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HOUSE BILL NO. 533

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.6, consisting of sections numbered 22.1-212.33 and 22.1-212.34, relating to public elementary and secondary schools; agreements to establish opportunity classrooms.

Patron—Batten

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 1.6, consisting of sections numbered 22.1-212.33 and 22.1-212.34, as follows:

Article 1.6.

Opportunity Classrooms.

§ 22.1-212.33. Definitions.

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

"Alternative curriculum" means a curriculum in English, mathematics, science, history and social science, and any other subject area, as set forth in an opportunity classroom agreement, that is different than any curriculum that is otherwise offered in such subject areas in the local school division.

"Opportunity classroom" means a classroom in which an alternative curriculum is offered.

"Requesting party" means a public elementary or secondary school teacher, or a group of such teachers in a local school division.

§ 22.1-212.34. Opportunity classrooms.

A. Each school board (i) shall enter into an agreement to establish an opportunity classroom with a requesting party if the requesting party represents a group of at least 20 students and (ii) may enter into an agreement to establish an opportunity classroom with a requesting party or make other accommodations to meet the objectives of the requesting party if the requesting party represents fewer than 20 students. The school board shall enter into each such agreement within 60 days of the receipt of the request, provided, however, that any such agreement may cover a future school year if it is entered into no more than three months before or into the start of a school year.

B. Each agreement to establish an opportunity classroom shall include:

1. The name of any teacher or other certified staff member who will work in the opportunity classroom. Any such teacher or other certified staff member shall be agreed upon by the school board and the parents of the students who will receive instruction in the opportunity classroom;

2. The names of the students who will receive instruction in the opportunity classroom;

3. A statement explaining whether the requesting party plans to recertify the agreement before the next school year;

4. A description of how, when, and where instruction will take place in the opportunity classroom and whether such instruction will include in-person, hybrid, or virtual components. The school board shall provide physical classroom space for the opportunity classroom if the requesting party so requests;

5. Criteria for the measurement of student learning;

6. A description of the alternative curriculum and instructional materials that will be utilized in the opportunity classroom and of the student outcomes that the requesting party hopes to achieve. Any funding or space required for such instructional materials may be provided by the school board, the requesting party, or any combination of the two parties. The school board may recommend ways to supplement the alternative curriculum in good faith and with the goal of achieving such student outcomes; and

7. Subject to the provisions of subsection C, a description of the access to or use of the school division's transportation, playground, cafeteria, special education, and other services or facilities or after-school or extracurricular activities by the students enrolled in the opportunity classroom.

C. Any student enrolled in an opportunity classroom is permitted to use transportation services offered by the school board if the schedule of the opportunity classroom is consistent with the school division's schedule or if the parties provide for transportation services in the agreement to establish the opportunity classroom.

D. For purposes of compensation, any teacher or other certified staff member working in an opportunity classroom shall be an employee of the school board and shall be entitled to receive or participate in such compensation, benefits, or programs as permitted under this title or those permitted

under the terms of employment generally.

E. Students enrolled in an opportunity classroom shall be enrolled in the local school division for the purpose of calculating educational funds apportioned to the local school division. The school board shall apportion funds for opportunity classroom instruction in an amount substantially similar to funds apportioned for instruction of students at the same grade level who are not enrolled in the opportunity classroom.

F. The school board shall only be responsible for providing the services to students enrolled in an opportunity classroom that are described in the agreement to establish the opportunity classroom.

G. Students enrolled in an opportunity classroom shall participate in all required Standards of Learning assessments or such assessments as are specifically required pursuant to the agreement to establish the opportunity classroom.

H. No student enrolled in an opportunity classroom shall be included in Standards of Learning assessment results for the school division unless specifically stated in the agreement to establish the opportunity classroom or if such inclusion is required by applicable law or regulation.

I. Each opportunity classroom shall comply with all conditions and procedures set forth in the agreement to establish the opportunity classroom and shall comply with all applicable laws, including federal, state, and local laws, prohibiting discrimination and governing the safety of students and teachers in the classroom.