

24106241D

SENATE BILL NO. 379

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 1, 2024)

(Patron Prior to Substitute—Senator Boysko)

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.*

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.

A. 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.

B. The Board shall develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as a part of physical or health education instruction provided to students in grade nine or 10. Such Standards of Learning and curriculum guidelines for such research-based hazing prevention instruction 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.

C. Each local school board shall provide as a part of physical or health education instruction provided to students in grade nine or 10 research-based hazing prevention instruction in accordance with the Standards of Learning and curriculum guidelines developed by the Board pursuant to subsection B. Such research-based hazing prevention instruction shall be offered in person, provided that each local school board shall provide options for virtual participation for any student who is enrolled in an online or virtual physical or health education program.

§ 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.

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

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

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

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

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

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

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

97 *The Board shall include in the Standards of Learning for physical and health education for grade*
98 *nine or 10 research-based hazing prevention instruction, in accordance with the Standards of Learning*
99 *and curriculum guidelines for research-based hazing prevention instruction developed by the Board*
100 *pursuant to subsection B of § 22.1-207.*

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

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

119 C. Local school boards shall develop and implement a program of instruction for grades K through
120 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The
121 program of instruction shall emphasize reading, writing, speaking, mathematical concepts and

computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States 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, 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

183 developed with the input of area business and industry representatives and local comprehensive
184 community colleges and shall be submitted to the Superintendent in accordance with the timelines
185 established by federal law;

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

191 e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the
192 Commonwealth by median pay and the education, training, and skills required for each such profession
193 and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median
194 pay of program graduates. The Department shall annually compile such lists and provide them to each
195 local school board.

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

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

200 6. Early identification of gifted students and enrollment of such students in appropriately
201 differentiated instructional programs.

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

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

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

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

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

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

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

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

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

241 15. A program of physical activity available to all students in grades kindergarten through five
242 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular
243 school year and available to all students in grades six through 12 with a goal of at least 150 minutes per
244 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. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education. *Each local school board shall offer to all students in grade nine or 10 a physical education class that includes research-based hazing prevention instruction pursuant to subsection C of § 22.1-207, unless such hazing prevention instruction is provided as part of a separate health education class offered to students in grade nine or 10.*

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.

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 research-based~~ hazing *prevention*. 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.

2. That each school board shall, beginning with the school year following the Board of Education's adoption of revised Standards of Learning for physical and health education for grades nine and 10 incorporating such research-based hazing prevention instruction, provide research-based hazing prevention instruction in accordance with the provisions of this act. The Department of Education shall, prior to the adoption of such revised Standards of Learning for physical and health education for grades nine and 10, develop and post on its official website guidance documents for the purpose of making such research-based hazing prevention training available to local school boards.