned in academic subject
379 coursework to a four-year public institution of higher education in the Commonwealth upon acceptance
380 to the institution.

381 In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the
382 individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as
383 practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties
384 and responsibilities.