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**HOUSE BILL NO. 159**

Offered January 10, 2018

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*A BILL to amend and reenact §§ 22.1-207.1, 22.1-207.1:1, and 22.1-253.13:1 of the Code of Virginia, relating to local school boards; family life education curricula.*

Patrons—Rasoul, Boysko, Gooditis, Levine, Lopez, McQuinn, Rodman, Simon, Tyler and Watts

Referred to Committee on Education

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

**1. That §§ 22.1-207.1, 22.1-207.1:1, and 22.1-253.13:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-207.1. Family life education.**

A. As used in this section, "abstinence education" means an educational or motivational component that has as its exclusive purpose teaching the social, psychological, and health gains to be realized by teenagers' abstaining from sexual activity before marriage.

B. The Board of Education shall develop Standards of Learning and curriculum guidelines for a *the* comprehensive, sequential family life education curriculum in grades kindergarten through 12 *that is required to be implemented by each local school board pursuant to subdivision D 19 of § 22.1-253.13:1.* Such Standards of Learning and curriculum guidelines shall ~~include~~ *require* instruction as *that is medically accurate and* appropriate for the age of the student in family living and community relationships; ~~the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; the value of family relationships; abstinence education; the value of postponing sexual activity; the benefits of adoption as a positive choice in the event of an unwanted pregnancy; human sexuality; human reproduction; dating violence, the characteristics of abusive relationships, steps to take to deter sexual assault, and the availability of counseling and legal resources, and, in the event of such sexual assault, the importance of immediate medical attention and advice, as well as the requirements of the law; the etiology, prevention, and effects of sexually transmitted diseases, including human immunodeficiency virus (HIV); and mental health education and awareness.~~

C. *B.* All such instruction shall be designed to promote parental involvement, foster positive self-concepts, and provide mechanisms for coping with peer pressure and the stresses of modern living according to the students' developmental stages and abilities. The Board shall also establish requirements for appropriate training for teachers of family life education, which shall include training in instructional elements to support the various curriculum components.

**§ 22.1-207.1:1. Family life education; certain curricula and Standards of Learning.**

A. ~~Any~~ *Each* family life education curriculum offered by a *each* local school ~~division~~ *board* shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education's family life education guidelines.

B. ~~Any~~ *Each* high school family life education curriculum offered by a *each* local school ~~division~~ *board* shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence and may incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity.

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

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

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HB159

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

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

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

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

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

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

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

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

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

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

114 C. Local school boards shall develop and implement a program of instruction for grades K through  
115 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of  
116 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts  
117 and computations, proficiency in the use of computers and related technology, computer science and  
118 computational thinking, including computer coding, and scientific concepts and processes; essential skills  
119 and concepts of citizenship, including knowledge of Virginia history and world and United States  
120 history, economics, government, foreign languages, international cultures, health and physical education,

environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

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

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

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

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

D. Local school boards shall also implement the following:

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

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

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

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

b. Career exploration opportunities in the middle school grades;

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

d. Annual notice on its website to enrolled high school students and their parents of (i) the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness

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

15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

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

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

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

19. *A comprehensive, sequential family life education curriculum in grades kindergarten through 12 that is consistent with the Standards of Learning or curriculum guidelines developed by the Board pursuant to subsection A of § 22.1-207.1.*

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

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