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HOUSE BILL NO. 1477

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 7, 2024)

(Patrons Prior to Substitute—Delegates Rasoul, Coyner [HB 1081], and Tata [HB 663])

A *BILL to amend and reenact §§ 22.1-2.1, 22.1-200.2, 22.1-207.8, 22.1-212.28, 22.1-212.29, and 23.1-905.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1.5 of Chapter 13 of Title 22.1 a section numbered 22.1-212.33, relating to public schools; instructional time.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-2.1, 22.1-200.2, 22.1-207.8, 22.1-212.28, 22.1-212.29, and 23.1-905.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1.5 of Chapter 13 of Title 22.1 a section numbered 22.1-212.33 as follows:

§ 22.1-2.1. Provision of in-person instruction.

A. As used in this section, ~~"in-person:~~

"In-person instruction" means instructional interaction between teachers and students teacher-delivered instruction that occurs synchronously in person and or in real time a virtual setting. "In-person instruction" does not include the act of proctoring remote online learning in a classroom any asynchronous online learning.

"Instructional hour" means a period at school or in another aligned learning environment during which students receive instruction aligned to academic content and performance standards. "Instructional hour" includes any period during which students participate in or receive, as the case may be, (i) a school program required pursuant to this title; (ii) advanced learning opportunities focused on problem-solving, critical thinking, creative thinking, communication, collaboration, and citizenship skills; (iii) content that provides technical knowledge, skills, and competency-based applied learning; (iv) direct instruction aligned to the Standards of Quality; and (v) any of the time and hour requirements prescribed in subsection B or in any manner prescribed in a School Division of Innovation's instructional time model adopted pursuant to § 22.1-212.33.

B. Except as otherwise permitted in subdivision C 4 of § 22.1-98 or Article 3 (§ 22.1-276.01 et seq.) of Chapter 14, each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program.

C. Notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, may elect for such child to not wear a mask while on school property. A parent making such an election shall not be required to provide a reason or any certification of the child's health or education status. No student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. Nothing in this section shall be construed to affect the Governor's authority under Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 to accomplish the purposes of such chapter with regard to a communicable disease of public health threat as defined in § 44-146.16.

§ 22.1-200.2. Minimum instructional time; school year beginning and end date.

A. Local school boards shall provide (i) a minimum of 680 hours of instructional time to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science.

B. Local school boards may include and the Board of Education shall accept, for elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours. *Except as may be otherwise authorized by the Board pursuant to a waiver for good cause, as that term is defined in subsection B of § 22.1-79.1, the school year begins August 1 and ends July 31.*

§ 22.1-207.8. Course credit for alternative programs; Board rules.

The Board (i) shall develop guidelines and policies for permitting any high school student in grades 11 and 12 to earn one-half standard unit of credit per semester for employment in certain fields or industries or participation in certain fine arts programs in which such student works or participates a

60 certain minimum number of hours per week for each week of the semester, as determined by the Board.
61 Such guidelines and policies shall include:

62 1. Standards and requirements for determining the eligibility of employment and fine arts programs
63 for awarding academic credit, including eligibility criteria and approval procedures for specific
64 employers and programs;

65 2. Standards for how the one-half unit of credit is to be awarded and policies for monitoring and
66 evaluating student participation in and completion of approved employment or fine arts programs; and

67 3. ~~Any~~ adopt rules for approving alternative programs, including dual and concurrent enrollment
68 courses, for which course credit may be granted for the purpose of satisfying high school graduation
69 requirements to any student who completes such course and masters the course content by
70 demonstrating at least 80 percent of the competencies required by course standards, regardless of time,
71 place, or pace and (ii) may adopt such other related policies ~~that the Board~~ as it deems appropriate.

72 **§ 22.1-212.28. Definitions.**

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

74 "Innovation" means a new, creative alternative to existing instructional or administrative practices,
75 personalized or competency-based learning models, or school structures that evidence-based practice
76 suggests will be effective in improving student learning and educational performance.

77 "Instructional time model" means a model adopted to meet instructional hour requirements through a
78 variety of learning modalities such as project-based learning, mastery-based learning, weekend courses,
79 and evening courses to allow a student to use flexible time options to accelerate demonstration of
80 mastery.

81 "Mastery-based learning" means a system of learning in which students accelerate to deeper levels of
82 learning when they master the course content by demonstrating at least 80 percent of the competencies
83 required by course standards, regardless of time, place, or pace.

84 "School Division of Innovation" or "SDI" means a school division in which the local school board
85 has developed and for which the Board has approved pursuant to regulations as set forth in this article
86 an instructional time model and a plan of innovation to improve student learning; educational
87 performance; and college, career, and citizenship readiness skills in each school in the local school
88 division.

89 "Innovation" means a new or creative alternative to existing instructional or administrative practices
90 or school structures that evidence-based practice suggests will be effective in improving student learning
91 and educational performance.

92 **§ 22.1-212.29. Purpose; Board regulations.**

93 A. The purpose of this article is to enable school boards to advance, pursuant to policy, innovative
94 learning models that allow students to personalize the pace of learning and accelerate their learning
95 based on the mastery of course content by demonstrating at least 80 percent of the competencies
96 required by course standards, regardless of time, place, or pace.

97 B. The Board shall promulgate regulations for the designation of School Divisions of Innovation in
98 which the local school board in the local school division so designated shall, pursuant to a plan of
99 innovation, be exempted from selected regulatory provisions and be permitted to adopt alternative
100 policies for school administrators, teachers, and staff to meet the diverse needs of students.

101 **§ 22.1-212.33. Instructional time models; requirements.**

102 Notwithstanding any other provision of law, any school board that governs an SDI may, after
103 holding two public hearings in the school division on its proposed instructional time model and
104 submitting such proposed instructional time model to the Department, adopt any instructional time
105 model for one or more schools in the SDI for the purposes of meeting the instructional time and
106 instructional hours requirements prescribed in §§ 22.1-2.1, 22.1-79.1, 22.1-200.2, and 22.1-253.13:4 and
107 Board regulations; determining average daily membership, daily attendance, or student count; or for
108 any other purpose relating to instructional time or instructional hours, provided that:

109 1. Students receive the minimum instructional time or instructional hours required under §§ 22.1-2.1,
110 22.1-79.1, 22.1-200.2, and 22.1-253.13:4 and Board regulations, as applicable, for the full school year
111 in any day, week, and course length increments adopted by the school board;

112 2. The SDI may deliver the annual required instructional time or instructional hours to students
113 through any combination of direct instruction; project-based learning; independent or experiential
114 learning; or mastery-based learning that is delivered in a blended classroom or learning environment in
115 which multiple grade levels or age bands are served or blended grade-level content is provided;

116 3. The SDI may define instructional time and instructional hours to include a combination of
117 attendance-validated programs;

118 4. The SDI or a school therein may accelerate a student's course sequence based on the student's
119 ability to demonstrate competencies at the student's own pace;

120 5. The SDI may stagger learning times and schedules for students and may offer courses and other
121 instructional time options on the weekend or in the evenings so that all students are not expected to

attend or complete their school day or instructional time at the same time;

6. The SDI shall align its attendance policies to reflect the instructional time and instructional hours policies prescribed under the instructional time model;

7. The SDI may waive specific course requirements based on the individual student mastery of course content by demonstrating at least 80 percent of the competencies required by course standards, regardless of time, place, or pace; and

8. The SDI may grant course credit to a student who has demonstrated proficiency relating to course content through alternative means, such as dual enrollment or concurrent enrollment.

§ 23.1-905.1. Course credit; dual enrollment courses.

A. The Council, in consultation with each public institution of higher education, shall establish a policy for granting undergraduate course credit to any entering student who has successfully completed a dual enrollment course. The policy shall:

1. Outline the conditions necessary for each public institution of higher education to grant course credit for the successful completion of a dual enrollment course;

2. Identify whether each dual enrollment course offered in the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate of General Studies Program or Passport Program course credit, (ii) a general elective course credit, or (iii) a course credit meeting other academic requirements of a public institution of higher education, or if such course is not likely to transfer for course credit. The policy shall also require that each school division and comprehensive community college offering a dual enrollment course clearly specify such transfer information on any website, literature, or other materials describing or advertising the course;

3. Require each public institution of higher education offering a dual enrollment course to identify the equivalent non-dual enrollment course;

4. Ensure that the grant of *high school bearing* course credit is consistent across each public institution of higher education and each such dual enrollment course *or any other credit-bearing course completed by a student in grades six through 12*; and

5. Require that the following information be made available on the online portal maintained by the System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course offered in the Commonwealth; (ii) the specific academic, career, or technical programs in the System that will accept the course credit and which specific comprehensive community colleges offer such programs; and (iii) if available, the pathway maps in which the dual enrollment course is included.

B. The Council and each public institution of higher education shall make the policy available to the public on their websites. The Council shall also forward the policy to the System for inclusion in the online portal maintained by the System pursuant to § 23.1-908.

C. The Council shall annually report to the House Committee on Education and the Senate Committee on Education and Health on the implementation of the course credit policy by each public institution of higher education.

2. That the Board of Education shall, by December 1, 2024, update its *Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit (Alternatives to the 140-Clock-Hour Requirement)*. In updating such guidelines, the Board of Education shall include waiver pathway options to allow students time within the school day to complete work-based learning opportunities such as internships, externships, youth registered apprenticeships, clinical experiences, service learning, and other career and workforce development opportunities.