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**HOUSE BILL NO. 1909**

Offered January 11, 2023

Prefiled January 10, 2023

*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; establishment of 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 areas as set forth in an opportunity classroom agreement, that is different from 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 (i) a public elementary or secondary school teacher or a group of such teachers in a local school division or (ii) a parent whose child attends a public elementary or secondary school or a group of such parents in a local school division, joined by at least one public elementary or secondary school teacher from such school division, that requests that the local school board enter into an agreement to establish an opportunity classroom. A parent or group of such parents not joined by at least one public elementary or secondary school teacher shall not constitute a "requesting party"; however, such parent or parents may request that the local school board publish and distribute to teachers within such school division a statement of interest in establishing an opportunity classroom for the purpose of soliciting the involvement of any such teacher.*

**§ 22.1-212.34. Opportunity classrooms.**

*A. Each local school board (i) shall enter 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 if the requesting party represents fewer than 20 students. Each 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. The requirements relating to the number of students initially represented by a requesting party set out in clauses (i) and (ii) of this subsection shall not apply to any future school year covered by an agreement to establish an opportunity classroom or any request to recertify an opportunity classroom for a succeeding 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 be receiving 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 requested;*

*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, a business or nonprofit organization, or any combination of those three 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*

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

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

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

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

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

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

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

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