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SENATE BILL NO. 379

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend and reenact §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia, relating to public high schools; research-based hazing prevention instruction.*

Patrons—Boysko, Favola, Pekarsky and Salim

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-207. Physical and health education.

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health. *Such physical and health education instruction provided to students in grade nine or 10 shall include research-based hazing prevention instruction pursuant to § 22.1-279.9.*

§ 22.1-253.13:1. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board 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 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, § 1 of the Constitution of Virginia.

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

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

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

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. The Board 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.

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

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

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

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

79 The Board shall include in the Standards of Learning for health instruction in emergency first aid,
80 cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on
81 practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based
82 on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary
83 resuscitation and the use of an automated external defibrillator, such as a program developed by the
84 American Heart Association or the American Red Cross. No teacher who is in compliance with
85 subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary
86 resuscitation to provide instruction for non-certification.

87 *The Board shall include in the Standards of Learning for physical and health education for grade*
88 *nine or 10 instruction on hazing prevention, consistent with the research-based hazing prevention*
89 *instruction developed and required pursuant to § 22.1-279.9.*

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

95 The Board shall establish content standards and curriculum guidelines for courses in career
96 investigation in elementary school, middle school, and high school. Each school board shall (i) require
97 each middle school student to take at least one course in career investigation or (ii) select an alternate
98 means of delivering the career investigation course to each middle school student, provided that such
99 alternative is equivalent in content and rigor and provides the foundation for such students to develop
100 their academic and career plans. Any school board may require (a) such courses in career investigation
101 at the high school level as it deems appropriate, subject to Board approval as required in subsection A
102 of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it
103 deems appropriate. The Board shall develop and disseminate to each school board career investigation
104 resource materials that are designed to ensure that students have the ability to further explore interest in
105 career and technical education opportunities in middle and high school. In developing such resource
106 materials, the Board shall consult with representatives of career and technical education, industry, skilled
107 trade associations, chambers of commerce or similar organizations, and contractor organizations.

108 C. Local school boards shall develop and implement a program of instruction for grades K through
109 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The
110 program of instruction shall emphasize reading, writing, speaking, mathematical concepts and
111 computations, proficiency in the use of computers and related technology, computer science and
112 computational thinking, including computer coding, and scientific concepts and processes; essential skills
113 and concepts of citizenship, including knowledge of Virginia history and world and United States
114 history, economics, government, foreign languages, international cultures, health and physical education,
115 environmental issues, and geography necessary for responsible participation in American society and in
116 the international community; fine arts, which may include, but need not be limited to, music and art,
117 and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or
118 training in a career or technical field; and development of the ability to apply such skills and knowledge
119 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

120 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, 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 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 in accordance with the timelines established by federal law;

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

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession

182 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
183 pay of program graduates. The Department shall annually compile such lists and provide them to each
184 local school board.

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

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

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

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

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

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

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

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

214 12. Identification of students with limited English proficiency and enrollment of such students in
215 appropriate instructional programs, which programs may include dual language programs whereby such
216 students receive instruction in English and in a second language.

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

220 Local school divisions shall provide algebra readiness intervention services to students in grades six
221 through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
222 individual performance on any diagnostic test that has been approved by the Department. Local school
223 divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time
224 to be determined by the Superintendent. Each student who receives algebra readiness intervention
225 services will be assessed again at the end of that school year. Funds appropriated for prevention,
226 intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention
227 services may be used to meet the requirements of this subdivision.

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

230 15. A program of physical activity available to all students in grades kindergarten through five
231 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular
232 school year and available to all students in grades six through 12 with a goal of at least 150 minutes per
233 week on average during the regular school year. Such program may include any combination of (i)
234 physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical
235 activities deemed appropriate by the local school board. Each local school board shall implement such
236 program during the regular school year. Any physical education class offered to students in grades seven
237 and eight shall include at least one hour of personal safety training per school year in each such grade
238 level that is developed and delivered in partnership with the local law-enforcement agency and consists
239 of situational safety awareness training and social media education. *Any physical education class offered*
240 *to students in grade nine or 10 shall include research-based hazing prevention instruction pursuant to §*
241 *22.1-279.9, unless such hazing prevention instruction is provided as part of a separate health education*
242 *class offered to students in grade nine or 10.*

243 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.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department 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 course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), 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 Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-279.9. Development of programs to prevent crime and violence; hazing prevention training program.

A. All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations *district* court judges, and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include prevention of hazing *pursuant to subsection B*. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. School boards are encouraged to develop and use a network of volunteer services in implementing these prevention activities.

B. Each local school board shall provide research-based hazing prevention instruction to each student in grade nine or 10 as a part of the physical and health education required pursuant to § 22.1-207. Such research-based hazing prevention instruction shall be offered in person and, for any student who is enrolled in an online or virtual physical or health education program, virtually and shall include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing; (ii) the dangers of hazing, including the consequences of alcohol intoxication; and (iii) school policies and laws relating to hazing, including criminal penalties and bystander intervention.

2. That each public high school shall provide research-based hazing prevention instruction in accordance with the provisions of this act beginning with the 2025-2026 school year.