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HOUSE BILL NO. 2195

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Energy
on January 26, 2023)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend and reenact §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 22.1-253.13:1, as it is currently effective and as it shall become effective, 22.1-254.2, 22.1-277.06, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia; to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058, and by adding a section numbered 23.1-2906.3; and to repeal § 2.2-435.8, Article 3 (§§ 22.1-223, 22.1-224, and 22.1-225) of Chapter 13 of Title 22.1, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110, 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the Code of Virginia, relating to consolidation of the Commonwealth's workforce development policies and programs; Department of Workforce Development and Advancement created; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-214.2, 2.2-214.3, 2.2-435.10, 2.2-2237.3, 2.2-2238, 2.2-2472, 2.2-3711, 2.2-3905, 22.1-253.13:1, as it is currently effective and as it shall become effective, 22.1-254.2, 22.1-277.06, 40.1-100, 54.1-1101, 60.2-105, 60.2-111, and 60.2-631 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 20.2, containing articles numbered 1 through 4, consisting of sections numbered 2.2-2035 through 2.2-2058, and by adding a section numbered 23.1-2906.3 as follows:

§ 2.2-214.2. Position established; agencies for which responsible.

The position of Secretary of Labor (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the Department of Workforce Development and Advancement, and the Virginia Employment Commission. The Governor, by executive order, may assign any state executive agency to the Secretary.

§ 2.2-214.3. Responsibilities of the Secretary.

A. The Secretary shall assist the Governor in his capacity as the Chief Workforce Development Officer for the Commonwealth pursuant to § 2.2-435.6. The Secretary shall be responsible for the duties assigned to him pursuant to this article, Chapter 4.2 (§ 2.2-435.6 et seq.), Article 24 (§ 2.2-2470 et seq.) of Chapter 24, and other tasks as may be assigned to him by the Governor.

B. The Chief Workforce Development Officer's responsibilities as carried out by the Secretary of Labor shall include:

1. Developing a strategic plan for the statewide delivery of workforce development and training programs and activities. The strategic plan shall be developed in coordination with the development of the comprehensive economic development policy required by § 2.2-205. The strategic plan shall include mandatory performance measures for all workforce development programs across state government that link the objectives of such programs and activities to the record of state agencies, local workforce development boards, and other relevant entities in attaining such objectives. The Secretary shall have the authority to require compliance with such mandatory performance measures by all workforce development program administrators and providers across state government;

2. Determining the appropriate allocation, to the extent permissible under applicable federal law, of funds and other resources that have been appropriated or are otherwise available for disbursement by the Commonwealth for workforce development programs and activities;

3. Ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner by, among other activities, taking appropriate executive action to this end and recommending to the General Assembly necessary legislative actions to streamline and eliminate duplication in such efforts;

4. Facilitating Providing oversight and directing efficient implementation of workforce development and training programs by Cabinet Secretaries and agencies responsible for such programs;

5. Developing, in coordination consultation with the Virginia Board of Workforce Development, (i) certification standards and metrics for programs and providers and (ii) uniform policies and procedures, including standardized forms and applications, for one-stop centers;

6. Monitoring, in coordination with the Virginia Board of Workforce Development, the effectiveness of each one-stop center and recommending actions needed to improve its effectiveness;

7. Establishing measures to evaluate the effectiveness of the local workforce development boards and

60 conducting annual evaluations of the effectiveness of each local workforce development board. As part
 61 of the evaluation process, the Governor shall recommend to such boards specific best management
 62 practices;

63 8. Conducting annual evaluations of the performance of workforce development and training
 64 programs and activities *across state government* and their administrators and *service* providers using the
 65 performance measures developed through the strategic planning process described in subdivision 1. The
 66 evaluations shall include, to the extent feasible, (i) a comparison of the per-person costs for each
 67 program or activity; (ii) a comparative rating of each program or activity based on its success in
 68 meeting program objectives; *consisting of individuals placed in jobs, jobs retained, and wages or*
 69 *earnings paid, as determined by the Secretary;* and (iii) an explanation of the extent to which each
 70 agency's appropriation requests incorporate the data reflected in the cost comparison described in clause
 71 (i) and the comparative rating described in clause (ii). These evaluations, including the comparative
 72 rankings, shall be considered in allocating resources for workforce development and training programs.
 73 These evaluations shall be submitted to the Chairmen of the House Committee on Labor and Commerce
 74 and the Senate Committee on Commerce and Labor and included in the biennial reports pursuant to
 75 subdivision 10;

76 9. Monitoring federal legislation and policy in order to maximize the Commonwealth's effective use
 77 of access to federal funding available for workforce development programs; and

78 10. Submitting biennial reports, which shall be included in the Governor's executive budget
 79 submissions to the General Assembly, on improvements in the coordination of workforce development
 80 efforts statewide. The reports shall identify (i) program success rates in relation to performance measures
 81 established by the *Secretary in consultation with the* Virginia Board of Workforce Development, (ii)
 82 obstacles to program and resource coordination, and (iii) strategies for facilitating statewide program and
 83 resource coordination.

84 **§ 2.2-435.10. Administration of the Workforce Innovation and Opportunity Act; memorandum**
 85 **of understanding; executive summaries.**

86 A. The Secretary of Labor and the Chancellor of the Virginia Community College System shall enter
 87 into a memorandum of understanding that sets forth (i) the roles and responsibilities of each of these
 88 entities in ~~administering~~ *administer* (i) a state workforce system and ~~facilitating~~ *facilitate* regional
 89 workforce systems that are business-driven, aligned with current and reliable labor market data, and
 90 targeted at providing participants with workforce credentials that have demonstrated value to employers
 91 and job seekers; *and* (ii) a funding mechanism that adequately supports operations under the federal
 92 Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) (WIOA); *and* (iii) a ~~procedure for~~
 93 the resolution of any disagreements that may arise concerning policy, funding, or administration of the
 94 WIOA.

95 B. The Secretary of Labor and the Virginia Community College System shall collaborate to produce
 96 an annual executive summary, no later than the first day of each regular session of the General
 97 Assembly, of the interim activity undertaken to implement the ~~memorandum of understanding~~
 98 *responsibilities* described in subsection A and to administer the WIOA.

99 **CHAPTER 20.2.**

100 **WORKFORCE DEVELOPMENT AND ADVANCEMENT.**

101 **Article 1.**

102 **General Provisions.**

103 **§ 2.2-2035. Department of Workforce Development and Advancement; creation; appointment of**
 104 **Director.**

105 A. There is hereby created in the executive branch the Department of Workforce Development and
 106 Advancement (the Department). The Department shall be headed by the Director of Workforce
 107 Development and Advancement (the Director) who shall be appointed by the Governor, subject to
 108 confirmation by the General Assembly, to serve at the pleasure of the Governor.

109 B. The Director may establish divisions within the Department and assign to such divisions any
 110 duties described in this chapter or otherwise imposed upon the Department.

111 **§ 2.2-2036. Definitions.**

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

113 "Department" means the Department of Workforce Development and Advancement.

114 "Director" means the Director of Workforce Development and Advancement.

115 "Encrypted" means the same as that term is defined in § 18.2-186.6.

116 "Identifying information" means the same as that term is defined in § 18.2-186.3.

117 "Virginia Longitudinal Data System" means the multiagency partnership administered by the State
 118 Council of Higher Education for Virginia pursuant to subdivision 9 of § 23.1-203.

119 "Virginia Workforce Data Trust" means a workforce database maintained by the Department in an
 120 encrypted state in compliance with § 2.2-2009.

121 "Workforce development program" means a publicly funded education, training, and support services

program designed and administered to prepare and enable participants to enter into and advance in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the administrative functions of the Department or reside in other agencies.

§ 2.2-2037. Powers and duties of Department.

The Department shall have the power and duty to:

1. Promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.

2. Establish a mission, goals, and objectives for the Department that align with the purpose of this chapter, to create a unified system of workforce development for the Commonwealth.

3. Develop a strategy to inform and engage businesses on the workforce development programs offered by the Department and ensure alignment of the Department's offerings to the needs of employers.

4. Regularly track metrics relating to workforce development programs and establish a mechanism to help assess the adequacy of Department services and programs.

5. Develop specific strategies or steps the Department will take to modify policies, procedures, or processes to ensure effective and efficient administration of workforce development programs.

6. Develop a strategy for clearly communicating to customers changes to key workforce development programs.

7. Develop a strategy for clearly communicating important workforce development program information to Department staff, the public, and the General Assembly.

8. Identify other tactical actions to be taken to ensure the continuity of workforce development programs and customer service.

§ 2.2-2038. State and federal cooperation.

In the administration of this chapter, the Department shall cooperate with the U.S. Department of Labor to the fullest extent consistent with the provisions of this chapter. The Department shall make such reports, in such form and containing such information, as the U.S. Department of Labor may require and shall comply with such provisions as the U.S. Department of Labor may find necessary to assure the correctness and verification of such reports. The Department shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to the Commonwealth and its citizens all advantages available under the provisions of the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128), and any other federal legislation executed with respect to workforce development and training.

§ 2.2-2039. Reciprocal agreements.

Subject to the approval of the Governor, the Department is authorized to enter into arrangements with the appropriate agencies of other states or the federal government for the purpose of workforce development and training.

§ 2.2-2040. Records and reports.

A. Each workforce development program provider shall keep true and accurate training records containing such information as the Department may prescribe. Such records shall be open to inspection and be subject to being copied by the Department or its authorized representatives at any reasonable time and as often as may be necessary. The Department may require from any workforce development program provider any sworn or unsworn reports, with respect to persons employed by it, that the Department deems necessary for the effective administration of this chapter.

B. Notwithstanding the provisions of subsection A, the Department shall, upon written request, furnish the Virginia Economic Development Partnership Authority (the Authority) such information as it may require to facilitate the administration and enforcement by the Authority of performance agreements with businesses that have received incentive awards. Any information provided to the Authority under this subsection shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members of the Authority who are public officials or employees of the Authority for the performance of their official duties. No public official or employee shall disclose any confidential information obtained pursuant to this subsection to nonlegislative citizen members of the Authority or to the public. Any information so provided shall be used by the Authority solely for the purpose of verifying employment and wage claims of those businesses that have received incentive awards.

§ 2.2-2041. Innovative Internship Fund and Program.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Innovative Internship Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall

183 remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the Innovative
184 Internship Program established pursuant to subsection B. Expenditures and disbursements from the
185 Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request
186 signed by the Director of the Department.

187 B. There is hereby established the Innovative Internship Program (the Program). The purpose of the
188 Program is to expand paid or credit-bearing student internship and other work-based learning
189 opportunities in collaboration with Virginia employers. The Program comprises institutional grants and
190 a statewide initiative to facilitate the readiness of students, employers, and institutions of higher
191 education to participate in internship and other work-based learning opportunities.

192 1. In administering the statewide initiative, the Department shall (i) engage stakeholders from
193 business and industry, secondary and higher education, economic development, and state agencies and
194 entities that are successfully engaging employers or successfully operating internship programs; (ii)
195 explore strategies in Virginia and elsewhere on successful institutional, regional, statewide, or
196 sector-based internship programs; (iii) gather data on current institutional internship practices, scale,
197 and outcomes; (iv) develop internship readiness educational resources, delivery methods, certification
198 procedures, and outreach and awareness activities for employer partners, students, and institutional
199 career development personnel; (v) pursue shared services or other efficiency initiatives, including
200 technological solutions; and (vi) create a process to track key measures of performance.

201 2. The Department shall establish eligibility criteria, including requirements for matching funds, for
202 institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i)
203 support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the
204 Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted
205 for development; (iv) support regional economic growth and diversification plans; (v) enhance the job
206 readiness of students; (vi) enhance higher education affordability and timely completion for Virginia
207 students; or (vii) further the objectives of increasing the tech talent pipeline.

208 3. The Department shall partner with the Office of Education and Labor Market Alignment to collect
209 and utilize data that includes the gaps that are most significant in hindering the Commonwealth from
210 achieving the goals listed in subdivision 2. The Department and the Office of Education and Labor
211 Market Alignment shall identify, at minimum: (i) state or regional workforce needs for which the lack of
212 work-based learning opportunities is negatively impacting the success of regional economic growth and
213 diversification plans and (ii) degree programs, the graduates of which describe themselves as
214 underemployed, that would benefit from incorporating work-based learning into the curriculum. The
215 Department and the Office of Education and Labor Market Alignment shall use the needs and degree
216 programs identified in this subdivision to collaboratively determine priorities for (a) using the portion of
217 student financial aid authorized by the budget to be awarded as grants to students participating in
218 work-based learning; (b) redesigning of curricula at public institutions of higher education; (c)
219 garnering regional support and services to ensure the readiness of students and employers; (d)
220 awarding grants to institutions of higher education to ensure their readiness to support students through
221 detailed planning and implementation of best practices for scaling work-based learning; (e) providing or
222 raising funds to provide matching funds so that students with limited resources, who have traditionally
223 participated in the Program at lower rates, may intern at small Virginia-based employers; and (f)
224 enhancing data collection and analysis.

225 Article 2.

226 Data Collection and Analytics.

227 § 2.2-2042. Workforce program evaluations; sharing of certain data; prohibited uses; penalty.

228 A. To the extent permitted under federal law, the agencies specified in subsection D shall share data
229 from within their respective databases to (i) develop meaningful analyses and evaluations of workforce
230 programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of § 2.2-214.3;
231 (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and efficiency
232 across public workforce programs and partner organizations; (iv) enable the development of
233 comprehensive consumer-facing software applications; (v) support requirements for performance-driven
234 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

235 B. Data shared pursuant to subsection A shall include only the identifying and attribute information
236 required to match entities across programs, support the coordination of services, and evaluate outcomes,
237 shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data,
238 the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and
239 restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

240 The agencies specified in subsection D shall enter into a memorandum of understanding supporting
241 the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of
242 understanding shall include provisions for authorizing bona fide research requests that are related to
243 the data sharing referenced in subsection A. In accordance with the governance process defined in such
244 memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by

integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce Data Trust.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance;

2. Virginia Community College System: Adult Education and Family Literacy, Postsecondary Career and Technical Education;

3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;

4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

5. Department of Education: Special Education and Career and Technical Education;

6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative for Education and Work;

7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and Technical Education Programs;

9. Department of Corrections: Career and Technical Education Programs;

10. The State Council of Higher Education for Virginia;

11. Department of Veterans Services: Virginia Value Veterans;

12. Department of Workforce Development and Advancement: Apprenticeship, Job Service, Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act, Veterans Employment Training Programs, Innovative Internship Program, and Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III and other workforce development programs of the Department as determined by the Director; and

13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development and Advancement.

E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development and Advancement.

F. Agencies participating in the Virginia Longitudinal Data System and the Virginia Workforce Data Trust shall meet annually for the purpose of coordinating responses to changes in data collection of the participating agencies and the needs of the Commonwealth with respect to workforce development and education policy development. Subject to the approval by each participating agency, the Virginia Longitudinal Data System and the Virginia Workforce Data Trust may develop processes to facilitate intersystem operability and communication between the two entities for research and analysis purposes.

G. All agencies providing information to the Virginia Workforce Data Trust shall be prohibited from disclosing any personal information or data, except as required under this section or other state law or federal law, or to accomplish a proper purpose of the agency.

H. Any person alleging a violation of this section may bring a civil action for appropriate injunctive relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

I. Any person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment of up to 90 days, a fine of up to \$1,000, or both.

§ 2.2-2043. Job placement and retention; reporting.

A. The Department shall develop a tool or process for the uniform tracking of successful job placement and job retention outcomes of workforce development program participants.

B. All workforce development program providers shall annually track successful job placement and job retention outcomes for workforce development program participants using the tool or process developed by the Department.

Article 3. Apprenticeships.

§ 2.2-2044. Definitions.

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

"Apprenticeable occupation" means a skilled occupation having the following characteristics:

1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;

2. It is clearly identifiable and recognized throughout an industry;

3. It involves manual, mechanical, or technical skills that require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and

4. It requires related instruction to supplement the on-the-job work experience.

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Director. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the occupation.

"Employer" means any person or organization employing a registered apprentice, whether or not such person or organization is a party to an apprenticeship agreement with a sponsor.

"Joint apprenticeship committee" means a group equally representative of management and labor representatives that works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

"Sponsor" means either an individual employer, a group of employers, or an association or organization operating an apprenticeship program and in whose name the program is registered.

§ 2.2-2045. Apprenticeship Council; membership and terms of office; meetings and duties.

A. The Governor shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and all of whom shall be familiar with apprenticeable occupations. The Director, the Chancellor of the Virginia Community College System, or their designated representatives, and a local superintendent from a school division that provides apprenticeship-related instruction shall be ex officio members of the Apprenticeship Council. At the beginning of each year, the Governor shall designate one member to serve as chairman. Each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term. All members, including ex officio members, shall have voting privileges.

B. The Apprenticeship Council shall meet at the call of the chairman of the Apprenticeship Council and shall formulate policies for the effective administration of this article.

C. The Apprenticeship Council shall establish standards for apprentice agreements that shall not be lower than those prescribed by this article and those established pursuant to Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 and shall perform such other functions as may be necessary to carry out the intent and purposes of this article. Not less than once a year, the Apprenticeship Council shall make a report of its activities and findings to the General Assembly and to the public.

§ 2.2-2046. Authority of Council.

The Council may:

1. Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this article;

2. Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;

3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes pursuant to subdivision C 3 of § 2.2-2048;

4. Perform such other duties as are necessary to carry out the intent of this article; and

5. Advise the Director on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

§ 2.2-2047. Director to administer article.

A. The Director, with the advice and guidance of the Council, shall be responsible for administering the provisions of this article.

B. The Director shall:

1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that meets the standards established under this article;

2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;

3. Keep a record of apprenticeship agreements and their disposition;

4. Issue certificates of completion upon the completion of the apprenticeship;

5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship;

6. Establish policies governing the provision of apprenticeship-related instruction delivered by state and local public education agencies and provide for the administration and supervision of related and supplemental instruction for apprentices; and

7. Perform such other duties as are necessary to carry out the intent of this article.

§ 2.2-2048. Local and state joint apprenticeship committees.

A. A local joint apprenticeship committee may be established in any trade or group of trades in a city or trade area whenever the apprentice training needs of such trade or group of trades justify such establishment.

B. When two or more local joint apprenticeship committees have been established in the Commonwealth for a trade or group of trades or at the request of any trade or group of trades, a state apprenticeship committee may be established for such trade or group of trades. Such local and state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.

C. The functions of a local joint apprenticeship committee shall be:

1. To cooperate with school authorities in regard to the education of apprentices;

2. In accordance with standards established by the Apprenticeship Council, to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices, and the number of apprentices that shall be employed locally in the trade; and

3. To adjust apprenticeship disputes.

D. The functions of a state trade apprenticeship committee shall be to assist in an advisory capacity in the development of statewide standards of apprenticeship and in the development of local standards and local committees.

§ 2.2-2049. Discrimination prohibitions for registered apprenticeship programs.

A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for purposes of this article a sponsor of a registered apprenticeship program shall not discriminate against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information, or disability.

B. Notwithstanding any provisions of Title 40.1, it shall not be an unlawful practice for an employer to fail or refuse to hire and employ any individual for any position in a registered apprenticeship program, or for any registered apprenticeship program to fail or refuse to accept or admit any individual to any registered apprenticeship program, if:

1. The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision 1.

C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of § 2.2-2047.

§ 2.2-2050. Requisites of apprentice agreement.

Every apprentice agreement entered into under this article shall contain:

1. The names, signatures, and addresses of the contracting parties;

2. The date of birth of the apprentice;

3. The contact information of the program sponsor and the Division of Registered Apprenticeship;

4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;

6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;

7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;

8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Director at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Director by mutual agreement of all parties thereto or cancelled by the Director for good and sufficient reason;

9. A reference incorporating as part of the apprentice agreement the standards of the apprenticeship program as they exist on the date of the apprentice agreement and as they may be amended during the period of the apprentice agreement;

10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination as provided in § 2.2-2049;

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprentice agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Director, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the Director not inconsistent with the provisions of this article.

§ 2.2-2051. Approval of apprentice agreement by Director; signing.

No apprentice agreement under this article shall be effective until approved by the Director. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 2.2-2053, and by the apprentice, and, if the apprentice is a minor, by the minor's father or mother, provided, that if both father and mother are dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§ 2.2-2052. Apprentice agreement binding after apprentice's majority.

When a minor enters into an apprentice agreement under this article for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

§ 2.2-2053. Apprentice agreement signed by organization of employers or of employees.

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this article may in the discretion of the Director be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers that will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the Director, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in § 2.2-2051, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§ 2.2-2054. Operation and application of article.

Nothing in this article or in any apprentice agreement approved under this article shall invalidate any apprenticeship provision in any collective agreement between employers and employees establishing higher apprenticeship standards regarding ratios of apprentices to journeymen, probationary periods, or length of the program. None of the terms or provisions of this article shall apply to any person, firm, corporation, or craft unless, until, and only so long as such person, firm, corporation, or craft voluntarily elects that the terms and provisions of this article shall apply.

Article 4.

Job Services.

§ 2.2-2055. Virginia State Job Service; cooperation with U.S. Employment Service agencies.

A. The Department shall have all rights, powers, and duties with respect to the establishment, maintenance, and operation of free employment offices in the Commonwealth and shall possess, exercise, and perform the same through a division known as the Virginia State Job Service. The Department through the division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter.

B. The Department, through the Virginia State Job Service, is designated as the state agency and vested with all powers necessary to cooperate with the U.S. Employment Service in accordance with the terms and conditions expressed in 29 U.S.C. § 49 et seq.

C. The Department may cooperate with or enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law, with respect to the maintenance and use of free employment service facilities.

D. Chapter 13 of the Acts of Assembly of 1933 providing for cooperation between the Commonwealth and the U.S. Employment Service is, subject to the provisions of this article, continued in effect.

§ 2.2-2056. Veterans Skills Database.

A. For purposes of this section, "veteran" means an individual who has served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.

B. The Department, in cooperation with the Secretary of Commerce and Trade and the Department of Veterans Services, shall establish the Veterans Skills Database (the Database), an Internet-accessible database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce skills of veterans to potential employers.

C. The Department may contract with one or more third parties to develop, implement, and maintain the Database. The Database provider shall (i) maintain the Database and (ii) take all actions to ensure the protection of the confidentiality and security of the information contained in the Database in accordance with the requirements established by the Department.

D. Any veteran may register with the Department to create a free profile on the Database in order to supply information relating to his workforce skills and experience. Potential employers may register with the Department to create a free profile in order to gain access to the Database for the purpose of identifying potential employees with relevant workforce skills and experience.

§ 2.2-2057. Employment stabilization.

The Department shall have the following duties relating to employment stabilization:

1. Establish a viable labor exchange system to promote maximum employment for the Commonwealth with priority given to those workers drawing unemployment benefits;

2. Provide Virginia State Job Service services, as described in this article, according to the provisions of the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.), as amended by the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128);

3. Coordinate and direct all workforce development program services, policies, grant management, and data analytics across state government that lead to conducting activities that target job placement and respond to industry demand;

4. Coordinate and conduct labor market information research services, programs, and operations, including the development, storage, retrieval, and dissemination of information on the social and economic aspects of the Commonwealth, and publish data needed by employers, economic development programs, education and training entities, and government entities and for other users in the public and private sectors;

5. Encourage and assist in the adoption of practical methods of vocational guidance, training, and retraining; and

6. Establish the Interagency Migrant Worker Policy Committee (the Committee), comprised of representatives from appropriate state agencies, including the Virginia Workers' Compensation Commission, whose services and jurisdictions involve migrant and seasonal farmworkers and their employees. All agencies of the Commonwealth shall be required to cooperate with the Committee upon request.

§ 2.2-2058. Human trafficking hotline; posted notice required.

Within each employment office, the Department shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

§ 2.2-2237.3. Division of Incentives.

A. Within the Authority shall be created a Division of Incentives that shall be responsible for reviewing, vetting, tracking, and coordinating economic development incentives administered by or through the Authority and for aligning those incentives with economic development incentives offered by other entities in the Commonwealth.

B. No project that includes an offer of economic development incentives by the Commonwealth, including grants or loans from the Commonwealth's Development Opportunity Fund, shall be approved by the Governor until (i) the Division of Incentives has undertaken appropriate due diligence regarding the proposed project and the Secretary of Commerce and Trade has certified that the proposed incentives to be offered are appropriate based on the investment and job creation anticipated to be generated by the project and (ii) when required by § 30-310, the MEI Project Approval Commission has reviewed the proposed incentives.

C. Any contract or memorandum of understanding for the award of economic development incentives by the Commonwealth shall set forth the investment and job creation requirements for the payment of the incentive and shall include a stipulation that the business beneficiary of the incentives shall be liable for the repayment of all or a portion of the incentives to the Commonwealth if the business beneficiary fails to make the required investments or create the required number of jobs. For purposes of this

section, an incentive awarded by the Commonwealth shall include an incentive awarded from a fund operated by the Commonwealth, including the Commonwealth's Development Opportunity Fund. If it is determined that a business beneficiary is liable for the repayment of all or a portion of an economic development incentive awarded by the Commonwealth, the Board may refer the matter to the Office of the Attorney General pursuant to § 2.2-518. Prior to the referral to the Office of the Attorney General, the Board shall direct any political subdivision that is a party to the relevant contract or memorandum of understanding to assign its rights to the Commonwealth arising under such contract or memorandum of understanding in which the business beneficiary is liable to repay all or a portion of an economic development incentive awarded by the Commonwealth. In any such matter referred to the Office of the Attorney General, a business beneficiary liable to repay all or a portion of an economic development incentive awarded by the Commonwealth shall also be liable to pay interest, administrative charges, attorney fees, and other applicable fees.

D. Notwithstanding any other provision of law, approval of the Board shall be required to grant an extension for an approved project to meet the investment and job creation requirements set forth in the contract or memorandum of understanding. Notwithstanding any other provision of law, approval of both the Board and the MEI Project Approval Commission shall be required to grant any additional extensions.

E. The Division of Incentives shall provide semiannual updates to the Board of the status and progress of investment and job creation requirements for all projects for which economic development incentives have been awarded, until such time as the investment and job creation requirements are met or the incentives are repaid to the Commonwealth. Updates shall be provided more frequently upon the request of the Board, or if deemed necessary by the Division of Incentives.

F. The Board shall establish a subcommittee, consisting of ex officio members of the Board authorized pursuant to §§ 2.2-2040 and 60.2-114 and federal law to receive and review employment information received from the Virginia Employment Commission and *Department of Workforce Development and Advancement*, in order to assist the Division of Incentives with the verification of employment and wage claims of those businesses that have received incentive awards. Such information shall be confidential and shall not be (i) redisclosed to other members of the Board or to the public in accordance with the provisions of *subsection B of § 2.2-2040 and subdivision C 2 of § 60.2-114* or (ii) subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

G. For purposes of this section, the award of economic development incentives by the Commonwealth shall include an award of funds from the Commonwealth's Development Opportunity Fund, regardless of whether the contract or memorandum of understanding for the disbursement of funds is with the Commonwealth or a political subdivision thereof and the business beneficiary.

§ 2.2-2238. Economic development services.

A. It shall be the duty of the Authority to encourage, stimulate, and support the development and expansion of the economy of the Commonwealth. The Authority is charged with the following duties and responsibilities to:

1. See that there are prepared and carried out effective economic development marketing and promotional programs;

2. Make available, in conjunction and cooperation with localities, chambers of commerce, industrial authorities, and other public and private groups, to prospective new businesses basic information and pertinent factors of interest and concern to such businesses;

3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging the location of new businesses in the Commonwealth and the retention and growth of existing businesses;

4. Encourage and solicit private sector involvement, support, and funding for economic development in the Commonwealth;

5. Encourage the coordination of the economic development efforts of public institutions, regions, communities, and private industry and collect and maintain data on the development and utilization of economic development capabilities;

6. Establish such offices within and without the Commonwealth that are necessary to the expansion and development of industries and trade;

7. Encourage the export of products and services from the Commonwealth to international markets;

8. Advise, upon request, the State Board for Community Colleges in designating technical training programs in Virginia's comprehensive community colleges for the Community College Incentive Scholarship Program pursuant to former § 23-220.4;

9. Offer a program for the issuance of export documentation for companies located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide export documentation in a form deemed necessary for international commerce; and

10. Establish an Office of Education and Labor Market Alignment (the Office) to coordinate data analysis on workforce and higher education alignment and translate data to partners. The Office shall provide a unified, consistent and *impartial* source of information or analysis for policy development and

implementation related to ~~talent development~~ *education, the labor market, and workforce development*. The Office shall partner with the State Council of Higher Education for Virginia, institutions of higher education, the Virginia Department of Education, the Virginia Employment Commission, ~~GO Virginia~~ *the Virginia Growth and Opportunity Board, the Department of Workforce Development and Advancement*, and other relevant entities to offer resources and expertise related to education, *workforce development*, and labor market alignment. *The Office shall communicate relevant information in a clear and concise manner to enable policy and decision makers to navigate the complex connections between education, workforce development, and labor market alignment.*

B. The Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites of at least 100 acres. In developing such a program, the Authority shall establish assessment guidelines and procedures for identification of industrial sites, resource requirements, and development oversight. The Authority shall invite participation by regional and industry stakeholders to assess potential sites, identify product shortfalls, and make recommendations to the Governor and General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's economic development plan.

C. The Authority may encourage the import of products and services from international markets to the Commonwealth.

§ 2.2-2472. Powers and duties of the Board; Virginia Workforce System created.

A. The Board shall implement a Virginia Workforce System that shall undertake the following actions to implement and foster workforce development and training and better align education and workforce programs to meet current and projected skills requirements of an increasingly technological, global workforce:

1. Provide policy advice to the Governor on workforce and workforce development issues in order to create a business-driven system that yields increasing rates of attainment of workforce credentials in demand by business and increasing rates of jobs creation and attainment;

2. Provide policy direction to local workforce development boards;

3. Assist the Governor in the development, implementation, and modification of any combined state plan developed pursuant to the WIOA;

4. Identify current and emerging statewide workforce needs of the business community;

5. Forecast and identify training requirements for the new workforce;

6. Recommend strategies to match trained workers with available jobs to include strategies for increasing business engagement in education and workforce development;

7. Evaluate the extent to which the state's workforce development programs emphasize education and training opportunities that align with employers' workforce needs and labor market statistics and report the findings of this analysis to the Governor every two years;

8. Advise and oversee the development of a strategic workforce dashboard and tools that will inform the Governor, policy makers, system stakeholders, and the public on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The ~~Virginia Employment Commission~~ *Department of Workforce Development and Advancement*, along with other workforce partners, shall provide data to populate the tools and dashboard;

9. Determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected by the ~~Virginia Employment Commission~~ *Department of Workforce Development and Advancement*. The ~~Virginia Employment Commission~~ *Department of Workforce Development and Advancement* shall support the Virginia Board of Workforce Development in making such determination. Such information shall be published biennially and disseminated to employers; education and training entities, including associate-degree-granting and baccalaureate public institutions of higher education; government agencies, including the Department of Education and public libraries; and other users in the public and private sectors;

10. Develop pay-for-performance contract strategy incentives for rapid reemployment services consistent with the WIOA as an alternative model to traditional programs;

11. Conduct a review of budgets, which shall be submitted annually to the Board by each agency conducting federal and state funded career and technical and adult education and workforce development programs, that identify the agency's sources and expenditures of administrative, workforce education and training, and support services for workforce development programs;

12. Review and recommend industry credentials that align with high demand occupations, which credentials shall include a credential that determines career readiness;

13. Define the Board's role in certifying WIOA training providers, including those not subject to the authority expressed in Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1;

14. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 13;

675 15. Create quality standards, guidelines, and directives applicable to local workforce development
676 boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this
677 article; and

678 16. *Conduct or cause to be conducted, on a biennial basis, an independent evaluation of the*
679 *operational and program objectives of the Department of Workforce Development and Advancement and*
680 *submit a report to the Governor and the General Assembly summarizing such evaluation; and*

681 17. Perform any act or function in accordance with the purposes of this article.

682 B. The Board may establish such committees as it deems necessary

683 C. The Board, the Secretary of Labor, and the Governor's other Cabinet Secretaries shall assist the
684 Governor in complying with the provisions of the WIOA and ensuring the coordination and
685 effectiveness of all federal and state funded career and technical and adult education and workforce
686 development programs and providers within Virginia's Workforce System.

687 D. The Board shall assist the Governor in the following areas with respect to workforce
688 development: development of any combined state plan developed pursuant to the WIOA; development
689 and continuous improvement of a statewide workforce development system that ensures career readiness
690 and coordinates and aligns career and technical education, adult education, and federal and state
691 workforce programs; development of linkages to ensure coordination and nonduplication among
692 programs and activities; designation of local areas; development of local discretionary allocation
693 formulas; development and continuous improvement of comprehensive state performance measures
694 including, without limitation, performance measures reflecting the degree to which one-stop centers
695 provide comprehensive services with all mandatory partners and the degree to which local workforce
696 development boards have obtained funding from sources other than the WIOA; preparation of the annual
697 report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and
698 development of a statewide system of one-stop centers that provide comprehensive workforce services to
699 employers, employees, and job seekers.

700 The Board shall share information regarding its meetings and activities with the public.

701 E. Each local workforce development board shall develop and submit to the Governor and the Board
702 an annual workforce demand plan for its workforce development board area based on a survey of local
703 and regional businesses that reflects the local employers' needs and requirements and the availability of
704 trained workers to meet those needs and requirements. Local boards shall also designate or certify
705 one-stop operators; identify eligible providers of youth activities; develop a budget; conduct local
706 oversight of one-stop operators and training providers in partnership with its local chief elected official;
707 negotiate local performance measures, including incentives for good performance and penalties for
708 inadequate performance; assist in developing statewide employment statistics; coordinate workforce
709 development activities with economic development strategies and the annual demand plan, and develop
710 linkages among them; develop and enter into memoranda of understanding with one-stop partners and
711 implement the terms of such memoranda; promote participation by the private sector; actively seek
712 sources of financing in addition to WIOA funds; report performance statistics to the Board; and certify
713 local training providers in accordance with criteria provided by the Board. Further, a local training
714 provider certified by any workforce development board has reciprocal certification for all workforce
715 development boards.

716 F. Each workforce development board shall develop and execute a strategic plan designed to combine
717 public and private resources to support sector strategies, career pathways, and career readiness skills
718 development. Such initiatives shall include or address (i) a regional vision for workforce development;
719 (ii) protocols for planning workforce strategies that anticipate industry needs; (iii) the needs of
720 incumbent and underemployed workers in the region; (iv) the development of partners and guidelines for
721 various forms of on-the-job training, such as registered apprenticeships; (v) the setting of standards and
722 metrics for operational delivery; (vi) alignment of monetary and other resources, including private funds
723 and in-kind contributions, to support the workforce development system; and (vii) the generation of new
724 sources of funding to support workforce development in the region.

725 G. Local workforce development boards are encouraged to implement pay-for-performance contract
726 strategy incentives for rapid reemployment services consistent within the WIOA as an alternative model
727 to traditional programs. Such incentives shall focus on (i) partnerships that lead to placements of eligible
728 job seekers in unsubsidized employment and (ii) placement in unsubsidized employment for
729 hard-to-serve job seekers. At the discretion of the local workforce development board, funds to the
730 extent permissible under §§ 128(b) and 133(b) of the WIOA may be allocated for pay-for-performance
731 partnerships.

732 H. Each chief local elected official shall consult with the Governor regarding designation of local
733 workforce development areas; appoint members to the local board in accordance with state criteria; serve
734 as the local grant recipient unless another entity is designated in the local plan; negotiate local
735 performance measures with the Governor; ensure that all mandated partners are active participants in the
736 local workforce development board and one-stop center; and collaborate with the local workforce

development board on local plans and program oversight.

I. Each local workforce development board shall develop and enter into a memorandum of understanding concerning the operation of the one-stop delivery system in the local area with each entity that carries out any of the following programs or activities:

1. Programs authorized under Title I of the WIOA;
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
3. Adult education and literacy activities authorized under Title II of the WIOA;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
5. Postsecondary career and technical education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
6. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et seq.);
7. Activities pertaining to employment and training programs for veterans authorized under 38 U.S.C. § 4100 et seq.;
8. Programs authorized under Title 60.2, in accordance with applicable federal law;
9. Workforce development activities or work requirements of the Temporary Assistance to Needy Families (TANF) program known in Virginia as the Virginia Initiative for Education and Work (VIEW) established pursuant to § 63.2-608;
10. Workforce development activities or work programs authorized under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.);
11. Other programs or activities as required by the WIOA; and
12. Programs authorized under Title I of the WIOA.

J. The quorum for a meeting of a local workforce development board shall consist of a majority of both the private sector and public sector members. Each local workforce development board shall share information regarding its meetings and activities with the public.

K. For the purposes of implementing the WIOA, income from service in the Virginia National Guard shall not disqualify unemployed service members from WIOA-related services.

L. The Secretary of Labor shall be responsible for the coordination of the Virginia Workforce System and the implementation of the WIOA.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the

798 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable
799 litigation" means litigation that has been specifically threatened or on which the public body or its legal
800 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in
801 this subdivision shall be construed to permit the closure of a meeting merely because an attorney
802 representing the public body is in attendance or is consulted on a matter.

803 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
804 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
805 construed to permit the closure of a meeting merely because an attorney representing the public body is
806 in attendance or is consulted on a matter.

807 9. Discussion or consideration by governing boards of public institutions of higher education of
808 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
809 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
810 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
811 accepted by a public institution of higher education in the Commonwealth shall be subject to public
812 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
813 (i) "foreign government" means any government other than the United States government or the
814 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
815 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of
816 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
817 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created
818 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a
819 citizen or national of the United States or a trust territory or protectorate thereof.

820 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
821 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
822 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from
823 private sources.

824 11. Discussion or consideration of honorary degrees or special awards.

825 12. Discussion or consideration of tests, examinations, or other information used, administered, or
826 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

827 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
828 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement
829 filed by the member, provided the member may request in writing that the committee meeting not be
830 conducted in a closed meeting.

831 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
832 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
833 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating
834 position of the governing body or the establishment of the terms, conditions and provisions of the siting
835 agreement, or both. All discussions with the applicant or its representatives may be conducted in a
836 closed meeting.

837 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
838 activity and estimating general and nongeneral fund revenues.

839 16. Discussion or consideration of medical and mental health records subject to the exclusion in
840 subdivision 1 of § 2.2-3705.5.

841 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
842 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
843 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
844 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
845 and subdivision 11 of § 2.2-3705.7.

846 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
847 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
848 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
849 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official
850 renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or
851 safety.

852 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
853 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
854 or emergency service officials concerning actions taken to respond to such matters or a related threat to
855 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,
856 where discussion in an open meeting would jeopardize the safety of any person or the security of any
857 facility, building, structure, information technology system, or software program; or discussion of reports
858 or plans related to the security of any governmental facility, building or structure, or the safety of
859 persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in

921 § 56-484.12, related to the provision of wireless E-911 service.

922 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
923 Professional and Occupational Regulation, Department of Health Professions, or the Board of
924 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach
925 a decision or meetings of health regulatory boards or conference committees of such boards to consider
926 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
927 requested by either of the parties.

928 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of
929 § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are
930 defined in § 33.2-1800, or any independent review panel appointed to review information and advise the
931 responsible public entity concerning such records.

932 29. Discussion of the award of a public contract involving the expenditure of public funds, including
933 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
934 discussion in an open session would adversely affect the bargaining position or negotiating strategy of
935 the public body.

936 30. Discussion or consideration of grant or loan application information subject to the exclusion in
937 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

938 31. Discussion or consideration by the Commitment Review Committee of information subject to the
939 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
940 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

941 32. Discussion or consideration of confidential proprietary information and trade secrets developed
942 and held by a local public body providing certain telecommunication services or cable television services
943 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
944 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
945 seq.).

946 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
947 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
948 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

949 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
950 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

951 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
952 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative
953 files.

954 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
955 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
956 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
957 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
958 recover scholarship awards.

959 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion
960 in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia
961 Port Authority.

962 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
963 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
964 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
965 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment
966 Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in
967 subdivision 24 of § 2.2-3705.7.

968 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of
969 § 2.2-3705.6 related to economic development.

970 40. Discussion or consideration by the Board of Education of information relating to the denial,
971 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

972 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created
973 by executive order for the purpose of studying and making recommendations regarding preventing
974 closure or realignment of federal military and national security installations and facilities located in
975 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
976 appointed by a local governing body, during which there is discussion of information subject to the
977 exclusion in subdivision 8 of § 2.2-3705.2.

978 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
979 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
980 information of donors.

981 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
982 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information

contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the *Department Workforce Development and Advancement* pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry

1044 to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of
1045 public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance
1046 of such bonds.

1047 **§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.**

1048 A. As used in this section:

1049 "Age" means being an individual who is at least 40 years of age.

1050 "Domestic worker" means an individual who is compensated directly or indirectly for the
1051 performance of services of a household nature performed in or about a private home, including services
1052 performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids,
1053 housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides,
1054 personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include
1055 (i) a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in
1056 the child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an
1057 employee of a child day program; or (iii) any employee employed on a casual basis in domestic service
1058 employment to provide companionship services for individuals who, because of age or infirmity, are
1059 unable to care for themselves.

1060 "Employee" means an individual employed by an employer.

1061 "Employer" means a person employing (i) 15 or more employees for each working day in each of 20
1062 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or (ii)
1063 one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B 1
1064 on the basis of race, color, religion, national origin, military status, sex, sexual orientation, gender
1065 identity, marital status, disability, pregnancy, or childbirth or related medical conditions including
1066 lactation, "employer" means any person employing more than five persons or one or more domestic
1067 workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age,
1068 "employer" means any employer employing more than five but fewer than 20 persons.

1069 "Employment agency" means any person, or an agent of such person, regularly undertaking with or
1070 without compensation to procure employees for an employer or to procure for employees opportunities
1071 to work for an employer.

1072 "Joint apprenticeship committee" means the same as that term is defined in § 40.1-120 2.2-2044.

1073 "Labor organization" means an organization engaged in an industry, or an agent of such organization,
1074 that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees
1075 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of
1076 employment. "Labor organization" includes employee representation committees, groups, or associations
1077 in which employees participate.

1078 "Lactation" means a condition that may result in the feeding of a child directly from the breast or the
1079 expressing of milk from the breast.

1080 B. It is an unlawful discriminatory practice for:

1081 1. An employer to:

1082 a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to
1083 such individual's compensation, terms, conditions, or privileges of employment because of such
1084 individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1085 childbirth or related medical conditions including lactation, age, military status, disability, or national
1086 origin; or

1087 b. Limit, segregate, or classify employees or applicants for employment in any way that would
1088 deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an
1089 individual's status as an employee, because of such individual's race, color, religion, sex, sexual
1090 orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including
1091 lactation, age, military status, disability, or national origin.

1092 2. An employment agency to:

1093 a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of
1094 such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy,
1095 childbirth or related medical conditions, age, military status, disability, or national origin; or

1096 b. Classify or refer for employment any individual on the basis of such individual's race, color,
1097 religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical
1098 conditions, age, military status, disability, or national origin.

1099 3. A labor organization to:

1100 a. Exclude or expel from its membership, or otherwise discriminate against, any individual because
1101 of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status,
1102 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1103 b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or
1104 refuse to refer for employment any individual, in any way that would deprive or tend to deprive such
1105 individual of employment opportunities, or would limit such employment opportunities or otherwise

adversely affect an individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because such individual has opposed any practice made an unlawful discriminatory practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or national origin when religion, sex, age, or national origin is a bona fide occupational qualification for employment.

C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

4. For an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or an action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin;

1167 5. For an employer to provide reasonable accommodations related to disability, pregnancy, childbirth
1168 or related medical conditions, and lactation, when such accommodations are requested by the employee;
1169 or

1170 6. For an employer to condition employment or premises access based upon citizenship where the
1171 employer is subject to any requirement imposed in the interest of the national security of the United
1172 States under any security program in effect pursuant to or administered under any statute or regulation
1173 of the federal government or any executive order of the President of the United States.

1174 D. Nothing in this chapter shall be construed to require any employer, employment agency, labor
1175 organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any
1176 group because of such individual's or group's race, color, religion, sex, sexual orientation, gender
1177 identity, marital status, pregnancy, childbirth or related medical conditions, age, military status,
1178 disability, or national origin on account of an imbalance that may exist with respect to the total number
1179 or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital
1180 status, pregnancy, childbirth or related medical conditions, age, military status, disability, or national
1181 origin employed by any employer, referred or classified for employment by any employment agency or
1182 labor organization, admitted to membership or classified by any labor organization, or admitted to or
1183 employed in any apprenticeship or other training program, in comparison with the total number or
1184 percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status,
1185 pregnancy, childbirth or related medical conditions, age, military status, disability, or national origin in
1186 any community.

1187 E. The provisions of this section shall not apply to the employment of individuals of a particular
1188 religion by a religious corporation, association, educational institution, or society to perform work
1189 associated with its activities.

1190 § 22.1-253.13:1. (For Expiration Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1.
1191 Instructional programs supporting the Standards of Learning and other educational objectives.

1192 A. The General Assembly and the Board of Education believe that the fundamental goal of the
1193 public schools of the Commonwealth must be to enable each student to develop the skills that are
1194 necessary for success in school, preparation for life, and reaching their full potential. The General
1195 Assembly and the Board of Education find that the quality of education is dependent upon the provision
1196 of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of
1197 high-quality instructional personnel; (ii) the appropriate learning environment designed to promote
1198 student achievement; (iii) quality instruction that enables each student to become a productive and
1199 educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of
1200 other resources. In keeping with this goal, the General Assembly shall provide for the support of public
1201 education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

1202 B. The Board of Education shall establish educational objectives known as the Standards of
1203 Learning, which shall form the core of Virginia's educational program, and other educational objectives,
1204 which together are designed to ensure the development of the skills that are necessary for success in
1205 school and for preparation for life in the years beyond. At a minimum, the Board shall establish
1206 Standards of Learning for English, mathematics, science, and history and social science. The Standards
1207 of Learning shall not be construed to be regulations as defined in § 2.2-4001.

1208 The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality
1209 foundation educational program. The Standards of Learning shall include, but not be limited to, the basic
1210 skills of communication (listening, speaking, reading, and writing); computation and critical reasoning,
1211 including problem solving and decision making; proficiency in the use of computers and related
1212 technology; computer science and computational thinking, including computer coding; and the skills to
1213 manage personal finances and to make sound financial decisions.

1214 The English Standards of Learning for reading in kindergarten through grade three shall be based on
1215 components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic
1216 phonics, fluency, vocabulary development, and text comprehension.

1217 The Standards of Learning in all subject areas shall be subject to regular review and revision to
1218 maintain rigor and to reflect a balance between content knowledge and the application of knowledge in
1219 preparation for eventual employment and lifelong learning. The Board of Education shall establish a
1220 regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of
1221 the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once
1222 every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such
1223 review and revision on a more frequent basis.

1224 To provide appropriate opportunity for input from the general public, teachers, and local school
1225 boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of
1226 Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time,
1227 and place of the hearings to all local school boards and any other persons requesting to be notified of
1228 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 3 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.

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

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.

1290 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
1291 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
1292 award of a verified unit of credit shall be required to attend a remediation program or to participate in
1293 another form of remediation. Division superintendents shall require such students to take special
1294 programs of prevention, intervention, or remediation, which may include attendance in public summer
1295 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

1296 Remediation programs shall include, when applicable, a procedure for early identification of students
1297 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
1298 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
1299 include summer school for all elementary and middle school grades and for all high school academic
1300 courses, as defined by regulations promulgated by the Board of Education, or other forms of
1301 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the
1302 division superintendent to be appropriate to the academic needs of the student. Students who are
1303 required to attend such summer school programs or to participate in another form of remediation shall
1304 not be charged tuition by the school division.

1305 The requirement for remediation may, however, be satisfied by the student's attendance in a program
1306 of prevention, intervention or remediation that has been selected by his parent, in consultation with the
1307 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)
1308 a special program that has been determined to be comparable to the required public school remediation
1309 program by the division superintendent. The costs of such private school remediation program or other
1310 special remediation program shall be borne by the student's parent.

1311 The Board of Education shall establish standards for full funding of summer remedial programs that
1312 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof
1313 required for full funding and an assessment system designed to evaluate program effectiveness. Based on
1314 the number of students attending and the Commonwealth's share of the per pupil instructional costs,
1315 state funds shall be provided for the full cost of summer and other remediation programs as set forth in
1316 the appropriation act, provided such programs comply with such standards as shall be established by the
1317 Board, pursuant to § 22.1-199.2.

1318 D. Local school boards shall also implement the following:

1319 1. Programs in grades K through three that emphasize developmentally appropriate learning to
1320 enhance success.

1321 2. Programs based on prevention, intervention, or remediation designed to increase the number of
1322 students who earn a high school diploma and to prevent students from dropping out of school. Such
1323 programs shall include components that are research-based.

1324 3. Career and technical education programs incorporated into the K through 12 curricula that include:

1325 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,
1326 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching
1327 profession, and emphasize the advantages of completing school with marketable skills;

1328 b. Career exploration opportunities in the middle school grades;

1329 c. Competency-based career and technical education programs that integrate academic outcomes,
1330 career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor
1331 market needs and student interest. Career guidance shall include counseling about available employment
1332 opportunities and placement services for students exiting school. Each school board shall develop and
1333 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be
1334 developed with the input of area business and industry representatives and local comprehensive
1335 community colleges and shall be submitted to the Superintendent of Public Instruction in accordance
1336 with the timelines established by federal law;

1337 d. Annual notice on its website to enrolled high school students and their parents of (i) the
1338 availability of the postsecondary education and employment data published by the State Council of
1339 Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to
1340 obtain a nationally recognized career readiness certificate at a local public high school, comprehensive
1341 community college, or workforce center; and

1342 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
1343 Commonwealth by median pay and the education, training, and skills required for each such profession
1344 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
1345 pay of program graduates. The Department of Education shall annually compile such lists and provide
1346 them to each local school board.

1347 4. Educational objectives in middle and high school that emphasize economic education and financial
1348 literacy pursuant to § 22.1-200.03.

1349 5. Early identification of students with disabilities and enrollment of such students in appropriate
1350 instructional programs consistent with state and federal law.

1351 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.~~ 9. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive 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.~~ 10. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; 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 comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

~~12.~~ 11. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

~~13.~~ 12. 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. Such reading intervention services shall be evidence-based, including services that are grounded in the science of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The parent of each student who receives such reading intervention services shall be notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of each such student shall be monitored throughout the provision of services. Each student who receives such reading intervention services shall 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. Such reading intervention services may be administered through the use of reading specialists; trained aides; trained volunteers 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.

As used in this subdivision:

"Science of reading" means the study of the relationship between cognitive science and educational outcomes.

~~14- 13.~~ Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

~~15- 14.~~ 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. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situation safety awareness training and social media education.

~~16- 15.~~ 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- 16.~~ The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

~~18- 17.~~ 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 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.

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

§ 22.1-253.13:1. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) 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; computer science and computational thinking, including computer coding; 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, systematic 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 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 3 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.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource

1536 materials, the Board shall consult with representatives of career and technical education, industry, skilled
1537 trade associations, chambers of commerce or similar organizations, and contractor organizations.

1538 C. Local school boards shall develop and implement a program of instruction for grades K through
1539 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
1540 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
1541 and computations, proficiency in the use of computers and related technology, computer science and
1542 computational thinking, including computer coding, and scientific concepts and processes; essential skills
1543 and concepts of citizenship, including knowledge of Virginia history and world and United States
1544 history, economics, government, foreign languages, international cultures, health and physical education,
1545 environmental issues, and geography necessary for responsible participation in American society and in
1546 the international community; fine arts, which may include, but need not be limited to, music and art,
1547 and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
1548 training in a career or technical field; and development of the ability to apply such skills and knowledge
1549 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

1550 Local school boards shall also develop and implement programs of prevention, intervention, or
1551 remediation for students who are educationally at risk including, but not limited to, those who fail to
1552 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
1553 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include
1554 components that are research-based.

1555 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning
1556 assessments for the relevant grade level in grades three through eight may be required to attend a
1557 remediation program.

1558 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
1559 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
1560 award of a verified unit of credit shall be required to attend a remediation program or to participate in
1561 another form of remediation. Division superintendents shall require such students to take special
1562 programs of prevention, intervention, or remediation, which may include attendance in public summer
1563 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

1564 Remediation programs shall include, when applicable, a procedure for early identification of students
1565 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
1566 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
1567 include summer school for all elementary and middle school grades and for all high school academic
1568 courses, as defined by regulations promulgated by the Board of Education, or other forms of
1569 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the
1570 division superintendent to be appropriate to the academic needs of the student. Students who are
1571 required to attend such summer school programs or to participate in another form of remediation shall
1572 not be charged tuition by the school division.

1573 The requirement for remediation may, however, be satisfied by the student's attendance in a program
1574 of prevention, intervention or remediation that has been selected by his parent, in consultation with the
1575 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)
1576 a special program that has been determined to be comparable to the required public school remediation
1577 program by the division superintendent. The costs of such private school remediation program or other
1578 special remediation program shall be borne by the student's parent.

1579 The Board of Education shall establish standards for full funding of summer remedial programs that
1580 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof
1581 required for full funding and an assessment system designed to evaluate program effectiveness. Based on
1582 the number of students attending and the Commonwealth's share of the per pupil instructional costs,
1583 state funds shall be provided for the full cost of summer and other remediation programs as set forth in
1584 the appropriation act, provided such programs comply with such standards as shall be established by the
1585 Board, pursuant to § 22.1-199.2.

1586 D. Local school boards shall also implement the following:

1587 1. Programs in grades K through three that emphasize developmentally appropriate learning to
1588 enhance success.

1589 2. Programs based on prevention, intervention, or remediation designed to increase the number of
1590 students who earn a high school diploma and to prevent students from dropping out of school. Such
1591 programs shall include components that are research-based.

1592 3. Career and technical education programs incorporated into the K through 12 curricula that include:

1593 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,
1594 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching
1595 profession, and emphasize the advantages of completing school with marketable skills;

1596 b. Career exploration opportunities in the middle school grades;

1597 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 comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law;

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

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

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.~~ 9. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive 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.~~ 10. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; 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 comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

~~12.~~ 11. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

~~13.~~ 12. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

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

15. 14. 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. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. 15. 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. 16. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. 17. 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 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.

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

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

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

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the early literacy screener provided or approved by the

Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

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

4. The local school board shall provide such reading intervention services prior to promoting a student from grade three to grade four.

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

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

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

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research. The list shall be approved by the Board;

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

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

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

§ 22.1-254.2. Testing for high school equivalency; eligibility; guidelines.

A. The Board of Education shall establish a program of testing for high school equivalency through which a person may pass a high school equivalency examination approved by the Board of Education through which persons may earn a high school equivalency certificate or may earn a diploma as provided in subsection F of § 22.1-253.13:4. The following persons may participate in the testing program:

1. Persons who are at least 18 years of age and not enrolled in public school or not otherwise meeting the school attendance requirements set forth in § 22.1-254;

2. Persons 16 years of age or older who have been instructed by their parents in their home pursuant to § 22.1-254.1 and who have completed such home school instruction;

3. Persons who have been excused from school attendance pursuant to subsections B and D of § 22.1-254;

4. Persons for whom an individual student alternative education plan has been granted pursuant to subsection E of § 22.1-254;

5. Persons 16 through 18 years of age who are housed in adult correctional facilities and who are actively pursuing a passing score on a high school equivalency examination approved by the Board of Education but who are not enrolled in an individual student alternative education plan pursuant to subsection E of § 22.1-254;

6. Persons 16 years of age or older who have been expelled from school pursuant to §§ 22.1-277.06 through 22.1-277.08; and

7. Persons required by court order to participate in the testing program.

Under no circumstances shall persons under the age of 16 be eligible for the testing program.

B. From such funds as may be appropriated for this purpose, local school boards shall implement programs of preparation and testing for high school equivalency consistent with guidelines to be developed by the Board of Education. Such guidelines shall include a provision that allows preparatory and testing programs to be offered jointly by two or more school boards.

§ 22.1-277.06. Expulsions; procedures; readmission.

A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board.

If the regulations provide for a hearing by a committee of the school board, the regulations shall also

1782 provide that such committee may confirm or disapprove the expulsion of a student. Any such committee
1783 of the school board shall be composed of at least three members. If the committee's decision is not
1784 unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such
1785 appeal shall be decided by the school board within 30 days.

1786 The regulations shall also provide for subsequent confirmation or disapproval of the proposed
1787 expulsion by the school board, or a committee thereof, as may be provided in regulation, regardless of
1788 whether the pupil exercised the right to a hearing.

1789 B. The written notice required by this section shall include notification of the length of the expulsion
1790 and shall provide information to the parent of the student concerning the availability of
1791 community-based educational, training, and intervention programs. Such notice shall state further
1792 whether or not the student is eligible to return to regular school attendance, or to attend an appropriate
1793 alternative education program approved by the school board; ~~or an adult education program offered by~~
1794 ~~the school division,~~ during or upon the expiration of the expulsion, and the terms or conditions of such
1795 readmission. The costs of any community-based educational, training, or intervention program that is not
1796 a part of the educational program offered by the school division that the student may attend during his
1797 expulsion shall be borne by the parent of the student.

1798 Nothing in this section shall be construed to prohibit the school board from permitting or requiring
1799 students expelled pursuant to this section to attend an alternative education program provided by the
1800 school board for the term of such expulsion.

1801 If the school board determines that the student is ineligible to return to regular school attendance or
1802 to attend during the expulsion an alternative education program ~~or an adult education program~~ in the
1803 school division, the written notice shall also advise the parent of such student that the student may
1804 petition the school board for readmission to be effective one calendar year from the date of his
1805 expulsion, and of the conditions, if any, under which readmission may be granted.

1806 School boards shall establish, by regulation, a schedule pursuant to which such students may apply
1807 and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition
1808 for readmission will be reviewed by the school board or a committee thereof, or the division
1809 superintendent, and, if granted, would enable the student to resume school attendance one calendar year
1810 from the date of the expulsion. If the division superintendent or a committee of the school board denies
1811 such petition, the student may petition the school board for review of such denial.

1812 C. Recommendations for expulsion for actions other than those specified in §§ 22.1-277.07 and
1813 22.1-277.08 shall be based on consideration of the following factors:

- 1814 1. The nature and seriousness of the violation;
- 1815 2. The degree of danger to the school community;
- 1816 3. The student's disciplinary history, including the seriousness and number of previous infractions;
- 1817 4. The appropriateness and availability of an alternative education placement or program;
- 1818 5. The student's age and grade level;
- 1819 6. The results of any mental health, substance abuse, or special education assessments;
- 1820 7. The student's attendance and academic records; and
- 1821 8. Such other matters as he deems appropriate.

1822 No decision to expel a student shall be reversed on the grounds that such factors were not
1823 considered.

1824 Nothing in this subsection shall be deemed to preclude a school board from considering any of these
1825 factors as "special circumstances" for purposes of §§ 22.1-277.07 and 22.1-277.08.

1826 **§ 23.1-2906.3. Adult education programs.**

1827 A. As used in this section:

1828 "Adult basic education" means education for individuals over the age of compulsory school
1829 attendance specified in § 22.1-254 that enables them to express themselves orally and in writing, read,
1830 access information and resources, make decisions, act independently and interact with others, and
1831 continue lifelong learning to cope with and compete successfully in a global economy.

1832 "Adult education program" means an instructional program below the college credit level provided
1833 by comprehensive community colleges. "Adult education program" includes adult basic education, a
1834 credit program, cultural adult education, an external diploma program, general adult education, and a
1835 high school equivalency program.

1836 "Credit program" means a program of academic courses that are available to individuals over the
1837 age of compulsory school attendance specified in § 22.1-254 to enable them to complete the regular
1838 requirements for a high school diploma.

1839 "Cultural adult education" means English as a second language (ESL), the preparation of
1840 foreign-born adults for participation in American life or for becoming American citizens, and other
1841 educational services for foreign-born individuals over the age of compulsory school attendance specified
1842 in § 22.1-254.

1843 "External diploma program" means a program in which individuals over the age of compulsory

school attendance specified in § 22.1-254 who did not complete high school may earn a high school diploma by demonstrating with 100 percent mastery the 65 competencies established and validated by the American Council on Education.

"General adult education" means academic, cultural, and avocational instruction for individuals over the age of compulsory school attendance specified in § 22.1-254 that may be obtained through programs other than credit programs, high school equivalency programs, or external diploma programs.

"High school equivalency program" means a program of preparation and instruction to take a high school equivalency examination approved by the Board of Education for individuals over the age of compulsory school attendance specified in § 22.1-254 who did not complete high school, individuals who have been granted permission by the superintendent of the school division in which they are or were last enrolled to take a high school equivalency examination approved by the Board of Education, individuals who are at least 16 years of age, and individuals who have been ordered by a court to participate in the program.

B. The State Board shall:

1. Require the development of adult education programs among eligible providers that ensure reasonably convenient access for residents of each community college's local service region to adult education and literacy services in all regions of the Commonwealth by providing federal and state funds to approved providers;

2. Encourage coordination in the development and provision of adult education programs between comprehensive community colleges and other federal, state, and local public and private agencies;

3. Promulgate appropriate standards and guidelines for adult education programs;

4. Accept and administer grants, gifts, services, and funds from available sources for use in adult education programs; and

5. Assist eligible adult education providers with all diligence in meeting the educational needs of individuals participating in adult education programs to master the requirements for and earn a high school diploma.

C. Each eligible provider of adult education awarded funds shall provide adult education programs for residents of the geographical area that it serves and may charge appropriate fees to individuals who enroll in such programs.

D. With such funds as may be appropriated for the purposes of this section, each comprehensive community college shall seek to ensure that every individual participating in such programs has an opportunity to earn the equivalency of a high school diploma.

§ 40.1-100. Certain employment prohibited or limited.

A. No child under 18 years of age shall be employed, permitted, or suffered to work:

1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;

2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;

3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are used;

5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places (i) licensed pursuant to subdivision 6 of § 4.1-206.1, provided that a child employed at the premises shall not serve or dispense in any manner alcoholic beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods;

6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who are at least 17 years of age may drive automobiles or trucks on public roadways if:

a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is equipped with seat belts for the driver and any passengers, and the employer requires the employee to use the seatbelts when driving the automobile or truck;

b. Driving is restricted to daylight hours;

c. The employee has a valid State license for the type of driving involved and has no record of any moving violations at the time of hire;

d. The employee has successfully completed a State-approved driver education course;

e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)

1905 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
1906 the transporting at any time of more than three passengers, including the employees of the employer;
1907 f. The driving performed by the employee does not involve more than two trips away from the
1908 primary place of employment in any single day for the purpose of delivering goods of the employee's
1909 employer to a customer;
1910 g. The driving performed by the employee does not involve more than two trips away from the
1911 primary place of employment in any single day for the purpose of transporting passengers, other than
1912 employees of the employer;
1913 h. The driving takes place within a 30-mile radius of the employee's place of employment; and
1914 i. The driving is only occasional and incidental to the employee's employment and involves no more
1915 than one third of the employee's work time in any workday and no more than 20 percent work time in
1916 any work week;
1917 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
1918 occupation involving slaughtering, meatpacking, processing or rendering;
1919 9. In any occupation determined and declared hazardous by rules and regulations promulgated by the
1920 Commissioner of Labor and Industry, except as otherwise provided in subsection D.
1921 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
1922 voluntary apprenticeship as provided in ~~Chapter 6 (§ 40.1-117 et seq.) of this title~~ *Article 3 (§ 2.2-2044*
1923 *et seq.) of Chapter 20.2 of Title 2.2* may be employed in any occupation in accordance with rules and
1924 regulations promulgated by the Commissioner.
1925 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no
1926 child under 16 years of age shall be employed, permitted or suffered to work:
1927 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of
1928 any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,
1929 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist,
1930 orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any
1931 warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking
1932 establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any
1933 brick, coal or lumber yard or ice plant or in ushering in theaters. Children 14 years of age or more may
1934 be engaged in office work of a clerical nature in bona fide office rooms in the above types of
1935 establishments.
1936 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
1937 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.
1938 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments in
1939 branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
1940 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years
1941 of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but
1942 not in or about such machines, and in soda fountains, restaurants and hotel and motel food service
1943 departments. Children 14 years of age or more may work as gatekeepers and in concessions at
1944 swimming pools and may be employed by concessionaires operating on beaches where their duties and
1945 work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or
1946 related beach equipment.
1947 D. Notwithstanding any other provision of this chapter:
1948 1. Children age 16 years or older employed on farms, in gardens or in orchards may operate, assist
1949 in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as
1950 defined in § 46.2-1099, in their employment;
1951 2. Children age 14 years or older employed on farms, in gardens or in orchards may perform work
1952 as a helper on a truck or commercial vehicle in their employment, while engaged in such work
1953 exclusively on a farm, in a garden or in an orchard;
1954 3. Children age 16 years or older may participate in all activities of a volunteer fire company;
1955 however, any such child shall not enter a burning structure or a structure which contains burning
1956 materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire
1957 fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where
1958 entry into a structure that contains burning materials is during training necessary to attain certification
1959 under National Fire Protection Association 1001, level one, firefighter standards, as administered by the
1960 Department of Fire Programs.
1961 **§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**
1962 A. The provisions of this chapter shall not apply to:
1963 1. Any governmental agency performing work with its own forces;
1964 2. Work bid upon or undertaken for the armed services of the United States under the Armed
1965 Services Procurement Act;
1966 3. Work bid upon or undertaken for the United States government on land under the exclusive

jurisdiction of the federal government either by statute or deed of cession;

4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair, or improvement of any highway or bridge;

5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;

6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

7. Any person who performs or supervises the construction, removal, repair, or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;

8. Any person who performs or supervises the construction, removal, repair, or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law;

9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;

10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.);

11. Any owner-developer, provided that any third-party purchaser is made a third-party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party;

12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes;

13. Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property;

14. Any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice as defined in § 40.1-120 2.2-2044; and

15. Work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition valued at \$25,000 or less per project on behalf of a properly licensed contractor, provided that such contractor holds a valid license in the (i) residential building, (ii) commercial building, or (iii) home improvement building contractor classification. However, any construction services that require an individual license or certification shall be rendered only by an individual licensed or certified in accordance with this chapter.

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision A 7, 10, 11, or 12 shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third-party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, 12, or 14 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

D. Any person who violates the provisions of subsection B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsection B or C during a 36-month period shall constitute a Class 6 felony.

§ 60.2-105. Publication and distribution of law, regulations, etc.

The Commission shall cause to be printed and readily available for distribution to the public the text of this title, the Commission's regulations and general rules, its annual reports to the Governor, and any other material the Commission deems relevant and suitable. The Commission shall furnish these materials to any person upon request.

§ 60.2-111. Duties and powers of Commission; reporting requirements.

A. It shall be the duty of the Commission to administer this title. *The Commission may establish separate divisions as necessary to carry out the duties and powers prescribed by this section.* It shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action, including the appointment of advisory groups, as it deems necessary or suitable to that end. Such rules and regulations shall be subject to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2,

except as to the subject matter of subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner prescribed by § 2.2-4103. The Commission shall determine its own organization and methods of procedure in accordance with provisions of this title, and shall have an official seal which shall be judicially noticed.

B. The Commission shall take all necessary steps to maintain a solvent trust fund financed through equitable employer taxes that provides temporary partial income replacement to involuntarily unemployed covered workers.

C. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes. That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make recommendations with respect thereto.

~~C. D.~~ In preparing the annual balance sheet required by subsection ~~B~~ C, the Commission shall regularly track metrics related to unemployment insurance benefits, establish a mechanism to help assess the adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit income replacement ratios. The annual balance sheet shall include the following calculations: (i) the average unemployment insurance benefit levels, (ii) the average income replacement of unemployment insurance benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the Commonwealth.

~~D. E.~~ The Commission, as part of its biennial strategic plan submitted to the Department of Planning and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency Plan that describes specific actions the Commission will take, depending on the level of increase in unemployment insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to ensure continued efficient and effective administration of the UI program. The Resiliency Plan shall include proposed actions consistent with the following objectives to effectively prepare for periods of high unemployment:

1. Develop specific strategies or steps the Commission will take to modify staffing levels in response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant positions such as adjudication and appeals staff.

2. Develop specific strategies or steps the Commission will take to modify policies, procedures, or processes in response to high demands on its services.

3. Outline a strategy for clearly communicating key UI program changes to customers. This strategy shall indicate which staff will be responsible for different types of communications and include several communications goals, such as clearly conveying UI program and policy changes.

4. Outline a strategy for clearly communicating important UI information to Commission staff, the public, and the General Assembly.

5. Formalize a policy for prioritizing and assigning claims for adjudication during periods of high claims volume. This policy shall detail how prioritization may change in response to claims volume and state that the policy of the Commission is to generally prioritize resolving older claims before newer claims.

6. Identify other tactical actions to be taken to ensure the continuity of UI claims processing and customer service.

§ 60.2-631. Board of Review.

A. The Commissioner, in his discretion, is hereby authorized to appoint a Board of Review consisting of three members, one of whom shall be designated chairman for a term of six years. The terms of the members first taking office shall be two, four, and six years, respectively, as designated by the Commissioner at the time of the appointment. Vacancies shall be filled by appointment by the Commissioner for the unexpired term. During his term of membership on the Board no member shall serve as an officer or committee member of any political organization. The members of the Board shall be compensated in a manner determined by the Commission. The Commission shall furnish the Board such stenographic and clerical assistance as the Board may require. All compensation of the members of the Board and all necessary expenses for the operation thereof shall be paid out of the administrative fund provided for in §§ 60.2-306 through 60.2-309, 60.2-307, and 60.2-308 and §§ 60.2-311 through, 60.2-312, and 60.2-313. The Commissioner may at any time, after notice and hearing, remove any member for cause. The Commissioner may, after thirty days' notice to the members of the Board and upon a finding that the Board is no longer needed, abolish the same.

B. 1. The Board shall meet upon the call of the chairman. It shall have the same powers and perform the same functions vested in the Commission in this title for review of decisions by an appeal tribunal, including the power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with disputed claims.

2. The Board may hold its hearings in the county or city where the claimant was last employed, except that hearings involving the provisions of subdivision A 2 of § 60.2-612 shall be held in the county or city where the claimant was last employed. When the same or substantially similar evidence is relevant and material to matters in issue in claims by more than one individual or in claims by a single individual with respect to two or more weeks of unemployment, the same time and place for considering each such claim may be fixed, hearings thereon jointly conducted, and a single record of the proceedings made.

C. The Commission may issue such regulations as it deems necessary for the procedure of the Board in the conduct of its hearings. During the time the Board is organized under authority of the Commissioner, the Commission shall have no jurisdiction under § 60.2-622. Any decision of the Board shall become final ten days after the date of notification or mailing and judicial review shall be permitted the claimant, the Commission or any interested party claiming to be aggrieved. In any judicial action involving any such decision the Commission shall be represented by the Office of the Attorney General. Any decision of the Board from which no judicial review is sought within the time prescribed in § 60.2-625 shall be conclusive against any party to the hearing before the Board and the Commission in any subsequent judicial proceedings involving liability for taxes under this title.

D. Within the time specified in § 60.2-625 the Commission, or any party to the proceedings before the Board, may obtain judicial review by filing in the circuit court of the county or city in which the individual who filed the claim was last employed, in the Commonwealth, a petition for review of such decision. In any such proceeding any other party to the proceeding shall be made a party respondent. The Commission shall be deemed to be a party to any such proceeding. The petition need not be verified. A copy of such petition shall be served upon the Commission and each party to the proceeding held before the Board at least thirty days prior to the placing of the petition upon the docket. The mailing of a copy of such petition to each party at his last known address shall be sufficient service. The Commission shall file along with its petition or answer a certified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the Board's findings, conclusions and decision therein.

E. In any proceeding under this section the Board's findings of facts, if supported by the evidence and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to questions of law. The court may order additional evidence to be taken by the Board, which such additional evidence, findings of fact or conclusions, together with the additional transcript of the record, shall be certified by the chairman of the Board and filed by him with the court. Such petition for review shall be heard in a summary manner and shall have preference over all other cases on the docket, except cases in which the Commonwealth is a party.

F. An appeal may be taken from the decision of such court to the Court of Appeals in conformity with Part Five A of the Rules of Supreme Court and other applicable laws. From any such decision involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an employer or (iii) whether services performed for or in connection with the business of an employing unit constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any proceeding before the Board, to enter exceptions to its ruling, and no bond shall be required upon any appeal to any court. Upon the final determination of such judicial proceeding, the Board shall enter an order in accordance with such determination.

2. That § 2.2-435.8, Article 3 (§§ 22.1-223, 22.1-224, and 22.1-225) of Chapter 13 of Title 22.1, Chapter 6 (§§ 40.1-117 through 40.1-127) of Title 40.1, §§ 23.1-903.4, 60.2-110, 60.2-113, 60.2-113.1, 60.2-309, and 60.2-310, and Chapter 4 (§§ 60.2-400, 60.2-400.1, and 60.2-401) of Title 60.2 of the Code of Virginia are repealed.

3. That the Governor may transfer appropriations or portions thereof within the Virginia Community College System, the Virginia Employment Commission, the State Council of Higher Education for Virginia, the Department of Education, and the Department of Labor and Industry, or from any such agency to another, to support the changes in organization or responsibility resulting from moving the following programs to the Department of Workforce Development and Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act: (i) the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III; (ii) the Trade Adjustment Assistance Program; (iii) the Jobs for Veterans State Grant program; (iv) the

2151 Reemployment Services and Eligibility Assessment program; (v) registered apprenticeship
2152 programs and other apprenticeship programs; (vi) the Virginia Career Works Referral Portal and
2153 Workforce Data Trust; (vii) the Virginia Workforce Connection; (viii) labor market information
2154 services; (ix) Virginia Voyager; (x) the Innovative Internship Fund and Program; (xi)
2155 Network2Work; and (xii) the Hampton Roads Skilled Trades Rapid On-Ramp Network for
2156 Growth.

2157 4. That the Governor may transfer appropriations or portions thereof within the Department of
2158 Education to support the changes in organization or responsibility resulting from moving the
2159 following programs from the Department of Education and Direct Aid to Public Education to the
2160 Virginia Community College System: (i) the Workforce Innovation and Opportunity Act of 2014
2161 (P.L. 113-128) Title II; (ii) adult education programs; (iii) adult literacy programs; (iv) Race to
2162 GED; and (v) PluggedIn VA.

2163 5. That the Governor may transfer any employee within the Department of Education, the
2164 Virginia Community College System, the Virginia Employment Commission, the State Council of
2165 Higher Education for Virginia, and the Department of Labor and Industry, or from any such
2166 agency to another, to support the changes in organization or responsibility resulting from moving
2167 the programs listed in the third enactment of this act to the Department of Workforce
2168 Development and Advancement established pursuant to § 2.2-2035 of the Code of Virginia, as
2169 created by this act, and moving the programs listed in fourth enactment of this act to the Virginia
2170 Community College System.

2171 6. That during the interim period between July 1, 2023, and the formal establishment of the
2172 Department of Workforce Development and Advancement (the Department), established pursuant
2173 to § 2.2-2035 of the Code of Virginia, as created by this act, the Virginia Employment Commission
2174 shall be responsible for conducting all necessary business functions assigned to the Department
2175 pursuant to this act. Formal establishment shall include appointment of the Director of the
2176 Department pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, and
2177 achievement of staffing levels adequate to allow the Department to independently accomplish such
2178 business functions as determined by the Director and the Secretary of Labor.

2179 7. That the Comptroller shall provide a line of credit in an amount not to exceed \$5 million to the
2180 Department of Workforce Development and Advancement (the Department), established pursuant
2181 to § 2.2-2035 of the Code of Virginia, as created by this act. The Secretaries of Finance and Labor
2182 shall approve disbursements from this line of credit prior to expenditure of funds. The
2183 Department shall only use such funds from the line of credit for the purpose of paying the costs
2184 related to the transition of workforce development programs, services, and functions to the
2185 Department in accordance with the provisions of this act.

2186 8. That the regulations of the Department of Education, the Virginia Community College System,
2187 the Virginia Employment Commission, the State Council of Higher Education for Virginia, and
2188 the Department of Labor and Industry relating to any program, service, or function be
2189 transferred to the Department of Workforce Development and Advancement (the Department),
2190 established pursuant to § 2.2-2035 of the Code of Virginia, as created by this act, shall be
2191 administered by the Department and shall remain in full force and effect until the Department
2192 promulgates regulations pursuant to this act.

2193 9. That the first report required pursuant to subdivision A 16 of § 2.2-2472 of the Code of
2194 Virginia, as amended by this act, shall be submitted to the Governor and the General Assembly no
2195 later than December 1, 2025.

2196 10. That the Secretary of Labor shall conduct a comprehensive review of the Commonwealth's
2197 workforce development programs and provide recommendations to address a wide range of
2198 subjects relating to improving the effectiveness and efficiency of such programs, including (i) the
2199 adequacy of collaboration among such programs; (ii) the organization, powers, and duties of the
2200 Department of Workforce Development and Advancement, established pursuant to § 2.2-2035 of
2201 the Code of Virginia, as created by this act; (iii) the operations of the local workforce investment
2202 boards and the geographic areas served by such boards; and (iv) the proper role of the Virginia
2203 Community College System in supporting workforce development efforts. The Secretary of Labor
2204 shall submit a preliminary report to the Governor and the General Assembly by November 30,
2205 2023. The final report shall be submitted to the Governor and the General Assembly by June 30,
2206 2025.

2207 11. That the Secretary of Labor (the Secretary) shall convene a stakeholder work group consisting
2208 of representatives from the agencies affected by the transfer of programs pursuant to this act,
2209 local workforce boards, the business community, labor organizations, and any other
2210 representatives deemed appropriate by the Secretary, for the purpose of advising the Secretary
2211 during the program transition period between July 1, 2023, through June 30, 2024.

2212 12. That, to the extent practicable, the Director of the Department of Workforce Development and

2213 Advancement (the Department), established pursuant to § 2.2-2035 of the Code of Virginia, as
2214 created by this act, or the Governance Council of the Workforce Data Trust may enter into a
2215 research agreement with the Office of Education and Labor Market Alignment on or before
2216 December 1, 2023, for the purposes of assisting the Governor, the Department, the Virginia Board
2217 of Workforce Development, and the General Assembly with research on the outcomes and
2218 performance of Virginia's workforce programs and their alignment to Virginia's labor market.