

17103627D

## HOUSE BILL NO. 1764

Offered January 11, 2017

Prefiled January 9, 2017

A BILL to amend and reenact §§ 22.1-212.23, 22.1-212.24, 22.1-212.25, 22.1-212.27, and 22.1-253.13:1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.5, consisting of sections numbered 22.1-212.28 through 22.1-212.32, relating to regional school boards; full-time virtual school programs.

Patron—Bulova

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 22.1-212.23, 22.1-212.24, 22.1-212.25, 22.1-212.27, and 22.1-253.13:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 1.5, consisting of sections numbered 22.1-212.28 through 22.1-212.32, as follows:

**§ 22.1-212.23. Definitions.**

As used in this article:

"Multidivision online provider" means (i) a private or nonprofit organization that enters into a contract with a local school board to provide online courses or programs through that school board to students who reside in Virginia both within and outside the geographical boundaries of that school division; (ii) a private or nonprofit organization that enters into contracts with multiple local school boards to provide online courses or programs to students in grades K through 12 through those school boards; ~~or~~ (iii) *a private or nonprofit organization that enters into a contract with a regional school board to provide full-time virtual school programs to students who are enrolled in a participating local school division; or* (iv) a local school board that provides online courses or programs to students who reside in Virginia but outside the geographical boundaries of that school division. However, "multidivision online provider" shall not include (a) a local school board's online learning program in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of that school division; (b) multiple local school boards that establish joint online courses or programs in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of those school divisions; (c) local school boards that provide online learning courses or programs for their students through an arrangement with a public or private institution of higher education; or (d) local school boards providing online courses or programs through a private or nonprofit organization that has been approved as a multidivision online provider.

"Online course" means a course or grade-level subject instruction *for students in grades kindergarten through 12* that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods and (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both.

"Participating local school division" has the same meaning as provided in § 22.1-212.28.

"Regional school board" has the same meaning as provided in § 22.1-212.28.

"Virtual school program" means a series of online courses with instructional content that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods; (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both; (iii) is delivered as a part-time or full-time program; and (iv) has an online component with online lessons and tools for student and data management.

An online course or virtual school program may be delivered to students at school as part of the regularly scheduled school day.

**§ 22.1-212.24. Approval of multidivision online providers; contracts with local school boards and regional school boards.**

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the

59 Board of Education for review. The approval of a multidivision online provider under this section shall  
60 be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of  
61 revocation of approval of a multidivision online provider or rejection of an application by a  
62 multidivision online provider shall state the grounds for such action with reasonable specificity and give  
63 reasonable notice to the multidivision online provider to appeal. These criteria and processes shall be  
64 adopted by January 31, 2011.

65 B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public  
66 Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or  
67 state accreditation program approved by the Board; (ii) require such courses or programs, pupil  
68 performance standards, and curriculum to meet or exceed any applicable Standards of Learning and  
69 Standards of Accreditation; (iii) require any educational objectives and assessments used to measure  
70 pupil progress toward achievement of the school's pupil performance standards to be in accordance with  
71 the Board's Standards of Accreditation and all applicable state and federal laws; (iv) require such courses  
72 or programs to maintain minimum staffing requirements appropriate for virtual school programs; and (v)  
73 publish the criteria for approval of multidivision online providers on its website, including any  
74 applicable deadlines, fees, and guidelines.

75 C. The Department of Education may charge a multidivision online provider applicant or a local  
76 school board requesting to offer a course through Virtual Virginia a fee not to exceed the costs required  
77 to ensure proper evaluation and approval of such requests. The Department shall establish and publish a  
78 fee schedule for purposes of this subsection.

79 D. Local school boards may enter into contracts, consistent with the criteria approved by the Board  
80 pursuant to this section, with approved private or nonprofit organizations to provide multidivision online  
81 courses and virtual school programs. *Regional school boards shall negotiate and enter into contracts,*  
82 *consistent with the criteria approved by the Board pursuant to this section, with at least one approved*  
83 *multidivision online provider to operate a full-time virtual school program.* Such contracts shall be  
84 exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

85 **§ 22.1-212.25. Information regarding online courses and virtual programs; report.**

86 A. The Department of Education shall develop and maintain a website that provides objective  
87 information for students, parents, and educators regarding online courses and virtual programs offered  
88 through local school boards *and regional school boards* by multidivision online providers that have been  
89 approved in accordance with § 22.1-212.24 and courses offered through the Virtual Virginia Program.  
90 The website shall include information regarding the overall instructional programs, the specific content  
91 of individual online courses and online programs, a direct link to each multidivision online provider's  
92 website, how to register for online learning programs and courses, teacher qualifications, course  
93 completion rates, and other evaluative and comparative information. The website shall also provide  
94 information regarding the process and criteria for approving multidivision online providers. Multidivision  
95 online providers shall provide the Department of Education the required information for the website as a  
96 condition of maintaining Board approval.

97 B. The Superintendent of Public Instruction shall develop model policies and procedures regarding  
98 student access to online courses and online learning programs that may be used by local school  
99 divisions.

100 Nothing in this article shall be deemed to require a local school division to adopt model policies or  
101 procedures developed pursuant to this section.

102 C. Beginning November 1, 2011, and annually thereafter, the Board of Education shall include in its  
103 annual report to the Governor and the General Assembly information regarding multidivision online  
104 learning during the previous school year. The information shall include but not be limited to student  
105 demographics, course enrollment data, parental satisfaction, aggregated student course completion and  
106 passing rates, and activities and outcomes of course and provider approval reviews. The November 1,  
107 2011, report shall be an interim progress report and include information on the criteria and processes  
108 adopted by the Board and outcomes of provider applications.

109 D. By July 1, 2011, local school boards shall post on their websites information regarding online  
110 courses and programs that are available through the school division and Virtual Virginia. Such  
111 information shall include but not be limited to the types of online courses and programs available to  
112 students through the school division, when the school division will pay course fees and other costs for  
113 nonresident students, and the granting of high school credit.

114 **§ 22.1-212.27. Students enrolled in online courses and virtual programs.**

115 A. Any student enrolled in any online course or virtual program offered by a local school ~~division~~  
116 *board or regional school board* shall be enrolled in a public school in Virginia as provided in  
117 § 22.1-3.1.

118 B. A student's parent or guardian shall give written permission prior to the enrollment of the student  
119 in any full-time virtual program offered by a local school ~~division~~ *board or regional school board*.

120 C. A student shall not be charged tuition for enrolling in any online course or virtual program

offered by the school division board that governs the local school division in which he resides or by the regional school board that governs the participating local school division in which he resides, pursuant to § 22.1-3. However, tuition may be charged to students who do not reside within the boundaries of the local school division offering that is governed by the school board that offers such course or program or the boundaries of any participating local school division that is governed by the regional school board that offers such course or program, pursuant to § 22.1-5.

Article 1.5.

Regional School Boards; Full-Time Virtual School Programs.

**§ 22.1-212.28. Definitions.**

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

"Full time" means consisting of at least five online courses.

"Local school division of residence" means that local school division in which a student resides and is enrolled.

"Participating local school division" means each local school division located in one of eight superintendent's regions.

"Regional school board" means a board that is composed of one member of each local school board that governs each participating local school division in the superintendent's region and that is established for the purpose of operating a full-time virtual school program that is available to each student enrolled in each participating local school division.

"Virtual school program" has the same meaning as provided in § 22.1-212.23.

**§ 22.1-212.29. Regional school boards to be established; duties.**

A. A regional school board shall be established in each of the eight superintendent's regions in the Commonwealth. Any such regional school board may consist of the regional board that is established to operate a regional vocational center, special education center, alternative education center, or academic year Governor's School.

B. Each regional school board shall:

1. Establish policies and regulations for its governance, subject to such criteria and conditions as the Board may prescribe;

2. Negotiate and enter into a contract, consistent with the criteria approved by the Board pursuant to subsection A of § 22.1-212.24, with at least one approved multidivision online provider, as that term is defined in § 22.1-212.23, to operate a full-time virtual school program. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.);

3. Determine the per pupil amount of funding to be contributed by the local school board that governs each participating local school division and ensure that the amount of funding is equitable and adequate to sustain a full-time virtual school program in the superintendent's region;

4. Establish policies and regulations to ensure equal access to and an equal opportunity to participate in full-time virtual school programs for all students, including students with disabilities, regardless of whether such students are financially able to provide their own computer and Internet access;

5. Establish procedures for enrollment in the full-time virtual school program, including a procedure for the implementation of a waiting list as required by subsection C of § 22.1-212.30; and

6. Inform parents, students, school counselors, school administrators, teachers, student services personnel, and school support staff of the availability of the full-time virtual school program.

**§ 22.1-212.30. Persons eligible; availability; standards.**

A. Any person of school age in the Commonwealth, as determined pursuant to subsection A of § 22.1-254, who is enrolled in the appropriate public elementary or secondary school in the attendance zone in which he resides and meets all attendance requirements pursuant to § 22.1-254 is eligible to participate in his local school division of residence in the full-time virtual school program established by the relevant regional school board.

B. Each local school board shall make the option to participate in a full-time online learning program or full-time virtual school program available to at least two percent of students enrolled in the local school division. Any school board may satisfy such requirement by providing the option to participate in the full-time virtual school program offered by the relevant regional school board.

C. In the event that enrollment requests exceed the capacity of its full-time virtual school program, the regional school board shall establish a waiting list that is prioritized through a random, unbiased selection process.

D. The full-time virtual school program offered by each regional school board is subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

E. Each student who participates in a full-time virtual school program offered by a regional school board shall take all applicable Standards of Learning assessments. The results of such assessments shall

182 *be reported to the school in which the student is enrolled and, for purposes of state accountability,*  
183 *included in the Board's calculation of such school's Standards of Learning assessment passage rate.*

184 *F. Nothing in this article shall be construed to restrict a local school board's authority to establish*  
185 *or continue to operate its own part-time or full-time online learning program or virtual school program.*

186 **§ 22.1-212.31. Funding.**

187 *A. Each student who participates in a full-time virtual school program offered by a regional school*  
188 *board shall be counted in the March 31 average daily membership of his local school division of*  
189 *residence. The per pupil share of state funds distributed to such local school division shall include all*  
190 *funds that are based on average daily membership, including Standards of Quality funding and Lottery*  
191 *funds. Such students shall be counted in the calculation of the required local effort of the local school*  
192 *division of residence.*

193 *B. Consistent with subsection B of § 22.1-212.29, the per pupil amount of funding contributed by the*  
194 *school board that governs each participating local school division shall be determined by the regional*  
195 *school board. The amount of such funding, which may include local and federal funding in addition to*  
196 *all or part of the state's share of funding, shall be based upon local utilization and the actual costs of*  
197 *each full-time virtual school program and shall be adequate to sustain such program.*

198 *C. Each participating local school division shall continue to receive all state and federal funds for*  
199 *which it is eligible that are associated with providing special education and other services to students*  
200 *who participate in the full-time virtual school program offered by the regional school board.*

201 **§ 22.1-212.32. Special education; student services.**

202 *A. In accordance with the provisions of § 22.1-215, the local school division of residence shall*  
203 *provide free and appropriate education, including special education, for children with disabilities who*  
204 *participate in a full-time virtual school program offered by a regional school board.*

205 *B. Each student who participates in a full-time virtual school program offered by a regional school*  
206 *board is entitled to receive student services and participate in school programs and activities in his*  
207 *local school division of residence on the same basis as any other student enrolled in such local school*  
208 *division.*

209 **§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and**  
210 **other educational objectives.**

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

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

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

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

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

243 *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 facilitate the submission of recommendations by educators.

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

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

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

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

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

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

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

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

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also

305 include summer school for all elementary and middle school grades and for all high school academic  
306 courses, as defined by regulations promulgated by the Board of Education, or other forms of  
307 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the  
308 division superintendent to be appropriate to the academic needs of the student. Students who are  
309 required to attend such summer school programs or to participate in another form of remediation shall  
310 not be charged tuition by the school division.

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

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

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

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

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

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

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

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

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

343 d. Annual notice on its website to enrolled high school students and their parents of the availability  
344 of the postsecondary education and employment data published by the State Council of Higher  
345 Education on its website pursuant to § 23.1-204.

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

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

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

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

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

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

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

365 11. A plan to notify students and their parents of the availability of dual enrollment and advanced  
366 placement classes, the International Baccalaureate Program, and Academic Year Governor's School

Programs, and *full-time virtual 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. (Applicable to school years before the 2018-2019 school year) 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.

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 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, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement 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.

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

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

428 professional development initiatives; evaluate the success of programs encouraging parental and family  
429 involvement; assess changes in student outcomes prompted by family involvement; and collect and  
430 disseminate among school divisions information regarding effective instructional programs and practices,  
431 initiatives promoting family and community involvement, and potential funding and support sources.  
432 Such unit may also provide resources supporting professional development for administrators and  
433 teachers. In providing such information, resources, and other services to school divisions, the unit shall  
434 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of  
435 Learning assessments.

436 F. Each local school board may enter into agreements for postsecondary credential, certification, or  
437 license attainment with community colleges or other public institutions of higher education or  
438 educational institutions established pursuant to Title 23.1 that offer a career and technical education  
439 curriculum. Such agreements shall specify (i) the options for students to take courses as part of the  
440 career and technical education curriculum that lead to an industry-recognized credential, certification, or  
441 license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available  
442 for such courses.