

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 483

An Act to amend and reenact §§ 2.1-548.29, 9-329.2, 15.2-2800, 16.1-287, 22.1-129, 22.1-199.1, 22.1-209.1:8, 22.1-209.1:9, 22.1-213, 22.1-214.2, 22.1-214.3, 22.1-227 through 22.1-237, §§ 22.1-253.13:1 and 22.1-253.13:4 as they are currently effective and as they shall become effective, and §§ 22.1-275, 22.1-341, 22.1-342, 22.1-343, 22.1-354.2, 23-7.4:2, 23-31, 23-38.19:3, 23-38.19:4, 23-214, 23-215, 23-230, 34-26, 37.1-10.01, 51.5-18, 53.1-32.1, 53.1-41, 53.1-63, 53.1-64, 53.1-67.1, 53.1-197, 54.1-3510, 63.1-105, 63.1-110, 63.1-133.43, 63.1-133.49, 63.1-133.56, and 63.1-133.58 of the Code of Virginia, relating to revising the name of vocational technical education to be known as career and technical education.

[S 1055]

Approved March 22, 2001

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-548.29, 9-329.2, 15.2-2800, 16.1-287, 22.1-129, 22.1-199.1, 22.1-209.1:8, 22.1-209.1:9, 22.1-213, 22.1-214.2, 22.1-214.3, 22.1-227 through 22.1-237, §§ 22.1-253.13:1 and 22.1-253.13:4 as they are currently effective and as they shall become effective, and §§ 22.1-275, 22.1-341, 22.1-342, 22.1-343, 22.1-354.2, 23-7.4:2, 23-31, 23-38.19:3, 23-38.19:4, 23-214, 23-215, 23-230, 34-26, 37.1-10.01, 51.5-18, 53.1-32.1, 53.1-41, 53.1-63, 53.1-64, 53.1-67.1, 53.1-197, 54.1-3510, 63.1-105, 63.1-110, 63.1-133.43, 63.1-133.49, 63.1-133.56, and 63.1-133.58 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-548.29. Economic development services.

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:

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

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

3. To 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. To encourage and solicit private sector involvement, support, and funding for economic development in the Commonwealth;

5. To 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. To establish such offices within and without the Commonwealth that are necessary to the expansion and development of industries and trade;

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

8. Upon request, to advise 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 § 23-220.4; and

9. Upon request, to advise the State Council of Higher Education for Virginia in designating certain collegiate programs for the Virginia Undergraduate ~~and Vocational Career and Technical Education~~ Incentive Scholarship Program pursuant to Article 3 (§ 23-38.19:3 et seq.) of Chapter 4.1 of Title 23.

§ 9-329.2. Meetings; powers and duties.

The Council shall meet regularly and shall also undertake the following to implement and foster workforce training, exclusive of the ~~vocational career~~ and technical education programs provided through and administered by the public school system:

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

2. Assess potential markets for increasing the number of workers available to business and industry;

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

4. Create strategies that will match trained workers with available jobs;

5. Certify noncredit courses and programs of training, exclusive of apprenticeship programs and federally sponsored programs conducted under Public Law 97-300, as appropriate, offered by public, private, and proprietary institutions and responding to the needs of business and industry in the Commonwealth;

6. Make alterations from time to time in such approved programs;
7. With the assistance of regional workforce centers, seek to identify other specific and existing workforce needs in sectors of the economy, including public education, which have high potential for sustained demand or growth;
8. Meet with representatives of each regional workforce center at least annually to assess and discuss subdivisions 1 through 4 of this section within their service region;
9. Establish the procedures, criteria and performance measures for the Workforce Development Training Fund as established pursuant to Article 4 (§ 60.2-318 et seq.) of Chapter 3 of Title 60.2;
10. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 4, 7 and 9 of this section; and
11. Perform any act or function that is in accord with the purposes of this chapter.

The Council shall establish at least two committees as follows: one committee to accomplish the aims of the WIA and one committee to focus on high-technology workforce training needs.

§ 15.2-2800. Definitions.

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

"Bar or lounge area" means any establishment or portion of an establishment where one can consume alcoholic beverages and hors d'oeuvres, but excluding any such establishment or portion of the establishment having tables or seating facilities where, in consideration of payment, meals are served.

"Educational facility" means any building used for instruction of enrolled students, including, but not limited to, any day-care center, nursery school, public or private school, college, university, medical school, law school, or ~~vocational~~ *career and technical education* school.

"Health care facility" means any institution, place, building, or agency required to be licensed under Virginia law, including, but not limited to, any hospital, nursing facility or nursing home, boarding home, assisted living facility, supervised living facility, or ambulatory medical and surgical center.

"Private work place" means any office or work area ~~which~~ *that* is not open to the public in the normal course of business except by individual invitation.

"Proprietor" means the owner or lessee of the public place, who ultimately controls the activities within the public place. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Public conveyance" or "public vehicle" means any air, land, or water vehicle used for the mass transportation of persons in intrastate travel for compensation, including, but not limited to, any airplane, train, bus, or boat that is not subject to federal smoking regulations.

"Public place" means any enclosed, indoor area used by the general public, including, but not limited to, any building owned or leased by the Commonwealth or any agency thereof or any locality, public conveyance or public vehicle, restaurant, educational facility, hospital, nursing facility or nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room.

"Recreational facility" means any enclosed, indoor area used by the general public and used as a stadium, arena, skating rink, video game facility, or senior citizen recreational facility.

"Restaurant" means any building, structure, or area, excluding a bar or lounge area as defined in this chapter, having a seating capacity of fifty or more patrons, where food is available for eating on the premises, in consideration of payment.

"Smoke" or "smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

"Theater" means any indoor facility or auditorium, open to the public, which is primarily used or designed for the purpose of exhibiting any motion picture, stage production, musical recital, dance, lecture, or other similar performance.

§ 16.1-287. Transfer of information upon commitment; information to be furnished by and to local school boards.

Whenever the court commits a child to the Department of Juvenile Justice, or to any other institution or agency, it shall transmit with the order of commitment copies of the clinical reports, predisposition study and other information it has pertinent to the care and treatment of the child. The Department shall not be responsible for any such committed child until it has received the court order and the information concerning the child. All local school boards shall be required to furnish the Department promptly with any information from ~~its~~ *their* files ~~which~~ *that* the Department deems to be necessary in the classification, evaluation, placement or treatment of any child committed to the Department. The Department shall likewise be required to furnish local school boards academic, ~~vocational~~ *and career and technical education* and related achievement information promptly from its files ~~which~~ *that* the local school board may deem necessary when children are returned to the community from the Department's care. The Department and other institutions or agencies shall give to the court such information concerning the child as the court at any time requires. All such information shall be treated as confidential.

§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

A. Whenever a school board determines that it has no use for some of its real property, the school board may sell such property and may retain all or a portion of the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on such sale and retention of proceeds, or may convey the title to such real property to the county or city or town comprising the school division or, if the school division is composed of more than one county or city, to the county or city in which the property is located. To convey the title, the school board shall adopt a resolution that such real property is surplus and shall record such resolution along with the deed to the property with the clerk of the circuit court for the county or city where such property is located. Upon the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

If a school board sells surplus real property, a capital improvement fund shall be established by such school board and the proceeds of such sale retained by the school board shall accrue to such capital improvement fund. The capital improvement fund shall only be used for new school construction, school renovation, and major school maintenance projects.

B. A school board shall have the power to exchange real and personal property, to lease real and personal property either as lessor or lessee, to grant easements on real property, to convey real property in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell personal property in such manner and upon such terms as it deems proper. As lessee of real property, a school board shall have the power to expend funds for capital repairs and improvements on such property, if the lease is for a term equal to or longer than the useful life of such repairs or improvements.

C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to sell ~~vocational~~ *career and technical* education projects and associated land pursuant to § 22.1-234.

D. School boards may donate obsolete educational technology hardware and software ~~which~~ *that* is being replaced pursuant to subdivision B 4 of § 22.1-199.1. Any such donations shall be offered to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through 3 in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through 3 in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established. With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology.

Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act, including (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds for implementing the Family Involvement in Technology program as established in § 22.1-212.2:3. Any local school board accepting these funds to hire technology resource assistants or to implement the Family Involvement in

Technology program shall commit to providing the required matching funds, based on the composite index of local ability to pay. Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, ~~vocational technology~~ *career and technical education* laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium, the first priority for funding shall be consistent with those components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national and international resources. This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the Board's revised six-year technology plan and has been approved by the Superintendent of Public Instruction.

3. The Departments of Education, Information Technology, and General Services shall coordinate master contracts for the purchase by local school boards of the aforementioned educational technologies and reference materials.

4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As provided in § 22.1-129 D, school boards may donate obsolete educational technology hardware and software which are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after-school or before-school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.

Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

C. The General Assembly finds that effective prevention programs designed to assist children at risk of school failure and dropout are practical mechanisms for reducing violent and criminal activity and for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the twenty-first century; to this end, the following program is hereby established. With such funds as are appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten.

The grants shall be used to provide at least half-day services for the length of the school year for at-risk four-year-old children who are unserved by Head Start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. The services shall include quality preschool education, health services, social services, parental involvement including activities to promote family literacy, and transportation.

The Department of Education, in cooperation with such other state agencies ~~which~~ *that* may coordinate child day care and early childhood programs, shall establish guidelines for quality preschool education and criteria for the service components, consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

The guidelines for quality preschool education and criteria for preschool education services may be differentiated according to the agency providing the services in order to comply with various relevant federal or state requirements. However, the guidelines for quality preschool education and the criteria for preschool education services shall require when such services are being provided by the public schools of the Commonwealth, and may require for other service providers, that (i) one teacher shall be employed for any class of nine students or less, (ii) if the average daily membership in any class exceeds nine students but does not exceed eighteen, a full-time teacher's aide shall be assigned to the class, and (iii) the maximum class size shall be eighteen students.

School divisions may apply for and be granted waivers from these guidelines by the Department of Education.

During the 1995-1996 fiscal year, the Board of Education shall, with such funds as are appropriated for this purpose, distribute grants, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for thirty percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the funding provided in the appropriation act.

During the 1996-1997 fiscal year and thereafter, grants shall be distributed, with such funds as are appropriated for this purpose, based on an allocation formula providing the state share of the grant per child, as specified in the appropriation act, for at least sixty percent of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in the Commonwealth, such sixty percent to be calculated by adding services for thirty percent more of the unserved at-risk children to the thirty percent of unserved at-risk children in each locality provided funding in the appropriation act.

Local school boards may elect to serve more than sixty percent of the at-risk four-year-olds and may use federal funds or local funds for this expansion or may seek funding through this grant program for such purposes. Grants may be awarded, if funds are available in excess of the funding for the sixty percent allocation, to expand services to at-risk four-year-olds beyond the sixty percent goal.

In order for a locality to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Localities may use, for the purposes of meeting the local match, local or other nonstate expenditures for existing qualifying programs and shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program shall be used to supplement, not supplant, any local funds currently provided for preschool programs within the locality.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any college expenses of participating students; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

E. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, each school board may employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading specialists shall be apportioned as provided in the appropriation act.

§ 22.1-209.1:8. (Effective until July 1, 2004) Academic Opportunities Pilot Program created; regulations promulgated; Program criteria.

A. With such funds as may be appropriated for this purpose, there is hereby created the Academic Opportunities Pilot Program (the Program) to provide a model for school divisions to explore innovative options and creative instructional programs for the education of secondary school students with diverse educational needs within the same facility.

Such options and programs shall address the needs of two or more student populations ~~which~~ *that* may include those students who are (i) educationally at risk, (ii) assigned to the regular instructional

program, (iii) identified as gifted or talented or enrolled in advanced placement or honors classes, (iv) identified as having special needs, (v) enrolled in ~~vocational~~ *career* and technical education programs, or who are over-age or for whom the regular instructional program is inappropriate, or (vi) have been suspended, excluded, or expelled from school attendance. The Board of Education shall promulgate regulations for the implementation of the Program, which shall be administered by the Department of Education. Such regulations shall require any school board adopting the Program to offer two or more instructional program components in the same facility, and compliance with the provisions of this section.

B. On and after July 1, 1999, the Program shall consist of no more than five pilot projects located in regions throughout the Commonwealth to provide equal geographical distribution of such projects. Priority for awarding grants shall be given to projects designed to serve students with various educational needs, including, but not limited to, instructional programs for secondary school students who are identified in subsection A.

Criteria for the projects shall include, but not be limited to:

1. A curriculum developed to meet the needs of the students, which may include intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.
2. Compliance with the Standards of Quality, the Standards of Learning, and the Standards of Accreditation.
3. Compliance with federal and state laws and regulations governing the respective instructional programs, including special education, gifted education, and the regional alternative education programs.
4. Teachers, coordinators, counselors, and administrators who possess the requisite qualifications, training, and experience determined necessary by the school board, and who request assignment to such pilot project.
5. Community outreach to build strong school, business, and community partnerships.
6. An emphasis on preparation for college and work upon graduation.
7. A plan to provide and promote family participation and community support.
8. An agreement executed between the local governing body and the local school board to pilot the Program.

9. A review and evaluation of the projects, as provided in subsection C.

In addition, criteria for the projects may include, as appropriate:

1. Lower pupil/teacher ratios as appropriate for the needs of the students.
2. Opportunities for participation in cocurricular and extracurricular activities, extended day programs, mentorships, and tutorials.
3. An interagency agreement for cooperation executed by the local department of health and social services or welfare; juvenile and domestic relations district courts; law-enforcement agencies; institutions of higher education; professional and community organizations; business and religious communities; dropout prevention and substance abuse prevention programs; teenage pregnancy prevention programs; and community services boards located within the school division to provide collaboration and cooperation between the pilot program and the community agencies and for the comprehensive delivery of services as may be necessary.

Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals. Upon appropriation of funds for the purposes of this section, the Board shall issue a request for proposals for projects for the Program. Grants shall be awarded by June 1, 2000.

C. Eligible projects shall (i) satisfy the criteria in accordance with subsection B; (ii) encourage the development of innovative teaching strategies to improve the academic achievement of students regardless of their socioeconomic status; and (iii) promote communication between, and the exchange of best practices among, teachers and administrators assigned to the pilot project.

The Department shall require funded projects to submit a written evaluation of the Program on such date as it may determine. The Department shall report the data analysis of the evaluation of the projects to the Governor and the General Assembly by December 1, 2003.

§ 22.1-209.1:9. Community-Based Intervention Program for Suspended and Expelled Students; promulgation of regulations; program eligibility criteria.

A. With such funds as may be appropriated for the purposes of this section, there is hereby created the Community-Based Intervention Program for Suspended and Expelled Students ("the Program") to provide interim instructional programs, intervention, and supervision for students in the public schools who have been suspended, excluded or expelled from school attendance. The Board shall promulgate regulations for the implementation of the Program which shall provide maximum flexibility to allow such programs to meet the unique needs of such students. The Department of Education shall administer the Program.

B. Any student who has been suspended, excluded or expelled from regular school attendance and has been recommended by the school board for such Program, ordered by a court in the Commonwealth to attend such Program, or enrolled in the Program by a parent shall be eligible to attend the Program. Any student so recommended, ordered, or enrolled in the Program shall be required to attend the

Program for the duration of his suspension, exclusion, or expulsion. The Department may establish a fee schedule on a sliding scale based on the parent's ability to pay, in accordance with law and Board regulations. The Department shall grant a waiver for the payment of such fees to any parent or child who cannot afford to pay such costs.

C. On and after July 1, 1999, the Program shall consist of five regional projects located throughout the Commonwealth to provide geographical distribution of such projects. Priority for awarding such grants shall be given to nonprofit, tax-exempt public and private organizations whose programs are designed to serve students who have been removed from regular school attendance pursuant to subsection B. Criteria for awarding such grants shall include, but not be limited to, evidence of (i) a structured and balanced educational program that accommodates the specific needs of eligible students; (ii) licensed or otherwise qualified teachers and appropriate supervisory and support services staff; (iii) joint ventures with business and industry to provide opportunities for ~~vocational training~~ *career and technical education* and apprenticeships; (iv) opportunities for computer-assisted learning; (v) the use of attitude and behavior modification; (vi) character education, guidance, and supervision; (vii) a component for working with the parents of such students to assist them in acquiring good parenting skills and supervision of the student; (viii) community support for the program; (ix) networking among educational and community organizations to promote the replication of the program in unserved areas of the Commonwealth; and (x) a review and evaluation component for the program. Grants for all programs shall be awarded on a competitive basis to applicants responding to requests for proposals. Upon appropriation of funds for the purposes of this section, the Board shall issue a request for proposals for projects for the program. Grants shall be awarded by June 1, 2000.

D. Eligible programs shall (i) satisfy the criteria for receiving awards pursuant to subsection C; (ii) comply with federal and state laws and regulations prohibiting discrimination; (iii) provide evidence of the nonprofit, tax-exempt status of the public or private organization; (iv) provide for parental participation in and community support for the program; and (v) work cooperatively with local law-enforcement agencies, courts of competent jurisdiction, public schools, business and industry, and community groups and organizations.

§ 22.1-213. Definitions.

As used in this article:

"Children with disabilities" means those persons (i) who are aged two to twenty-one, inclusive, having reached the age of two by the date specified in § 22.1-254, (ii) who are mentally retarded, physically disabled, seriously emotionally disturbed, speech impaired, hearing impaired, visually impaired, multiple disabled, other health impaired including autistic or who have a specific learning disability or who are otherwise disabled as defined by the Board of Education and (iii) who because of such impairments need special education.

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a disabled child to benefit from special education, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

"Special education" means specially designed instruction at no cost to the parent, to meet the unique needs of a disabled child, including classroom instruction, home instruction, instruction provided in hospitals and institutions, instruction in physical education and instruction in ~~vocational~~ *career and technical* education.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term does not include children who have learning problems ~~which~~ *that* are primarily the result of visual, hearing or motor handicaps, of mental retardation, or of environmental, cultural or economic disadvantage.

§ 22.1-214.2. Definition of "supervise" as related to educational programs provided for or by Department of Mental Health, Mental Retardation and Substance Abuse Services.

For the purposes of subsection F of § 22.1-214 as related to the educational programs provided for or by the Department of Mental Health, Mental Retardation and Substance Abuse Services, "supervise" shall mean providing active support in (i) designing mechanisms for maintaining constant direct contact and the sharing of ideas, approaches and innovations between the Department of Mental Health, Mental Retardation and Substance Abuse Services and the facility staff responsible for providing educational services; (ii) providing consistent oversight, with particular attention to the mental health programs, to ensure that the availability of educational resources and the distribution of funds clearly reflect the needs of the different student populations residing in the various facilities; (iii) developing guidelines, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services for the evaluation of the performance of the education directors or other education supervisors employed by the Department of Mental Health, Mental Retardation and Substance Abuse Services; (iv) developing and implementing, in cooperation with the Department of Mental Health, Mental Retardation and

Substance Abuse Services, programs to ensure that the educational and treatment needs of dually diagnosed children in state institutions are met; (v) ensuring that the expertise of the Department of Education is utilized by providing technical assistance to the education programs provided for or by the Department of Mental Health, Mental Retardation and Substance Abuse Services in the areas of selection and acquisition of educational materials, curriculum development including ~~vocational~~ *career and technical* education, when appropriate, and applications for federal grants.

§ 22.1-214.3. Department to develop certain curriculum guidelines; Board to approve.

The Department of Education shall develop curricula for the school-age residents of the state training centers for the mentally retarded and curriculum guidelines for the school-age residents of the state mental health facilities in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and representatives of the teachers employed to provide instruction to the children. Prior to implementation, the Board of Education shall approve these curricula and curriculum guidelines.

These curricula and curriculum guidelines shall be designed to provide a range of programs and suggested program sequences for different functioning levels and handicaps and shall be reviewed and revised at least every three years. In addition to academic programming, the curriculum guidelines for the school-age residents of the state mental health facilities shall include affective education and physical education as well as independent living and ~~vocational~~ *career and technical* education, with particular emphasis on the needs of older adolescents and young adults.

Article 4.

State Board of ~~Vocational~~ *Career and Technical* Education.

§ 22.1-227. Board designated to carry out provisions of federal act.

The Board of Education is designated as the State Board of ~~Vocational~~ *Career and Technical* Education to carry out the provisions of the federal Vocational Education Act of 1963, as amended, and as such shall promote and administer the provision of agriculture, business, marketing, home economics, health, technology education, trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26, postsecondary institutions, and other eligible institutions for youth and adults.

For the purposes of this section, "promote" shall not be construed to mandate the implementation of any additional ~~vocational~~ *educational career and technical* education programs that are not currently offered.

§ 22.1-227.01. Career and technical education defined.

As used in this article, as amended "~~vocational~~ *career and technical* education" means an organized education program offering a sequence of courses ~~which~~ *that* may incorporate field, laboratory, and classroom instruction; and ~~which~~ *that* emphasize *career and technical* occupational experiences and are designed to prepare individuals for further education and gainful employment.

§ 22.1-227.1. Career and technical education.

The Board of Education shall incorporate into ~~vocational~~ *career and technical* education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate.

With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in ~~vocational~~ *career and technical* education. The unit shall (i) assist in developing and revising local ~~vocational~~ *career and technical* curriculum to integrate the Standards of Learning, (ii) provide professional development for ~~vocational~~ *career and technical* instructional personnel to improve the quality of ~~vocational~~ *career and technical* education, (iii) conduct site visits to the schools providing ~~vocational~~ *career and technical* education, and (iv) seek the input of business and industry representatives regarding the content and direction of ~~vocational~~ *career and technical* education programs in the public schools of the Commonwealth.

Article 5.

~~Vocational~~ *Career and Technical* Education Projects.

§ 22.1-228. Definitions.

As used in this article:

1. "~~Vocational~~ *Career and technical* education project" or "project" means a project ~~which~~ *that* supplements the regular ~~vocational~~ *career and technical* education program in a school division, ~~which~~ *and that* is designed to provide effective practical training to students in the secondary schools of the school division and in which participation is optional and voluntary.

2. "Corporation" means a nonstock, nonprofit corporation or foundation established for the express purpose of promoting ~~vocational~~ *career and technical* education in a school division within the meaning of § 501 (c) (3) of the United States Internal Revenue Code.

§ 22.1-229. Projects may be established directly or by contract with corporation.

Any school board may establish ~~vocational~~ *career and technical* education projects. A school board may establish any such project either directly with its own facilities and personnel or under contract with a corporation. A project may be conducted on school board property or other public or private property. A school board may acquire sites for projects.

§ 22.1-230. Approval of corporation's articles and bylaws.

No school board shall contract with a corporation for establishment of a *career and technical education* project unless its articles of incorporation and bylaws have been approved by the Board of Education.

§ 22.1-231. Review of projects by Board of Education.

No school board shall establish or contract to establish a *career and technical education* project until such project has been reviewed and approved by the Board of Education. ~~Such~~ The Board's review by the Board shall be for the purpose of ~~insuring~~ ensuring that (i) where a school board undertakes a project by contract with a corporation, such contract meets the requirements of this article, (ii) in undertaking a project, the school board complies with all other requirements of law and (iii) public funds will be protected. If the Board fails to act on a project submitted for approval within sixty days, the project shall be deemed to be approved.

§ 22.1-232. Contracts.

A. Where a school board undertakes a *career and technical education* project by contract with a corporation, the school board may advance, contribute and loan funds to the corporation. The contract shall contain:

1. a system of accounting;
2. the terms upon which any profits from the sale of the project will be allocated between the school board and the corporation;
3. conditions for the return with interest of any funds advanced by the school board;
4. a provision that upon the dissolution of the corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board;
5. a provision that, upon the completion of any project, the school board may determine not to participate in further projects;
6. a provision that the school board may at any time require the return of funds to which it is entitled.

B. Where the school board contributes or loans funds to the corporation, such contract shall provide for the posting of a bond with surety by the officers of the corporation conditioned to protect the rights of the school board.

C. Such contract may provide for the establishment of an escrow fund for the purpose of funding future projects.

§ 22.1-233. Application of zoning laws and building codes; inspection of work; school boards to make no warranties.

Nothing herein shall exempt *career and technical education* projects from compliance with state and local zoning laws and building codes, if applicable. Work done by students or other nonlicensed personnel shall be inspected by an appropriately licensed person to assure compliance with prescribed standards. No school board shall make any warranty, express or implied, as to the construction or as to the compliance of a project with zoning laws and building codes.

§ 22.1-234. Acquisition of sites for projects; sale of completed projects and other school board property.

A school board may expend funds for the purpose of acquiring the site for the construction of a *career and technical education* project. At the completion of a project constructed on private property, the project shall be sold within a reasonable time. The power of eminent domain may not be used to acquire land as a site for a project. In addition, the school board may sell a completed project and any associated land owned by the school board, regardless of whether the property was previously purchased or specifically acquired for the project. The school board shall make reasonable and good faith efforts to ensure that the fair market value is received upon the sale of any building constructed as a project and the associated land, if any.

§ 22.1-235. Transportation of students; insurance.

A school board may provide transportation for students to *career and technical education* project sites.

A school board or corporation may provide insurance protecting its students and agents from loss as a result of physical injury or liability resulting from their work on the project.

§ 22.1-236. Immunity of board members and officers and directors of corporations.

Neither the members of a school board nor the officers or directors of a corporation shall be personally liable for the negligence of any student or agent in connection with a *career and technical education* project.

§ 22.1-237. Academic credit.

The Board of Education may regulate the awarding of academic credit for participation in *career and technical education* projects.

§ 22.1-253.13:1. (Effective until July 1, 2003) Standard 1. Basic skills, selected programs, and instructional personnel.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are

necessary for success in school and preparation for life, and find that the quality of education is dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to ensure the availability of high quality instructional personnel and adequate commitment of other resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor.

In order 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 new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 these educational objectives 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 these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving, decision making, and proficiency in the use of computers and related technology and the skills to manage personal finances and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

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

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. By October 1, 2000, 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.

School boards shall implement these objectives 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 utilized by the school division at appropriate age or grade levels.

With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

In prescribing such assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests

required by § 22.1-253.13:3.

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

C. Local school boards shall develop and implement a program of instruction for grades K through 12 which emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, 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 and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning. School boards shall strive to employ licensed instructional personnel qualified in the relevant subject areas, including qualified teachers, licensed through the Board of Education's provisional licensure procedures, who have professional expertise in the relevant subject areas.

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 whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, who do not pass the literacy tests prescribed by the Board of Education, or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight.

Any student who does not pass the literacy tests or any of the Standards of Learning assessments in grades three, five, or eight shall be required to attend a summer school program or to participate in another form of remediation; any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with subsection A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the literacy tests or the Standards of Learning assessments in grades three, five, or eight. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

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

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

To ensure consistency in program quality, each school board may establish a remediation program standards committee ~~which~~ that may include, but need not be limited to, the superintendent or his designee, a teacher, a parent, and one representative of the community at large. The remediation program standards committee shall recommend the program components for the remediation programs and shall evaluate the success of the programs. Such program components may include pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

D. Local school boards shall also implement the following:

1. Programs in grades K through 3 ~~which~~ that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or retrieval designed to increase the number of students who earn a high school diploma or general education development (GED) certificate. As provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support programs grounded in sound educational policy to reduce the number of students who drop out of

school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to hold all local school divisions harmless by providing no-loss funding which maintains the level of each school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of funding for such school division's drop-out prevention programs would be less than its level of funding for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall develop and implement a funding mechanism to ensure that no school board is penalized in its state funding for drop-out prevention programs for reducing the drop-out rate in its school division.

3. Career *and technical* education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based ~~vocational~~ *career and technical* education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this ~~subsection~~ *subdivision*.

5. Academic and ~~vocational preparation~~ *career and technical education* for students who plan to continue their education beyond secondary school or who plan to enter employment.

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

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

8. 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.

9. 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.

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

11. A plan to notify students and their parents of the availability of advanced placement classes, the International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations.

E. Each local school board shall employ with state and local basic, special education, gifted, and ~~vocational~~ *career and technical* education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total kindergarten average daily memberships, as provided in the appropriation act.

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board. State funding for remedial programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards. The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order 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 or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 establish or revise such identification criteria 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 such identification criteria or revisions thereto.

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,

excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-four to one in kindergarten with no class being larger than twenty-nine students; if the average daily membership in any kindergarten class exceeds twenty-four pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-four to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

Further, pursuant to the appropriation act, school boards:

1. May implement in kindergarten through third grade, within certain schools, lower ratios of students in average daily membership to full-time equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be as defined in the appropriation act.

2. Shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

H. Students enrolled in a public school on a less than full-time basis shall be counted in average daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, ~~vocational career and technical~~ education, fine arts, foreign language, or health education or physical education course shall be counted in the average daily membership (ADM) in the relevant school division on a pro rata basis as provided in the appropriation act. However, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

§ 22.1-253.13:1. (Effective July 1, 2003) Standard 1. Basic skills, selected programs, and instructional personnel.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school and preparation for life, and find that the quality of education is dependent upon the provision of the appropriate working environment, benefits, and salaries necessary to ensure the availability of high quality instructional personnel and adequate commitment of other resources.

B. The Board of Education shall establish educational objectives to implement the development of the skills that are necessary for success in school and for preparation for life in the years beyond. The current educational objectives, known as the Standards of Learning, shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these educational objectives to maintain academic rigor.

In order 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 new educational objectives. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 these educational objectives 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 these educational objectives.

The Board shall seek to ensure that any revised educational objectives are consistent with the world's highest educational standards. These objectives shall include, but not be limited to, basic skills of communication, computation and critical reasoning including problem solving, decision making, and proficiency in the use of computers and related technology and the skills to manage personal finances

and to make sound financial decisions, and the development of personal qualities such as self-esteem, sociability, self-management, integrity, and honesty.

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

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. By October 1, 2000, 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.

School boards shall implement these objectives 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 utilized by the school division at appropriate age or grade levels.

With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of these objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. In prescribing such assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests.

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to, the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning such objectives in the Standards of Learning Assessment Tests required by § 22.1-253.13:3.

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

C. Local school boards shall develop and implement a program of instruction for grades K through 12 ~~which~~ *that* emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, 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 and employment or, in the case of some handicapped children, to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning. School boards shall strive to employ licensed instructional personnel qualified in the relevant subject areas, including qualified teachers, licensed through the Board of Education's provisional licensure procedures, who have professional expertise in the relevant subject areas.

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 whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight.

Any student who does not pass the literacy tests or any of the Standards of Learning assessments in grades three, five, or eight shall be required to attend a summer school program or to participate in another form of remediation; any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01. Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three, five, or eight. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

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

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

To ensure consistency in program quality, each school board may establish a remediation program standards committee which may include, but need not be limited to, the superintendent or his designee, a teacher, a parent, and one representative of the community at large. The remediation program standards committee shall recommend the program components for the remediation programs and shall evaluate the success of the programs. Such program components may include pupil/teacher ratios, objectives, and time, site, and duration of the programs and may include a mechanism to ensure the smooth transition of students between remediation programs and regular instructional programs.

D. Local school boards shall also implement the following:

1. Programs in grades K through 3 which emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or retrieval designed to increase the number of students who earn a high school diploma or general education development (GED) certificate. As provided in the appropriation act, state funding, in addition to basic aid, shall be allocated to support programs grounded in sound educational policy to reduce the number of students who drop out of school. From such funds as may be appropriated for this purpose, sufficient funds shall be provided to hold all local school divisions harmless by providing no-loss funding which maintains the level of each school division's funding as allocated for drop-out prevention programs on July 1, 1996, if the level of funding for such school division's drop-out prevention programs would be less than its level of funding for such programs in fiscal year 1995. Effective on and after July 1, 1996, the Board of Education shall develop and implement a funding mechanism to ensure that no school board is penalized in its state funding for drop-out prevention programs for reducing the drop-out rate in its school division.

3. Career *and technical* education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based ~~vocational~~ *career and technical* education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this ~~subsection~~ *subdivision*.

5. Academic and ~~vocational preparation~~ *career and technical education* for students who plan to continue their education beyond secondary school or who plan to enter employment.

6. Early identification of handicapped students and enrollment of such students in appropriate

instructional programs consistent with state and federal law.

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

8. 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.

9. 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.

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

11. A plan to notify students and their parents of the availability of advanced placement classes, the International Baccalaureate program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations.

E. Each local school board shall employ with state and local basic, special education, gifted, and ~~vocational~~ *career and technical* education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten shall adjust their average daily membership for kindergarten to reflect eighty-five percent of the total kindergarten average daily memberships, as provided in the appropriation act.

F. In addition to the positions supported by basic aid and in support of regular school year remedial programs, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 estimated to score in the bottom national quartile on Virginia State Assessment Program Tests and those who fail the literacy tests or Standards of Learning assessments for grades three, five, and eight prescribed by the Board. State funding for remedial programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards. The Board of Education shall establish criteria for identification of educationally at-risk students, which shall not be construed to be regulations as defined in § 9-6.14:4; however, the Board of Education may, from time to time, revise these identification criteria. In order 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 or revising such identification criteria. Thirty days prior to conducting such hearings, the Board shall give written notice by mail 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 establish or revise such identification criteria 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 such identification criteria or revisions thereto.

G. Licensed instructional personnel shall be assigned by each school board in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) twenty-four to one in kindergarten with no class being larger than twenty-nine students; if the average daily membership in any kindergarten class exceeds twenty-four pupils, a full-time teacher's aide shall be assigned to the class; (ii) twenty-four to one in grade one with no class being larger than thirty students; (iii) twenty-four to one in grades two and three with no class being larger than thirty students; (iv) twenty-five to one in grades four through six with no class being larger than thirty-five students; and (v) twenty-four to one in English classes in grades six through twelve.

Further, pursuant to the appropriation act, school boards:

1. May implement in kindergarten through third grade, within certain schools, lower ratios of students in average daily membership to full-time equivalent teaching positions by assigning instructional personnel in a manner that produces ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, as follows: (i) in schools having high concentrations of at-risk students, eighteen to one; and (ii) in schools having moderate concentrations of at-risk students, twenty to one. For the purposes of this subsection, "schools having high concentrations of at-risk students" and "schools having moderate concentrations of at-risk students" shall be as defined in the appropriation act.

2. Shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-five to one in middle schools and high schools.

School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual

ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios which include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade at-risk student/lower ratio program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

H. Students enrolled in a public school on a less than full-time basis shall be counted in average daily membership (ADM) in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, ~~vocational~~ *career and technical* education, fine arts, foreign language, or health education or physical education course shall be counted in the average daily membership (ADM) in the relevant school division on a pro rata basis as provided in the appropriation act. However, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

§ 22.1-253.13:4. (Effective until July 1, 2003) Standard 4. Literacy Passports, diplomas and certificates.

A. The General Assembly and the Board of Education recognize the need to reduce the illiteracy rate in the Commonwealth and the need to prescribe requirements for completion of high school programs. To this end, the General Assembly and the Board hereby establish the requirement for a Literacy Passport for all students prior to grade nine and criteria for diplomas and certificates. All school boards are encouraged to utilize the pre-test for fourth graders.

B. Each local school board shall award Literacy Passports to all students, including students with disabilities, who achieve passing scores on the literacy tests established by the Board of Education. Reasonable accommodation to take the literacy tests shall be provided as needed for students with disabilities. In order to be classified as ninth graders or above, students shall be required to obtain a Literacy Passport, except for those (i) students who are identified as disabled pursuant to Board regulations governing special education programs for students with disabilities in Virginia and (ii) students for whom English is not the first or native language who have been identified as having limited English proficiency and who have been enrolled in a public school in the Commonwealth for less than three years. To remain classified as ninth graders or above, such students identified as having limited English proficiency must achieve passing scores on the first literacy tests administered after three years of enrollment in a public school in the Commonwealth.

To meet the goal of this subsection, each school board shall analyze its pass ail rates and evaluate the needs of students who do not pass the tests required to obtain the Literacy Passport. The analysis and evaluation shall be used to design the remediation programs required in subsection C of § 22.1-253.13:1.

C. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

D. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

E. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas.

F. The Board of Education shall develop criteria for recognizing exemplary performance in ~~vocational studies~~ *career and technical education programs* by students who have completed the requirements for a standard or advanced studies diploma and shall award seals on the diplomas of students meeting such criteria.

§ 22.1-253.13:4. (Effective July 1, 2003) Standard 4. Diplomas and certificates.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas.

D. The Board of Education shall develop criteria for recognizing exemplary performance in ~~vocational studies~~ *career and technical education programs* by students who have completed the requirements for a standard or advanced studies diploma and shall award seals on the diplomas of students meeting such criteria.

§ 22.1-275. Protective eye devices.

Every student and teacher in any school, college, or university shall be required to wear industrial quality eye protective devices while participating in any of the following courses or laboratories:

1. ~~Vocational or industrial arts~~ *Career and technical education* shops or laboratories involving experience with:

- a. Hot molten metals,
- b. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials,
- c. Heat treatment, tempering, or kiln firing of any metal or other materials,
- d. Gas or electric arc welding,
- e. Repair of any vehicle, *or*
- f. Caustic or explosive materials;

2. Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

The governing board or authority of any public or private school or the governing body of each institution of higher learning shall furnish the eye protective devices prescribed in this section free of charge or at cost to the students and teachers of the school participating in such courses or laboratories; ~~provided~~, however, that such devices may be furnished by parents or guardians of such students. Eye protective devices shall be furnished to all visitors to such courses.

"Industrial quality eye protective devices," as used in this section, means devices providing side protection and meeting the standards of the American Standards Association Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

§ 22.1-341. Supervision of Department; composition of Board; terms and vacancies.

The Board of the Rehabilitative School Authority is continued and shall hereafter be known as the Board of Correctional Education. The supervision of the Department shall be vested in the Board of Correctional Education. The Board shall be composed of seven members who shall be appointed by the Governor, subject to confirmation by the General Assembly. Members shall be appointed for terms of four years each except that whenever a vacancy occurs other than by expiration of a term, the Governor shall appoint a member for the remainder of that term. No member shall serve more than two consecutive four-year terms. The chairman of the Virginia Parole Board, two persons designated by the Director of the Department of Corrections and the Director of Juvenile Justice and the director of ~~Vocational~~ *Career and Technical Education* in the Department of Education shall serve as ex officio members without vote.

§ 22.1-342. System of schools for persons committed to certain institutions.

The Board shall establish and maintain a general system of schools for persons committed to the institutions composing the Department of Correctional Education. Such system shall include elementary, secondary, post-secondary, ~~vocational~~, *career and technical education*, adult and special education schools. The Department, through the Board, shall operate all of the schools in the system.

§ 22.1-343. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To adopt and enforce all necessary rules and regulations for the management and operation of the schools in the Department except that the rules and regulations adopted hereunder shall not conflict with rules and regulations relating to security adopted by the institutions to which the pupils are committed;

2. To visit and inspect the schools at reasonably frequent intervals;

3. To establish schools of the appropriate grades, levels and types in the institutions comprising the Department and to adopt regulations for the admission of pupils thereto;

4. To enter into such agreements with private entities, nonprofit civic organizations, school divisions, and public and private two-year and four-year institutions of higher education as it may deem necessary to provide age appropriate educational programs *and training*, ~~vocational~~ *including career and technical training education*, career development opportunities, public service projects and other learning experiences in the furtherance of its duties and responsibilities under this chapter for persons committed to the institutions comprising the Department;

5. To promulgate regulations, in cooperation with the Board of Education, for the reenrollment in the public schools of students who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this chapter, and those of the Board of Education;

6. To develop and administer, cooperatively with the State Council of Higher Education, the Virginia Higher Education Incentive Program, pursuant to § 23-38.53:8;

7. To receive such private gifts, donations, grants, bequests, and other private funds on behalf of and for use by the Virginia Higher Education Incentive Fund, as provided in § 23-38.53:9;

8. To name the various individual schools, but such names need not be associated or identified with the institution or facility within which they are located;

9. To receive and disburse funds from any source for the purposes of providing education in such Department; and

10. To provide technical assistance to local correctional facilities which house convicted state felons, upon request of any such facility, in establishing or improving ~~vocational~~, *career and* technical, adult and special education programs.

§ 22.1-354.2. Functions and duties.

The Consortium shall perform the following functions and duties:

1. Coordinate with organizations and agencies providing programs and services to Consortium school divisions to reduce duplication of effort and optimize the use of available resources;

2. Conduct ongoing assessments to identify needs of member school divisions and develop plans and programs responding to those needs;

3. Facilitate the coordination of programs in the Consortium region that affect K through 12 public education in ~~vocational career~~ and technical education, workforce development, and other linkages between public schools, institutions of higher education, and business and industry;

4. Coordinate technology-related activities between Consortium members in areas of common concern, such as video conferencing and distance learning, including the acquisition and utilization of hardware and software for administrative and instructional purchases;

5. Develop and maintain linkages with schools and school divisions in Northern Virginia to promote enhanced usage of educational technology; and

6. Create the capacity for development within the Consortium of shared services and activities, including purchasing, facility planning, staff development, and special needs programming, and implementation of such shared services and activities as need is determined.

§ 23-7.4:2. Eligibility for in-state or reduced tuition for students not domiciled in Virginia; tuition grants for members of the National Guard of the Commonwealth of Virginia.

A. A nonmilitary student whose parent or spouse is a member of the armed forces may establish domicile in the same manner as any other student. However, a nonmilitary student, not otherwise eligible for in-state tuition, whose parent or spouse is a member of the military residing in the Commonwealth pursuant to military orders and claiming a state other than Virginia on his State of Legal Residence Certificate, shall be entitled to in-state tuition charges when the following conditions are met: (i) if the student is a child of a member of the armed forces, then the nonmilitary parent shall have, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full time and paid individual income taxes to Virginia. Such student shall be eligible for in-state tuition charges only if the nonmilitary parent claims him as a dependent for Virginia and federal income tax purposes, as evidenced by claiming him as a dependent on an individual or joint return; or (ii) if the student is the spouse of a member of the armed forces, then such student shall have, for at least one year immediately prior to the date of alleged entitlement for in-state tuition, resided in Virginia, been employed full time and paid individual income taxes to Virginia; or (iii) if the student is the child or the spouse of a member of the armed forces, then the student shall be entitled to in-state tuition charges for a maximum of one year during the period that the military parent or spouse is residing in the Commonwealth. Any student whose spouse or parent is a member of the armed forces shall be eligible for in-state tuition charges for so long as the conditions of clauses (i) and (ii) of this subsection continue to be met. Military dependents provided in-state tuition for one year during the period the military parent or spouse is residing in Virginia shall be counted as out-of-state students for admissions, enrollment and tuition and fee revenue policy purposes.

B. Students who live outside this Commonwealth and have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement for in-state tuition shall be eligible for in-state tuition charges if such student has paid Virginia income taxes on all taxable income earned in this Commonwealth for the tax year prior to the date of the alleged entitlement. Students claimed as dependents for federal and Virginia income tax purposes who live outside this Commonwealth shall become eligible for in-state tuition charges if the nonresident parents claiming them as dependents have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in this Commonwealth for the tax year prior to the date of the alleged entitlement. Such students shall continue to be eligible for in-state tuition charges for so long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in this Commonwealth and the student is claimed as a dependent for Virginia and federal income tax purposes.

C. Any person who (i) is a member of the National Guard of the Commonwealth of Virginia and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any state institution of higher education, any private, accredited and nonprofit

institution of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, any course or program offered by any such institution or any public ~~vocational or career~~ *and technical education* school shall be eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds available for the purpose by such Department.

D. Notwithstanding the provisions of § 23-7.4 or any other provision of the law to the contrary, the governing board of any state institution of higher education or the governing board of the Virginia Community College System may charge the same tuition as is charged to any person domiciled in Virginia pursuant to the provisions of § 23-7.4 to:

1. Any person enrolled in one of the institution's programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in the institutions of higher learning in any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia;

2. Any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution; and

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

E. The governing board of the Virginia Community College System may charge reduced tuition to any person enrolled in one of the System's institutions who lives within a thirty-mile radius of a Virginia institution, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

F. The advisory board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a fifty-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Kentucky, if Kentucky has similar reciprocal provisions for persons domiciled in Virginia.

Any out-of-state students granted in-state tuition pursuant to this subsection and subsection E shall be counted as out-of-state students for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

G. Public institutions of higher education may enter into special arrangement contracts with Virginia employers or authorities controlling federal installations or agencies located in Virginia. The special arrangement contracts shall be for the purpose of providing reduced rate tuition charges for the employees of the Virginia employers or federal personnel when the employers or federal authorities are assuming the liability for paying, to the extent permitted by federal law, the tuition for the employees or personnel in question and the employees or personnel are classified by the requirements of this section as out-of-state.

Special arrangement contracts with Virginia employers or federal installations or agencies may be for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or on a student-by-student basis for specific employment-related programs.

Special arrangement contracts shall be valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All rates agreed to by the public institutions shall be at least equal to in-state tuition and shall only be granted by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authorities are paying the tuition charges.

All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be served at reduced rates.

Nothing in this subsection shall change the domiciliary status of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

§ 23-31. Unfunded scholarships.

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood College, Mary Washington College, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and

conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The number of such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed twenty percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by twenty percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The number of such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed twenty percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by twenty percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year. All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The number of such scholarships annually awarded by an institution to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1 shall not exceed the total number of graduate students who are employed as teaching or research assistants with significant academic responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year and such clinical faculty. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students so employed and paid and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the institution.

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivisions A 2 and A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No institution named herein shall remit any tuition or required fees or any special fees or charges to any student at such institution except as authorized in this section. Each institution named herein shall make an annual report to the State Council of Higher Education showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or required fees or other charges to such state cadets as permitted under existing law.

D. Nothing in this section shall be construed to affect or limit in any way the control of the governing bodies of the respective institutions over any other scholarships; or over any gifts or donations made to such institutions for scholarships or other special purposes; or over any funds provided by the federal government or otherwise for the purpose of ~~vocational~~ *career and technical* education or vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or appropriations from the federal government for instruction in agriculture and mechanic arts in land grant colleges.

E. Nothing in this section shall be construed to prevent the governing bodies of the respective institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia students.

F. Nothing in this section or any other provision of law shall prohibit the awarding of ten full tuition unfunded scholarships each year by Old Dominion University under the terms and conditions provided for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5,

1930, between the City of Norfolk and The College of William and Mary.

§ 23-38.19:3. Incentive scholarship program.

There is hereby created the Virginia Undergraduate ~~and Vocational~~ *Career and Technical* Incentive Scholarship Program to provide incentive scholarships to students attending designated programs at four-year public and private not-for-profit institutions of higher education in the Commonwealth.

§ 23-38.19:4. Virginia Undergraduate Career and Technical Incentive Scholarship Fund created.

A. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Undergraduate ~~and Vocational~~ *Career and Technical* Incentive Scholarship Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. 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 remain in the Fund. Funds may be paid to designated institutions offering designated programs on behalf of students who have been awarded scholarships pursuant to § 23-38.19:5.

Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the State Council of Higher Education.

B. The Council shall promulgate regulations for the implementation of the provisions of this article and shall award scholarships to eligible students for no more than three academic years. Scholarship amounts shall not exceed (i) *full tuition and required fees* for recipients attending a four-year public institution of higher education, ~~full tuition and required fees~~ and (ii) *the average tuition and fees charged at four-year public institutions of higher education* for recipients attending a four-year private not-for-profit institution of higher education; ~~the average tuition and fees charged at four-year public institutions of higher education~~.

§ 23-214. Definitions.

As used in this chapter:

(a) "Comprehensive community college" means an institution of higher education which offers instruction in one or more of the following fields:

(1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;

(2) Diversified technical curricula including programs leading to the associate degree;

(3) ~~Vocational~~ *Career* and technical education leading directly to employment;

(4) Courses in general and continuing education for adults in the above fields;

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

(b) "State Board" or "Board" means the State Board for Community Colleges.

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

(d) ~~Vocational~~ *Career* and technical education" means ~~vocational or technical~~ *the training, or retraining, which is given in school classes (including field or laboratory work incidental thereto), under public supervision and control, exclusive of those vocational career and technical education programs provided and administered by, or through, the public school system and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled, workers or technicians in recognized occupations.*

(e) "Area ~~vocational~~ *career* and technical school" means a ~~vocational~~ *career* or technical school used exclusively, or principally, for providing ~~vocational~~ *career* and technical education to persons who have completed, or left, high school, or are recommended for transfer by the school last attended, and who are available for full-time study in preparation for entering the labor market, or for part-time study after entering the labor market.

(f) "System" means the Virginia Community College System.

§ 23-215. Responsibilities of Board and System.

A. The State Board for Community Colleges heretofore established by law is continued. The Board shall be a corporation under the style of "the State Board for Community Colleges." The State Board shall be responsible, through the exercise of the powers and performance of the duties set forth in this chapter, for the establishment, control, and administration of a statewide system of publicly supported comprehensive community colleges which shall be known as the Virginia Community College System.

B. The Virginia Community College System shall be the state agency with primary responsibility for coordinating workforce training at the postsecondary to the associate degree level, exclusive of the ~~vocational~~ *career* and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the community colleges.

§ 23-230. Chancellor authorized to receive grants-in-aid and gifts; payment of funds into state

treasury.

The Chancellor is authorized to receive, for and on behalf of the Commonwealth and its subdivisions, from the United States and agencies thereof, and from any and all other sources, grants-in-aid and gifts, made for the purpose of providing, or to assist in providing, any ~~vocational~~ *career* and technical, or other, education or educational programs authorized by this chapter, including expenses of administration. All such funds shall be paid into the state treasury.

§ 34-26. Poor debtor's exemption; exempt articles enumerated.

In addition to the exemptions provided in Chapter 2 (§ 34-4 et seq.) of this title, every householder shall be entitled to hold exempt from creditor process the following enumerated items:

- (1) The family Bible.
- (1a) Wedding and engagement rings.
- (2) Family portraits and family heirlooms not to exceed \$5,000 in value.
- (3) A lot in a burial ground.
- (4) All wearing apparel of the householder not to exceed \$1,000 in value.
- (4a) All household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed \$5,000 in value.
- (5) All animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit.
- (6) Medically prescribed health aids.
- (7) Tools, books, instruments, implements, equipment, and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding \$10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this section. A motor vehicle, vessel or aircraft used to commute to and from a place of occupation or trade and not otherwise necessary for use in the course of such occupation or trade shall not be exempt under this subsection. "Occupation," as used in this subdivision, includes enrollment in any public or private elementary, secondary, or ~~vocational~~ *career and technical education* school or institution of higher education.
- (8) A motor vehicle, not held as exempt under subdivision (7), owned by the householder, not to exceed \$2,000 in value, except that a perfected security interest on the motor vehicle shall have priority over the claim of exemption under this subsection.

The value of an item claimed as exempt under this section shall be the fair market value of the item less any prior security interest.

The monetary limits, where provided, are applicable to the total value of property claimed as exempt under that subdivision.

The purchase of an item claimed as exempt under this section with nonexempt property in contemplation of bankruptcy or creditor process shall not be deemed to be in fraud of creditors.

No officer or other person shall levy or distrain upon, or attach, such articles, or otherwise seek to subject such articles to any lien or process. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption.

§ 37.1-10.01. Department responsible for education and training programs.

The Department of Mental Health, Mental Retardation and Substance Abuse Services shall have responsibility for providing for the education and training to school-age residents in its institutions. The Board of Education shall supervise the education and training provided to school-age residents in state mental retardation facilities and provide for and direct the education for school-age residents in state mental health facilities in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services. In discharging this responsibility, the Department shall exercise leadership by: (i) coordinating actions with the Department of Education and the institutions to ensure consistency between treatment and educational priorities in the policy and implementation of direct services for school-age residents in mental health and mental retardation facilities; (ii) ensuring that comparable resources especially in ~~vocational~~ *career and technical* education, appropriate to the students' handicaps and needs, are available in all institutions; (iii) monitoring the quality of the instruction provided all school-age residents of state mental health and mental retardation facilities; (iv) requiring the facility directors to evaluate the performance of the education directors pursuant to guidelines developed in cooperation with the Board of Education; (v) developing and implementing, in cooperation with the Department of Education, programs to ensure that the educational and treatment needs of dually diagnosed children in state institutions are met; (vi) taking an active role with the Department of Education to evaluate the effectiveness of prevalent educational models in its institutions; and (vii) designing a mechanism for maintaining constant direct contact and the sharing of ideas, approaches and innovations between the education directors and teachers educating the residents of the state institutions, whether employees of local school divisions or employees of the Commonwealth.

§ 51.5-18. Services for individuals.

A. Vocational rehabilitation services provided by the Department shall address comprehensively the individual needs of each client to the maximum extent possible with resources available to the

Department, through the following:

1. Evaluation of vocational rehabilitation potential, including diagnostic and related services incidental to the determination of eligibility for rehabilitation services;
2. Counseling and guidance and referral necessary to help applicants or clients to secure needed services from other agencies;
3. Physical or mental restoration services designed to correct or significantly modify a physical or mental condition which is chronic or slowly deteriorative;
4. ~~Vocational~~ *Career and technical education* and other training services, including services for personal adjustment, books, tools, and other training materials, except that no training services in institutions of higher education may be paid for with funds under this chapter unless maximum efforts have been made to secure funds and assistance in whole or part from other funding sources;
5. Maintenance, including payments not exceeding the estimated cost of subsistence, provided from the time vocational rehabilitation services have begun through the time when post-employment services are provided;
6. Transportation for the purpose of supporting and deriving the full benefit of the other vocational rehabilitation services being provided;
7. Services to members of a client's family when such services are necessary to achieve the objectives included in the client's rehabilitation program;
8. Interpreter and note-taking services for deaf clients;
9. Telecommunications, sensory and other technological aids and devices;
10. Placement in suitable employment;
11. Post-employment services when necessary to the maintenance of employment;
12. Occupational licenses, tools, equipment, stocks and supplies;
13. Other goods and services, including attendant care, reasonably related to enhancing the employability of persons with disabilities;
14. Supported employment services which include providing a rehabilitation or other human services agency staff person to assist in job placement, job site training and job follow-through for the disabled employee; and
15. Rehabilitation technology services.

B. Written standards shall be established by the Commissioner detailing the scope and nature of each vocational rehabilitation service authorized herein, the conditions, criteria and procedures under which each service may be provided, and the use of entitlements and other benefits to access these services, when appropriate.

C. In providing the foregoing services, the Department shall make maximum efforts to utilize those services and entitlements which are or could be provided more economically by other public or private agencies.

§ 53.1-32.1. Classification system; program assignments; mandatory participation.

A. The Director shall maintain a system of classification which (i) evaluates all prisoners according to background, aptitude, education, and risk and (ii) based on an assessment of needs, determines appropriate program assignments including ~~vocational~~ *career* and technical ~~training~~ *education*, work activities and employment, academic activities which at a minimum meet the requirements of § 22.1-344.1, counseling, alcohol and substance abuse treatment, and such related activities as may be necessary to assist prisoners in the successful transition to free society and gainful employment.

B. The Director shall, subject to the availability of resources and sufficient program assignments, place prisoners in appropriate full-time program assignments or a combination thereof to satisfy the objectives of a treatment plan based on an assessment and evaluation of each prisoner's needs. Compliance with specified program requirements and attainment of specific treatment goals shall be required as a condition of placement and continuation in such program assignments. The Director may suspend programs in the event of an institutional emergency.

C. For the purposes of implementing the requirements of subsection B, prisoners shall be required to participate in such programs according to the following schedule:

1. From July 1, 1994, through June 30, 1995, an average of twenty-four hours per week.
2. From July 1, 1995, through June 30, 1996, an average of twenty-eight hours per week.
3. From July 1, 1996, through June 30, 1997, an average of thirty hours per week.
4. From July 1, 1997, through June 30, 1998, an average of thirty-six hours per week.
5. From July 1, 1998, and thereafter, an average of forty hours per week.

D. Notwithstanding any other provision of law, prisoners refusing to accept a program assignment shall not be eligible for good conduct allowances or earned sentence credits authorized pursuant to Chapter 6 (§ 53.1-186 et seq.) of Title 53.1. Such refusal shall also constitute a violation of the rules authorized pursuant to § 53.1-25 and the Director shall prescribe appropriate disciplinary action.

E. The Director shall maintain a master program listing, by facility and program location, of all available permanent and temporary positions. The Director may, consistent with § 53.1-43 and subject to the approval of the Board, establish a system of pay incentives for such assignments based upon difficulty and level of effort required.

F. Inmates employed pursuant to Article 2 (§ 53.1-32 et seq.) of Chapter 2 of this title shall not be deemed employees of the Commonwealth of Virginia or its agencies and shall be ineligible for benefits under Chapter 10 (§ 2.1-110 et seq.) of Title 2.1, Chapter 6 (§ 60.2-600 et seq.) of Title 60.2, Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 or any other provisions of the Code pertaining to the rights of state employees.

§ 53.1-41. Opportunities for work and career and technical education.

To the extent feasible, it shall be the duty of the Director to provide persons sentenced to the Department with opportunities to work and to participate in ~~vocational training~~ *career and technical education* programs as operated by the Department of Correctional Education in accordance with § 22.1-339 et seq. Such work opportunities may include business, industrial, agricultural, highway maintenance and construction, and work release programs as hereafter specified in this article. In addition, prisoners may be employed to improve, repair, work on or cultivate public property or buildings.

§ 53.1-63. Department to establish facilities for persons committed under Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2.

A. The Department shall establish, staff and maintain, at any state correctional facility designated by the Board, programs and housing for the rehabilitation, training and confinement of persons committed to the Department under the provisions of Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2. Persons admitted to these facilities shall be determined by the Department to have the potential for rehabilitation through confinement and treatment therein.

B. Elements of the program shall include but not be limited to (i) an initial period of military style drill, (ii) cognitive behavioral restructuring designed to teach responsibility and accountability through anger management, life skills development, substance abuse education, parenting skills development and peer tutoring, (iii) developmental counseling as needed, (iv) academic education ~~and vocational training~~, *career and technical education*, and apprenticeships, and (v) transitional release, reentry services, aftercare and intensive parole supervision.

§ 53.1-64. Programs and facilities.

The Department shall establish and maintain within each facility programs for counseling, ~~and education and vocational training~~, *including career and technical education*; buildings sufficient to ensure the secure confinement of persons admitted to the facility; and programs in at least one such facility for the study, testing and diagnosis of the following persons:

1. Persons committed to the Department for diagnosis and evaluation under the provisions of § 19.2-316 for a determination as to the likelihood of their benefitting from the program of such facility; and

2. Persons confined in the state corrections system under the indeterminate period of commitment authorized by *Article 2 (§ 19.2-311 et seq.) of Chapter 18 of Title 19.2*, to evaluate their progress periodically and to determine their readiness for release.

§ 53.1-67.1. Establishment of program; supervision upon completion; report.

The Department shall establish, staff and maintain at any state correctional facility designated by the Board of Corrections a Boot Camp Incarceration Program of intensive supervision for the rehabilitation, training and confinement of individuals committed to the Department under the provisions of § 19.2-316.1. No more than 200 individuals shall be confined pursuant to the program at any one time. The program shall include components for drill and ceremony, physical labor, counseling, remedial education including drug education, and ~~vocational~~ *career and occupational* assessment.

Upon completion of the program, the individual shall be released from confinement and remain on probation for a period of one year or for such other longer period as may be specified by the sentencing court. As a condition of such probation following the boot camp component, a probationer's successful participation in employment, ~~vocational~~ *career and technical* education or other educational programs may be required.

Probation officers assigned to the program shall be appointed by the judges of the circuit court of the county or city in which the position is assigned. Any officer so appointed shall have the same powers and duties as specified in § 53.1-145 and such appointment shall be valid in any judicial circuit in the Commonwealth.

§ 53.1-197. Credit allowed for career and technical educational or other educational training.

Every person sentenced to the Department, while in a local or state correctional facility, who participates in ~~vocational or educational~~ *career and technical education or other* training while confined, or who shows such interest and application in his work assignment as to exhibit unusual progress toward rehabilitation, may, in the discretion of the Director be allowed a credit toward his parole eligibility date and upon the total term of confinement to which he has been sentenced. Such credit may be from one day to five days for each month he has been engaged in such ~~vocational or educational~~ *career and technical education or other* training or has applied himself in excess of minimal work assignment requirements. Any credit accumulated prior to June 1, 1975, toward the term of confinement may, in the discretion of the Director, be credited toward such prisoner's parole eligibility date.

§ 54.1-3510. Definitions.

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

"Advisory Board" means the Advisory Board on Rehabilitation Providers.

"Certified rehabilitation provider" means a person who is certified by the Board as possessing the training, the skills and the experience as a rehabilitation provider to form an opinion by discerning and evaluating, thereby allowing for a sound and reasonable determination or recommendation as to the appropriate employment for a rehabilitation client and who may provide vocational rehabilitation services under subdivision A 3 of § 65.2-603 that involve the exercise of professional judgment.

"Professional judgment" includes consideration of the client's level of disability, functional limitations and capabilities; consideration of client aptitudes, ~~vocational~~ *career and technical* skills and abilities; education and pre-injury employment; and identification of return-to-work options and service needs which culminate in the determination or recommendation of appropriate employment for the rehabilitation client.

§ 63.1-105. Eligibility for temporary assistance to needy families.

A person shall be eligible for Temporary Assistance to Needy Families (TANF) if that person:

1. Has not attained the age of eighteen years, or, if regularly attending a secondary school or in the equivalent level of ~~vocational or career and technical training~~ *education*, has not attained the age of nineteen years and is reasonably expected to complete his senior year of school prior to attaining age nineteen;

2. Is a resident of Virginia;

3. Is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by one or more of such relatives as his or their own home or is in placement under conditions specified by the State Board;

4. Is in need of public assistance; and

5. If under the age of eighteen years, is in compliance with compulsory school attendance laws (§ 22.1-254 et seq.) as described in § 63.1-105.4. Prior to imposing a sanction of benefits, the appropriate local department staff shall make reasonable efforts to discuss with the parent or caretaker, by personal contact which may include direct telephone contact, a plan to return the child to school. If such efforts fail, the local department shall mail a written advance notice of proposed action to the parent or caretaker advising that benefits may be reduced if the parent or caretaker fails to contact the agency to develop a plan to return the child to school.

TANF shall be provided to needy two-parent families on the same terms and conditions that TANF is provided to single-parent families.

Pursuant to regulations promulgated by the Board, the parent of an eligible child or children who is married to a person not the parent of the child or children shall not be eligible for TANF if the parent's spouse's income, when deemed available to the family unit according to federal regulations, in and of itself, exceeds the state eligibility standard for such aid. However, eligibility for the child or children shall be considered by counting the income of such parent and child or children, and any portion of the parent's spouse's income which exceeds 150 percent of the federal poverty level for the spouse and parent. If the income of the parent's spouse which is deemed available does not, in and of itself, exceed the state eligibility standard for TANF, none of the spouse's income shall be counted as available to the family unit, and eligibility shall be determined considering only the income, if any, of the parent and the child or children. If the parent fails or refuses to cooperate with the Department's Division of Child Support Enforcement in the pursuit of child support, the income of the parent's current spouse shall be counted in accordance with federal regulations in determining eligibility for TANF for the parent's child or children.

§ 63.1-110. Determining the amount of assistance.

The State Board shall adopt rules and regulations governing the amount of assistance persons shall receive under the provisions of this law. In making such rules and regulations, the Board shall give due consideration to significant differences in living costs in various counties and cities and shall establish or approve such variations in monetary assistance standards for shelter allowance on a regional or local basis, as may be appropriate in order to achieve the highest practical degree of equity in public assistance grants. The rules and regulations of the Board may provide that in each grant of assistance a specific portion thereof shall be designated for shelter allowance that may be paid to a federally assisted low-rent public housing authority.

The amount of assistance which any person shall receive under the provisions of this law shall be determined in accordance with rules and regulations made by the State Board with due regard to the property and income of the person and any support he receives from other sources, including that from persons legally responsible for his support, and the average cost of providing assistance statewide. It shall be sufficient to provide assistance which, when added to all other income and support of the recipient (exclusive of that not to be taken into account as hereinafter provided), provides such person with a reasonable subsistence.

In determining the income of and support available to a person, the amount of income required to be exempted by federal statute, or if the federal statute makes such exemption permissive, then such portion

thereof as may be determined by the State Board shall not be considered in determining the amount of assistance any person may receive under this law.

On or after January 1, 1989, any amounts received by a person pursuant to a settlement agreement with, or judgment in a lawsuit brought against, a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to "Agent Orange" shall be disregarded in determining the amount of assistance such person may receive from state assistance programs and from federal assistance programs to the extent permitted by federal law or regulation, and such amounts shall not be subject to a lien or be available for reimbursement to the Commonwealth or any local department of welfare or social services for public assistance, notwithstanding the provisions of § 63.1-133.1.

Under conditions specified by the State Board, court-ordered support payments may be disregarded in determining the amount of assistance which any person shall receive; however, in such event, such payments, when received, shall be counted as refunds with regard to such assistance payments.

Any individual or family applying for or receiving assistance under the aid to families with dependent children, aid to families with dependent children-related medical-assistance-only, food stamp, or fuel assistance programs may have or establish one interest-bearing savings account per assistance unit not to exceed \$5,000 at a financial institution for the purpose of paying for tuition, books, and incidental expenses at any elementary, secondary or ~~vocational~~ *career and technical* school or any college or university or for making a down payment on a primary residence or for business incubation. Any funds deposited in the account, and any interest earned thereon, shall be exempt from consideration in any calculation under any specified assistance program for so long as the fund and interest remain on deposit in the account. Any amounts withdrawn from the account for the purposes stated in this section shall be exempt from consideration in any calculation under any specified assistance program. For the purposes of this section, business incubation means the initial establishment of a commercial operation which is owned by a member of the assistance unit. The net worth of any business owned by a member of the assistance unit shall be exempt from consideration in any calculation under the assistance programs specified above so long as the net worth of the business is less than \$5,000. The State Board shall promulgate regulations to establish penalties for amounts withdrawn from any accounts for any other purposes than those stated in this section or other misuse of these funds.

§ 63.1-133.43. Participant eligibility.

All recipients of AFDC shall be required to participate in the Program. The following families shall not be required to participate in any of the employment provisions of the Program and shall remain eligible for AFDC financial assistance:

1. Any individual, including all minor caretakers, under sixteen years of age;
2. Any individual at least sixteen, but no more than nineteen years of age, who is enrolled full-time in elementary or secondary school, including ~~vocational or career and technical school~~ *school education* programs. The ~~vocational or career and technical school~~ *education program* must be equivalent to secondary school. Once the individual loses this exemption, he cannot requalify for the exemption, even if he returns to school, unless the case is closed and reopened or he becomes exempt for another reason. Whenever feasible, such recipients should participate in summer work;
3. Any individual who is unable to participate because of a temporary medical condition that is preventing entry into employment or training, as determined by a physician and certified by a written medical statement. Such an exemption shall be reevaluated every sixty days to determine whether the person is still exempt;
4. Any individual who is incapacitated, as determined by receipt of Social Security Disability Benefits or Supplemental Security Income. This exemption shall not be granted to either parent in an AFDC-UP case; eligibility shall be evaluated for regular AFDC on the basis of the parent's incapacity;
5. Any individual sixty years of age or older;
6. Any individual who is the sole caregiver of another member of the household who is incapacitated as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or another condition as determined by the State Board and whose presence is essential for the care of the other member on a substantially continuous basis;
7. A parent or caretaker-relative of a child under eighteen months of age who personally provides care for the child. A parent of a child not considered part of the AFDC assistance unit under § 63.1-105.7 may be granted a temporary exemption of not more than six weeks after the birth of such child;
8. A female who is in her fourth through ninth month of pregnancy as determined by a written medical statement provided by a physician;
9. Children receiving AFDC-Foster Care;
10. Families where the primary caretakers of a child or children are legal guardians, grandparents, foster parents, or other persons standing in loco parentis and are not the adoptive or biological parents of the child.

In an AFDC-UP case, both parents shall be referred for participation unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they shall decide who will be referred for participation.

§ 63.1-133.49. Virginia Initiative for Employment Not Welfare (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare (VIEW) to reduce long-term dependence on welfare, to emphasize personal responsibility and to enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption and who are not employed within ninety days of receipt of TANF benefits to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment and enter into an agreement of personal responsibility. If recipients cannot be placed in an unsubsidized or subsidized job, they shall be required to participate in a six-month community work experience placement. Upon completion of the initial six-month work requirement, participants may receive education and training in conjunction with continued work experience to make them more employable.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following employment categories in priority order not less than ninety days after TANF eligibility determination:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

(a) The Department shall conduct a program in accordance with this section and any applicable federal waivers that shall be known as the Full Employment Program (FEP). FEP replaces TANF and food stamp benefits with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for both TANF and food stamp benefits shall participate in FEP unless exempted by this chapter. FEP will assign participants to and subsidize wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

(b) The Department shall administer a wage fund which shall be used exclusively to meet the necessary expenditures of FEP. Funds to operate FEP, drawn from funds appropriated for expenditure by or apportioned to Virginia for operation of the TANF and food stamp programs, shall be deposited in this pool. All payments by the Department to participating employers for FEP participants shall be made from the pool.

(c) Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. For each participant hour worked, the Department shall reimburse the employer the amount of the federal or state minimum wage and costs up to the available amount of the participant's combined value of TANF and food stamps. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF and food stamps received prior to the work placement.

(d) Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304 (a) (5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

(e) FEP employers shall:

- (i) Endeavor to make FEP placements positive learning and training experiences;
- (ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;
- (iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;
- (iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;
- (v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;
- (vi) Provide workers' compensation coverage for participants;
- (vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and
- (viii) Sign an agreement with the local department outlining the employer requirements to participate

in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates Program rules.

(f) As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability;

3. Part-time or temporary employment; or

4. Community work experience, as follows:

(a) The Department and local departments shall expand the community work experience program authorized under the Job Opportunity and Basic Skills Training Program (JOBS) to include job placement in community work experience programs which serve a useful public purpose as provided in § 482 (f) of the Social Security Act.

(b) The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements. Placements shall be selected to provide skills and serve a public function. Program participants shall not displace regular workers.

(c) The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work week of thirty-two hours, of which up to eight hours of employment-related education and training may substitute for work experience employment.

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may, with the participant's consent, exempt the participant from job search requirements and place the participant in a ~~vocational educational~~ *career and technical education* program targeted to skills required for particular employment opportunities in the locality if the participant meets two or more of the criteria specified in this subsection. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The ~~vocational educational~~ *career and technical education* program shall be for a minimum of thirty hours per week. Prior to placing the VIEW participant in the ~~vocational educational~~ *career and technical* program, the local department shall have a memorandum of understanding with an employer that such participant will be placed, if qualified and the employer has an opening, in a job with the employer at the conclusion of the program. The VIEW participant shall be required to work an average of eight hours per week during the ~~vocational educational~~ *career and technical education* program in part-time or temporary employment or community work experience. The VIEW participant may continue in the ~~vocational educational~~ *career and technical education* program for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Notwithstanding the provisions of subsections A and D, persons eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and those persons eligible to participate in job skills training programs, pursuant to subsection E of this section, shall also be eligible to participate in approved projects established through the Economic and Employment Improvement Program for Disadvantaged Persons of Chapter 6.6 (§ 63.1-133.56 et seq.) of this title.

G. Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training and/or education to further his employability.

H. Local departments shall be authorized to sanction participants up to the full amount of the TANF grant and food stamps allotment for noncompliance.

I. VIEW participants shall not be assigned to projects which require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant by accident arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for thirty days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The State Board shall promulgate regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

§ 63.1-133.56. Economic and Employment Improvement Program for Disadvantaged Persons transferred and reestablished; program administered by the Department of Social Services.

A. With such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf by the Department of Social Services, to

facilitate the continuation of existing projects funded pursuant to the provisions of this chapter, to improve the employability of and provide assistance to disadvantaged persons through education and skills training, and to extend the eligibility for education and job training services under the Economic and Employment Improvement Program for Disadvantaged Persons (the Program) to certain hard-to-employ persons, the Program is hereby transferred from the Governor's Employment and Training Department and reestablished under the Department of Social Services. The Governor's Employment and Training Department shall assist the Department of Social Services as may be necessary to provide for the smooth transition of Program responsibilities between the agencies.

B. The Program shall be administered by the Department of Social Services. The Program shall comply with state and federal laws and regulations governing workforce training, welfare reform, adult literacy and education, and ~~vocational~~ *career* and technical education programs and shall be consistent with existing state apprenticeship programs.

§ 63.1-133.58. Grant Awards Committee reestablished; eligible projects; criteria for award of grants.

A. There is hereby reestablished the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, which shall be composed of nine members designated by the relevant agency heads as follows: (i) one representative of the State Board for Community Colleges who shall have expertise in grant writing and review; (ii) one representative of the Department of Education, who shall have expertise in the administration and delivery of ~~vocational~~ *career* and technical education programs and services administered by and through the public schools, and the delivery of adult literacy and education services; (iii) one representative of the Virginia Employment Commission, who shall have expertise in the administration and evaluation of workforce training programs; (iv) one representative of the Department of Labor and Industry who shall have expertise in labor and employment law; (v) one representative of the Department of Social Services who shall be knowledgeable of the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended, and the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title; (vi) one representative of local social services or welfare departments who shall have expertise and experience in assisting chronically unemployed and hard-to-employ persons, designated by the Commissioner of Social Services; (vii) one representative of the Department of Corrections, who shall have expertise in the education and job training programs offered to incarcerated persons, and the Department's transition and job placement programs that are available to persons leaving the correctional system; (viii) one representative of a local workforce investment board, designated by the Commissioner of the Virginia Employment Commission; and (ix) one representative of four-year institutions of higher education whose service areas and student populations are comprised of disproportionately high percentages of disadvantaged persons, designated by the Chairman of the State Council of Higher Education.

The Commissioner of Social Services shall provide written notification to the respective agency heads of the reestablishment of the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, and shall request that the respective agency head designate the appropriate persons to represent the agency on the Awards Committee.

B. Upon the appropriation of funds for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received by the Department of Social Services on behalf of the Program, the Committee shall issue a request for proposals for grant projects designed to improve the employability of and provide assistance to disadvantaged persons through education and skills training. The Committee shall review each grant application, make grant awards in accordance with the eligibility criteria established in this section, and evaluate the effectiveness of the educational and skills training services delivered by the funded projects. The Committee shall report the results of its evaluation annually, beginning July 1, 2001, to the governing boards of agencies represented on the Committee, to the Governor, and to the General Assembly.

C. On and after July 1, 2000, the Program shall consist of no more than ten grant projects, including projects awarded grants by the Governor's Employment and Training Department and in existence on July 1, 1999, located in regions throughout the Commonwealth to provide equal geographical distribution of such projects. Priority for awarding such grants shall be given to projects designed to serve persons who are (i) historically underrepresented in Virginia institutions of higher education, and in management and at administrative levels in the business community; (ii) residing in counties, cities, and towns with high local stress indicators and in economically depressed regions of the Commonwealth; (iii) disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills; (iv) ineligible to continue to receive welfare assistance under state and federal welfare reform laws; (v) eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and especially those eligible to participate in job skills training programs, pursuant to subsection E of § 63.1-133.49; (vi) returning to the community from state and federal correctional institutions; (vii) chronically unemployed or hard-to-employ; (viii) displaced by technological advances in industry; or (ix) subject to any combination thereof. Education and job training programs shall be designed to enable individuals to move from minimum wage jobs to

higher-salaried occupations and employment opportunities and to pursue careers and professions. Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals.

Eligible projects awarded grants on May 1, 1999, and in existence on July 1, 1999, shall be eligible for grant renewal upon the satisfactory evaluation of the project by the Committee. The renewal of such grants shall be awarded by September 1, 2000. Awards to eligible projects designed to serve certain hard-to-employ persons as provided in clauses (iv) through (vii) of subsection C of § 63.1-133.58 shall be awarded by December 1, 2000.

D. Eligible projects shall (i) satisfy the criteria for receiving awards, pursuant to subsection C of this section; (ii) provide educational programs, job training opportunities, or other support services to improve the employability of persons ineligible to continue to receive welfare assistance, or who are eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and especially those eligible to participate in job skills training programs, pursuant to subsection E of § 63.1-133.49, or populations experiencing high rates of unemployment or underemployment; (iii) provide training and education reflective of current and projected workforce needs in the Commonwealth that will enable persons to move from minimum wage jobs to higher-salaried occupations, careers, and professions; (iv) provide coordinated delivery of services, such as community-business partnerships and community outreach programs through the schools or departments of business at two-year and four-year public and private institutions of higher education; (v) include a component to evaluate the effectiveness of the delivery of educational and job skills training services; and (vi) encourage mentoring through partnerships between institutions of higher education, corporations, and small businesses. Grant recipients may work collaboratively, upon request, to provide approved service delivery. Participants in the Economic and Employment Improvement Program for Disadvantaged Persons that are not participating in the Virginia Initiative for Employment Not Welfare Program shall be required to work a minimum of eight hours per week in paid employment during the Program.

2. That this act shall not be construed to require any local school board to rename its vocational schools or programs or to require any public or private vocational school to change its name; however, any public school having in its name the terms vocational or vocational technical or any variation of these terms and designated by a local school board to be a vocational or vocational technical school shall comply with the relevant requirements for career and technical education set forth in Title 22.1 of the Code of Virginia and the applicable regulations.

3. That nothing contained in this act shall be construed to require expenditure of funds to realign any name with the term "career and technical education" or to require any redesigning or reprinting of any logo, stationery, informational material or website. In addition, any stationery, pamphlets or other printed material referring to vocational education or some other term denoting career and technical education requiring an eventual revision of a state program or name may continue to be used in the normal course of business until consumed before being redesigned and reprinted.

4. That, further, whenever any references are used in the Code of Virginia to vocational education or to vocational technical education or, when used to denote an education program, to vocational rehabilitation or any other state or local program name that clearly relates to career and technical education within its context, such terms shall be deemed to be subsumed by, synonymous with and included in the term "career and technical education."

5. That this act shall not be construed to require any additional services or changes in services in any state or local program or to require any such program to deliver different services than are required by applicable law.