

24104494D

## SENATE BILL NO. 563

Offered January 10, 2024

Prefiled January 10, 2024

*A BILL to amend and reenact §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 22.1-253.13:3, 22.1-253.13:4, 23.1-100, 23.1-301, 23.1-506, 23.1-509, 23.1-905.1, 23.1-907, 23.1-908, 23.1-1002, 23.1-2904, and 23.1-2906.1 of the Code of Virginia, relating to public education; dual enrollment and concurrent enrollment; high school graduation.*

Patron—Hackworth

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 22.1-253.13:3, 22.1-253.13:4, 23.1-100, 23.1-301, 23.1-506, 23.1-509, 23.1-905.1, 23.1-907, 23.1-908, 23.1-1002, 23.1-2904, and 23.1-2906.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Definitions.**

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

"Board" or "State Board" means the Board of Education.

"Concurrent enrollment" means a program whereby a postsecondary course is taught at the high school, institution of higher education, or online by approved high school faculty, adjunct college faculty, or college faculty.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Dual enrollment" means a program whereby a student simultaneously receives dual high school credit and transcript college credit for a college-level course offered in the high school.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

**§ 22.1-206.3. (Effective July 1, 2024) Dual enrollment and concurrent enrollment; course credit; guidelines.**

The Board shall develop guidelines and policies for prioritizing to the maximum extent practicable dual enrollment and concurrent enrollment programs, including the Passport Program, the Uniform

INTRODUCED

SB563

59 Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and  
60 other such programs that allow high school students to receive credit toward the completion of an  
61 undergraduate course, degree, or credential offered in the Virginia Community College System. Such  
62 guidelines and policies shall include recommendations and strategies on how to ensure the prioritization  
63 of such programs to the maximum extent practicable, including ways to direct prioritization of funding  
64 to such programs.

65 § 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) **Standard 1.**  
66 **Instructional programs supporting the Standards of Learning and other educational objectives.**

67 A. The General Assembly and the Board believe that the fundamental goal of the public schools of  
68 the Commonwealth must be to enable each student to develop the skills that are necessary for success in  
69 school, preparation for life, and reaching their full potential. The General Assembly and the Board find  
70 that the quality of education is dependent upon the provision of (i) the appropriate working environment,  
71 benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the  
72 appropriate learning environment designed to promote student achievement; (iii) quality instruction that  
73 enables each student to become a productive and educated citizen of Virginia and the United States of  
74 America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General  
75 Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the  
76 Constitution of Virginia.

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

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

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

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

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

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

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

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

118 The Board shall include in the Standards of Learning for health instruction in emergency first aid,  
119 cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on  
120 practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based

on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

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

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

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The 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)

182 a special program that has been determined to be comparable to the required public school remediation  
183 program by the division superintendent. The costs of such private school remediation program or other  
184 special remediation program shall be borne by the student's parent.

185 The Board shall establish standards for full funding of summer remedial programs that shall include,  
186 but not be limited to, the minimum number of instructional hours or the equivalent thereof required for  
187 full funding and an assessment system designed to evaluate program effectiveness. Based on the number  
188 of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall  
189 be provided for the full cost of summer and other remediation programs as set forth in the appropriation  
190 act, provided such programs comply with such standards as shall be established by the Board, pursuant  
191 to § 22.1-199.2.

192 D. Local school boards shall also implement the following:

193 1. Programs in grades K through three that emphasize developmentally appropriate learning to  
194 enhance success.

195 2. Programs based on prevention, intervention, or remediation designed to increase the number of  
196 students who earn a high school diploma and to prevent students from dropping out of school. Such  
197 programs shall include components that are research-based.

198 3. Career and technical education programs incorporated into the K through 12 curricula that include:

199 a. Knowledge of careers and all types of employment opportunities, including, but not limited to,  
200 apprenticeships, entrepreneurship and small business ownership, the military, and the teaching  
201 profession, and emphasize the advantages of completing school with marketable skills;

202 b. Career exploration opportunities in the middle school grades;

203 c. Competency-based career and technical education programs that integrate academic outcomes,  
204 career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor  
205 market needs and student interest. Career guidance shall include counseling about available employment  
206 opportunities and placement services for students exiting school. Each school board shall develop and  
207 implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be  
208 developed with the input of area business and industry representatives and local comprehensive  
209 community colleges and shall be submitted to the Superintendent in accordance with the timelines  
210 established by federal law;

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

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

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

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

225 6. Early identification of gifted students and enrollment of such students in appropriately  
226 differentiated instructional programs.

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

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

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

235 10. An agreement for postsecondary degree attainment with a comprehensive community college in  
236 the Commonwealth specifying the options for students to complete an associate degree or, *the Passport*  
237 *Program*, a one-year Uniform Certificate of General Studies, a *Career Studies Certificate*, or a  
238 *high-demand industry-recognized credential* from a comprehensive community college concurrent with a  
239 high school diploma. Such agreement shall specify the credit available for dual enrollment and  
240 concurrent enrollment courses and Advanced Placement, *Cambridge International Assessment Education*,  
241 and *International Baccalaureate* courses with ~~qualifying college-qualifying~~ exam scores of ~~three or~~  
242 ~~higher~~.

243 11. A plan to notify students and their parents of the availability of dual enrollment, *concurrent*

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

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

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

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

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

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per 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.

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

305 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,  
306 credentials, certifications, or licenses available for such courses; and (iii) specify available options for  
307 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community  
308 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school  
309 credit for successful completion of any such program.

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

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

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

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

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

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

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

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

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

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

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

360 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state**  
361 **regulations.**

362 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the  
363 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth  
364 measures, (ii) requirements and guidelines for instructional programs and for the integration of  
365 educational technology into such instructional programs, (iii) administrative and instructional staffing  
366 levels and positions, including staff positions for supporting educational technology, (iv) student

services, (v) auxiliary education programs such as library and media services, (vi) requirements for graduation from high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the Commonwealth.

The Board shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board's regulations establishing standards for accreditation shall ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board.

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board shall accredit the school for another three years. The Board may review the accreditation status of any other school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all schools in the local school division annually in public session.

The Board shall establish a review process to assist any school that does not meet the standards established by the Board. The relevant school board shall report the results of such review and any annual progress reports in public session and shall implement any actions identified through such review and utilize them for improvement planning.

The Board shall establish a corrective action plan process for any school that does not meet the standards established by the Board. Such process shall require (a) each school board to submit a corrective action plan for any school in the local school division that does not meet the standards established by the Board and (b) any school board that fails to demonstrate progress in developing or implementing any such corrective action plan to enter into a memorandum of understanding with the Board.

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board is related to division-level failure to implement the Standards of Quality or other division-level action or inaction, the Board may require a division-level academic review. After the conduct of such review and within the time specified by the Board, each school board shall enter into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and recognizing educational performance in the Commonwealth's local school divisions and public schools. The portion of such criteria that measures individual student growth shall become an integral part of the accreditation process for schools in which any grade level in the grade three through eight range is taught. The Superintendent shall annually report to the Board on the accreditation status of all school divisions and schools. Such report shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance and individual student growth in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments *and concurrent enrollments* and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent shall assist local school boards in the implementation of action plans for increasing educational performance and individual student growth in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent shall monitor the implementation of and report to the Board on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

428 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to  
429 determine the level of achievement of the Standards of Learning objectives by all students. Such  
430 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to  
431 the Standards of Learning being assessed. The Board shall, with the assistance of independent testing  
432 experts, conduct a regular analysis and validation process for these assessments. In lieu of a one-time  
433 end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual  
434 student growth over the course of the school year, a through-year growth assessment system, aligned  
435 with the Standards of Learning, for the administration of reading and mathematics assessments in grades  
436 three through eight. Such through-year growth assessment system shall include at least one  
437 beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student  
438 growth scores over the course of the school year, but the total time scheduled for taking all such  
439 assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year  
440 proficiency assessment. The Department shall ensure adequate training for teachers and principals on  
441 how to interpret and use student growth data from such assessments to improve reading and mathematics  
442 instruction in grades three through eight throughout the school year. With such funds and content as are  
443 available for such purpose, such through-year growth assessment system shall provide accurate  
444 measurement of a student's performance, through computer adaptive technology, using test items at,  
445 below, and above the student's grade level as necessary.

446 The Board shall also provide the option of industry certification and state licensure examinations as a  
447 student-selected credit.

448 The Department shall make available to school divisions Standards of Learning assessments typically  
449 administered by high schools by December 1 of the school year in which such assessments are to be  
450 administered or when newly developed assessments are available, whichever is later.

451 The Board shall make publicly available such assessments in a timely manner and as soon as  
452 practicable following the administration of such tests, so long as the release of such assessments does  
453 not compromise test security or deplete the bank of assessment questions necessary to construct  
454 subsequent tests, or limit the ability to test students on demand and provide immediate results in the  
455 web-based assessment system.

456 The Board shall prescribe alternative methods of Standards of Learning assessment administration for  
457 children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the  
458 Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual  
459 Education Program team shall make the final determination as to whether an alternative method of  
460 administration is appropriate for the student.

461 The Board shall include in the student outcome and growth measures that are required by the  
462 standards of accreditation the required assessments for various grade levels and classes, including the  
463 completion of the alternative assessments implemented by each local school board, in accordance with  
464 the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for  
465 English, mathematics, science, and history and social science and may be integrated to include multiple  
466 subject areas.

467 The Standards of Learning assessments administered to students in grades three through eight shall  
468 not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science  
469 in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and  
470 mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life  
471 science, and physical science Standards of Learning and before the student completes grade eight; and  
472 (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by  
473 each local school board. The reading and mathematics assessments administered to students in grades  
474 three through eight shall be through-year growth assessments.

475 Each school board shall annually certify that it has provided instruction and administered an  
476 alternative assessment, consistent with Board guidelines, to students in grades three through eight in  
477 each Standards of Learning subject area in which a Standards of Learning assessment was not  
478 administered during the school year. Such guidelines shall (a) incorporate options for age-appropriate,  
479 authentic performance assessments and portfolios with rubrics and other methodologies designed to  
480 ensure that students are making adequate academic progress in the subject area and that the Standards of  
481 Learning content is being taught; (b) permit and encourage integrated assessments that include multiple  
482 subject areas; and (c) emphasize collaboration between teachers to administer and substantiate the  
483 assessments and the professional development of teachers to enable them to make the best use of  
484 alternative assessments.

485 Local school divisions shall provide targeted mathematics remediation and intervention to students in  
486 grades six through eight who show computational deficiencies as demonstrated by their individual  
487 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures  
488 non-calculator computational skills.

489 The Department shall award recovery credit to any student in grades three through eight who



performs below grade level on a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and performs at or above grade level on such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

In addition, to assess the educational progress of students, the Board shall (1) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (2) select appropriate industry certification and state licensure examinations; and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board shall provide notice to local school boards regarding such special provisions.

The Board shall not include in its calculation of the passage rate for a Standards of Learning assessment or the level of achievement of the Standards of Learning objectives for an individual student growth assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

D. The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall provide teachers, parents, principals, and other school leaders with their students' results on any

Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board, the results from industry certification examinations and the Standards of Learning assessments to the public.

The Board shall include requirements for the reporting of the Standards of Learning assessment data, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards for Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board based on submission of a request from the division superintendent and chairman of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

#### **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. ~~The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia.~~ Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising ~~eleventh~~ *ninth* and ~~twelfth~~ *tenth* grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies

diploma for implementation at the beginning of the 2022-2023 school year.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma *recommendations in lieu of the applied studies diploma that focus on ensuring that a student can pursue a standard diploma. Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the transition from an applied studies diploma pathway to a standard diploma pathway.*

Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish ~~multiple~~ paths toward college, *military*, and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, apprenticeships, and high-demand credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or *high-demand* career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) ~~complete~~ *earn college course credit through* an Advanced Placement, ~~honors Cambridge International Assessment Education~~, International Baccalaureate, ~~or dual enrollment~~, ~~or concurrent enrollment~~ course; (ii) *earn an associate degree*; (iii) *earn an enlistment-qualifying score on the Armed Forces Qualification Test*; (iv) complete a high-quality work-based learning experience, as defined by the Board; or ~~(iii)~~ (v) *earn a high-demand career and technical education credential* that has been approved by the Board, except when ~~such a career and technical education credential~~ in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. ~~The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.~~ The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for ~~each such~~ *any* certification, examination, assessment, ~~and battery or test that may be used to satisfy the requirements of this subdivision.~~ Each local school board shall develop and implement

674 policies to require each high school principal or his designee to notify each English language learner of  
 675 the availability of such testing accommodations prior to the student's participation in any such  
 676 certification, examination, assessment, or ~~battery test~~.

677 7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use  
 678 of automated external defibrillators, including hands-on practice of the skills necessary to perform  
 679 cardiopulmonary resuscitation.

680 8. Make provision in its regulations for students with disabilities to earn a diploma.

681 9. ~~Require students to complete one virtual course, which may be a noncredit-bearing course.~~

682 10. Provide that students who complete elective classes into which the Standards of Learning for any  
 683 required course have been integrated and achieve a passing score on the relevant Standards of Learning  
 684 test for the relevant required course receive credit for such elective class.

685 11. 10. Establish a procedure to facilitate the acceleration of students that allows qualified students,  
 686 with the recommendation of the division superintendent, without completing the 140-hour class, to  
 687 obtain credit for such class upon demonstrating mastery of the course content and objectives and  
 688 receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall  
 689 preclude relevant school division personnel from enforcing compulsory attendance in public schools.

690 12. 11. Provide for the award of credit for passing scores on industry certifications, state licensure  
 691 examinations, and national occupational competency assessments approved by the Board.

692 School boards shall report annually to the Board the number of Board-approved industry  
 693 certifications obtained, state licensure examinations passed, national occupational competency  
 694 assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia  
 695 workplace readiness skills assessments passed, and the number of career and technical education  
 696 completers who graduated. These numbers shall be reported as separate categories on the School  
 697 Performance Report Card.

698 For the purposes of this subdivision, "career and technical education completer" means a student who  
 699 has met the requirements for a *high-demand* career and technical concentration or specialization and all  
 700 requirements for high school graduation or an approved alternative education program.

701 In addition, the Board may:

702 a. For the purpose of awarding credit, approve the use of additional or substitute tests for the  
 703 correlated Standards of Learning assessment, such as academic achievement tests, industry certifications,  
 704 or state licensure examinations; and

705 b. Permit students completing *high-demand* career and technical education programs designed to  
 706 enable such students to pass such industry certification examinations or state licensure examinations to  
 707 be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations,  
 708 appropriate credit for one or more *high-demand* career and technical education classes into which  
 709 relevant Standards of Learning for various classes taught at the same level have been integrated. Such  
 710 industry certification and state licensure examinations may cover relevant Standards of Learning for  
 711 various required classes and may, at the discretion of the Board, address some Standards of Learning for  
 712 several required classes.

713 12. *Approve degree-qualifying high-demand industry-recognized credentials and work-based learning*  
 714 *experiences aligned to Department-designated fields selected from the Virginia Office of Education*  
 715 *Economics' annually updated top jobs list as approved by the Virginia Board of Workforce Development*  
 716 *and annually publish a list of such approved credentials and experiences.*

717 13. Provide for the waiver of certain graduation requirements and the subsequent award of a high  
 718 school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon  
 719 the request of the parent of any high school senior who died in good standing prior to graduation during  
 720 the student's senior year. Such waivers shall be granted only for good cause and shall be considered on  
 721 a case-by-case basis.

722 14. Consider all computer science course credits earned by students to be science course credits,  
 723 mathematics course credits, or *high-demand* career and technical education credits. The Board shall  
 724 develop guidelines addressing how computer science *and artificial intelligence* courses can satisfy  
 725 graduation requirements.

726 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of  
 727 instruction upon providing the ~~Board~~ *division superintendent* with satisfactory proof, based on Board  
 728 guidelines, that the students for whom such requirements are waived have learned the content and skills  
 729 included in the relevant Standards of Learning.

730 16. Provide for the award of verified units of credit for a satisfactory score, as determined by the  
 731 Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying  
 732 Test (PSAT/NMSQT) examination.

733 17. Permit students to exceed a full course load in order to participate in courses offered by an  
 734 institution of higher education that lead to a degree, *or high-demand* certificate, or credential at such  
 735 institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward ~~an~~ *a high-demand* industry certification approved by the ~~local school board~~ *Board*.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement, *Cambridge International Assessment Education*, or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in *high-demand* career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved *high-demand* career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

J. *The Department shall conduct an annual return on investment analysis and provide a summary report and detailed dataset to the Governor, General Assembly, and Virginia Board of Workforce*

797 *Development and publicly post on its website by November 15 of each year the Commonwealth's K*  
 798 *through 12 career and technical education (CTE) offerings, including industry certifications obtained,*  
 799 *state licensure examinations passed, national occupational competency assessments passed,*  
 800 *enlistment-qualifying scores on the Armed Forces Qualification Test achieved, Virginia workplace*  
 801 *readiness skills assessments passed, and the number of CTE completers. Such report and dataset shall*  
 802 *include:*

803 *1. The alignment of existing CTE offerings with employer demand, postsecondary degree or*  
 804 *certificate programs, and industry-recognized credentials;*

805 *2. The CTE offerings that are linked to high-demand occupations;*

806 *3. An evaluation of student participation and outcomes, such as postsecondary attainment,*  
 807 *employment status, and wage earnings, associated with each CTE program disaggregated by student*  
 808 *demographics, program, and school division;*

809 *4. Information that can be used to improve the alignment and quality of CTE programs and increase*  
 810 *access and successful outcomes for all students, including:*

811 *a. Information about the availability, quality, and student outcomes of CTE offerings to support*  
 812 *students and their families in making informed decisions about their educational options;*

813 *b. A list of existing CTE programs that are not aligned to employer demand; and*

814 *c. A list of in-demand knowledge, skills, and competencies by employers that are currently not being*  
 815 *met through existing CTE program offerings; and*

816 *5. Beginning with the report due on November 15, 2025, an update on the implementation status,*  
 817 *activities, and outcomes stemming from the immediately preceding report's recommendations.*

818 **§ 23.1-100. Definitions.**

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

820 "Associate-degree-granting" means that an associate degree is the most advanced degree that is  
 821 granted.

822 "Associate-degree-granting public institution of higher education" includes Richard Bland College and  
 823 each comprehensive community college.

824 "Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

825 "Baccalaureate public institution of higher education" includes Christopher Newport University,  
 826 George Mason University, James Madison University, Longwood University, the University of Mary  
 827 Washington, Norfolk State University, Old Dominion University, Radford University, the University of  
 828 Virginia, the University of Virginia's College at Wise as a division of the University of Virginia,  
 829 Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State  
 830 University, Virginia State University, and The College of William and Mary in Virginia.

831 "Chief executive officer" includes the Chancellor of the Virginia Community College System, the  
 832 Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military  
 833 Institute, and the president of each other public institution of higher education.

834 "Comprehensive community college" means an associate-degree-granting public institution of higher  
 835 education governed by the State Board that offers instruction in one or more of the following fields:

836 *1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate*  
 837 *degree programs;*

838 *2. Diversified technical curricula, including programs leading to an associate degree;*

839 *3. Career and technical education leading directly to employment;*

840 *4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2,*  
 841 *and 3; or*

842 *5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of*  
 843 *business and industry in the Commonwealth.*

844 "Concurrent enrollment" means a program whereby a postsecondary course is taught at the high  
 845 school, institution of higher education, or online by approved high school faculty, adjunct college  
 846 faculty, or college faculty.

847 "Council" means the State Council of Higher Education for Virginia.

848 "Dual enrollment" means a program whereby a student simultaneously receives dual high school  
 849 credit and transcript college credit for a college-level course offered in the high school.

850 "Governing board" includes the State Board and the board of visitors of each baccalaureate public  
 851 institution of higher education. "Governing board" does not include local community college boards.

852 "Local community college board" means the board established to act in an advisory capacity to the  
 853 State Board and perform such duties with respect to the operation of a single comprehensive community  
 854 college as may be delegated to it by the State Board.

855 "Nonprofit private institution of higher education" means any postsecondary school, as that term is  
 856 defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under  
 857 § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt  
 858 from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Public institution of higher education" includes the System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

"State Board" means the State Board for Community Colleges.

"System" means the Virginia Community College System.

"Virginia student" means any student who has established domicile in the Commonwealth pursuant to § 23.1-502.

**§ 23.1-301. Short title; objective; purposes.**

A. This chapter may be cited as the "Preparing for the Top Jobs of the 21st Century: The Virginia Higher Education Opportunity Act of 2011," the "Top Jobs Act," or "TJ21."

B. The objective of this chapter is to fuel strong economic growth in the Commonwealth and prepare Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by establishing a long-term commitment, policy, and framework for sustained investment and innovation that will (i) enable the Commonwealth to build upon the strengths of its excellent higher education system and achieve national and international leadership in college degree attainment and personal income and (ii) ensure that these educational and economic opportunities are accessible and affordable for all capable and committed Virginia students.

C. In furtherance of the objective set forth in subsection B, the following purposes shall inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations required by this chapter:

1. To ensure an educated workforce in the Commonwealth through a public-private higher education system whose hallmarks are instructional excellence, affordable access, economic impact, institutional diversity and managerial autonomy, cost-efficient operation, technological and pedagogical innovation, and reform-based investment;

2. To take optimal advantage of the demonstrated correlation between higher education and economic growth by investing in higher education in a manner that will generate economic growth, job creation, personal income growth, and revenues generated for state and local government in the Commonwealth;

3. To (i) place the Commonwealth among the most highly educated states and countries by conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between 2011 and 2025, accompanied by a comparable percentage increase in privately conferred undergraduate degrees in the Commonwealth over the same period and (ii) achieve this purpose by expanding enrollment of Virginians at public institutions of higher education and private institutions of higher education, improving undergraduate graduation and retention rates in the higher education system in the Commonwealth, and increasing degree completion by Virginians with partial credit toward a college degree, including students with ongoing job and family commitments who require access to nontraditional college-level educational opportunities;

4. To enhance personal opportunity and earning power for individual Virginians by (i) increasing college degree attainment in the Commonwealth, especially in high-demand, high-income fields such as STEM and health care fields and (ii) providing information about the economic value and impact of individual degree programs by institution;

5. To promote university-based research that produces outside investment in the Commonwealth, fuels economic advances, triggers commercialization of new products and processes, fosters the formation of new businesses, leads businesses to bring their facilities and jobs to the Commonwealth, and in other ways helps place the Commonwealth on the cutting edge of the knowledge-driven economy;

6. To support the national effort to enhance the security and economic competitiveness of the United States and secure a leading economic position for the Commonwealth through increased research and instruction in STEM and related fields that require qualified faculty, appropriate research facilities and equipment, public-private and intergovernmental collaboration, and sustained state support;

7. To preserve and enhance the excellence and cost-efficiency of the Commonwealth's higher education system through reform-based investment that promotes innovative instructional models and pathways to degree attainment, including optimal use of physical facilities and instructional resources throughout the year, technology-enhanced instruction, sharing of instructional resources between colleges, universities, and other degree-granting entities in the Commonwealth, increased online learning

opportunities for nontraditional students, improved rate and pace of degree completion, expanded availability of dual enrollment, *concurrent enrollment*, and advanced placement options and early college commitment programs, expanded comprehensive community college transfer options leading to bachelor's degree completion, and enhanced college readiness before matriculation;

8. To realize the potential for enhanced benefits from the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) through a sustained commitment to the principles of autonomy, accountability, affordable access, and mutual trust and obligation underlying the restructuring initiative;

9. To establish a higher education funding framework and policy that promotes stable, predictable, equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides incentives for increased enrollment of Virginia students at public institutions of higher education and nonprofit private institutions of higher education, provides need-based financial aid for low-income and middle-income students and families, relieves the upward pressure on tuition associated with loss of state support due to economic downturns or other causes, and provides financial incentives to promote innovation and enhanced economic opportunity in furtherance of the objective of this chapter set forth in subsection A; and

10. To recognize that the unique mission and contributions of each public institution of higher education and private institution of higher education is consistent with the desire to build upon the strengths of the Commonwealth's excellent system of higher education, afford these unique missions and contributions appropriate safeguards, and allow these attributes to inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations in the furtherance of the objective of this chapter set forth in subsection B.

**§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.**

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. Any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

9. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

10. Any non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility under this subdivision may be proved by a certification of such status as a victim of human



trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. For the purposes of this subdivision, "victim of human trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv) sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall automatically record any student qualifying for in-state tuition pursuant to this subdivision as opting out of making any directory or educational information available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment *or concurrent enrollment* agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

#### **§ 23.1-509. In-state tuition; surcharge.**

A. For the purpose of this section:

"Credit hour threshold" means 125 percent of the credit hours needed to satisfy the degree requirements for a specified undergraduate program.

"Surcharge" means an amount equal to 100 percent of the average cost of a student's education at the baccalaureate public institution of higher education that the student attends less tuition and mandatory educational and general fee charges assessed to a Virginia student who has not exceeded the credit hour threshold.

B. Virginia students who enroll for the first time at baccalaureate public institutions of higher education after August 1, 2006, shall be assessed a surcharge for each semester beginning in which the student continues to be enrolled after such student has reached the credit hour threshold.

C. In calculating the credit hour threshold, the following courses and credit hours shall be excluded:

(i) remedial courses; (ii) transfer credits from another institution of higher education that do not meet degree requirements for general education courses or the student's chosen program of study; (iii) advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and (iv) dual enrollment, *or concurrent enrollment* college-level credits obtained by the student prior to receiving a high school diploma.

D. The relevant baccalaureate public institution of higher education may waive the surcharge in accordance with guidelines and criteria established by the Council, which may include illness, disability, and active service in the Armed Forces of the United States.

#### **§ 23.1-905.1. Course credit; dual enrollment and concurrent 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 *or concurrent 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 *or concurrent enrollment* course;

2. Identify whether each dual enrollment course *and each concurrent 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 *or concurrent 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 *or concurrent enrollment* course to identify the equivalent non-dual enrollment course *or non-concurrent enrollment course*;

4. Ensure that the grant of course credit is consistent across each public institution of higher education and each such dual enrollment course *and concurrent enrollment course*; 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 *and each concurrent 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 *or concurrent 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.

**§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.**

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment *or concurrent enrollment* program, in addition to any guaranteed admission for a student who earns an associate degree post-high school.

B. The System, in cooperation with the Council and each public institution of higher education, and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program and Passport Program course shall be transferable and shall satisfy a lower division general education requirement at any public institution of higher education. The Uniform Certificate of General Studies Program and Passport Program shall be available at each comprehensive community college and through the Online Virginia Network.

C. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver shall identify with particularity the course for which the institution is seeking a waiver and the particular pathway or degree to which the waiver would apply. The application shall provide justification for the waiver and shall designate alternative courses offered through the System that may be completed by a student in order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education provides evidence that the specified pathway or degree requires a specialized, lower division course not available through the System. Once approved,

notice of a waiver granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses recommended to be taken in a dual enrollment, *concurrent enrollment*, comprehensive community college, and baccalaureate public institution setting in order to pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a multiyear schedule for the development and implementation of pathway maps for all fields of study.

E. Each baccalaureate public institution of higher education, in cooperation and consultation with the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from comprehensive community colleges to baccalaureate public institutions of higher education, including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the completion of a degree program. The report shall include the following elements: completion rates, average time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency. The Council shall adopt guidelines for data submission from public institutions of higher education necessary for such report, and all institutions shall report such data in accordance with the guidelines. The report shall be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908.

G. Each comprehensive community college shall develop agreements for postsecondary attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree, the Passport Program, ~~or the~~ Uniform Certificate of General Studies Program, *a Career Studies Certificate, or a high-demand industry-recognized credential* concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment *and concurrent enrollment* courses and Advanced Placement, *Cambridge International Assessment Education, and International Baccalaureate* courses with ~~qualifying~~ college-qualifying exam scores of ~~three or higher~~.

H. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

#### **§ 23.1-908. State Transfer Tool.**

A. The Council shall develop, in cooperation with the System and each public institution of higher education, a State Transfer Tool that designates each general education course, in addition to the courses that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an associate degree program at an associate-degree-granting public institution of higher education and transferable for course credit to a baccalaureate public institution of higher education. In developing the State Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting public institutions of higher education and baccalaureate public institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of each student accepted to such a program, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the extent to which each student accepted to such a program may access the privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the baccalaureate public institutions of higher education.

C. Each baccalaureate public institution of higher education shall update its transfer agreements immediately following any program modifications and shall send a copy of its updated agreement and any other transfer-related documents and resources to the System. The Council shall also send to the System a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online portal that allows access to all such agreements, documents, and resources. The online portal shall also include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information regarding dual enrollment *and concurrent enrollment* courses as described in § 23.1-905.1, and (v) any other information required to be included by law or deemed relevant by the

1166 System. The online portal shall be available to the public on the websites of the Council, the System,  
1167 each public institution of higher education, and each school division offering a dual enrollment *or*  
1168 *concurrent enrollment* course.

1169 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority and**  
1170 **financial benefits.**

1171 A. The state goals for each public institution of higher education are to:

1172 1. Consistent with its institutional mission, provide access to higher education for all citizens  
1173 throughout the Commonwealth, including underrepresented populations, and consistent with subdivision  
1174 4 of § 23.1-203 and in accordance with anticipated demand analysis, meet enrollment projections and  
1175 degree estimates as agreed upon with the Council. Each such institution shall bear a measure of  
1176 responsibility for ensuring that the statewide demand for enrollment is met;

1177 2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of  
1178 individual or family income, and through a periodic assessment determine the impact of tuition and fee  
1179 levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment  
1180 of tuition, mandatory fees, and other necessary charges;

1181 3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with  
1182 its mission and assess regularly the extent to which the institution's curricula and degree programs  
1183 address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific  
1184 academic disciplines, professions, and geographic regions;

1185 4. Ensure that the institution's academic programs and course offerings maintain high academic  
1186 standards by undertaking a continuous review and improvement of academic programs, course  
1187 availability, faculty productivity, and other relevant factors;

1188 5. Improve student retention so that students progress from initial enrollment to a timely graduation  
1189 and the number of degrees conferred increases as enrollment increases;

1190 6. Consistent with its institutional mission, develop articulation agreements that have uniform  
1191 application to all comprehensive community colleges and meet appropriate general education and  
1192 program requirements at the baccalaureate institution of higher education, provide additional  
1193 opportunities for associate degree graduates to be admitted and enrolled, and offer dual enrollment *and*  
1194 *concurrent enrollment* programs in cooperation with high schools;

1195 7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and  
1196 the area in which the institution is located, and for those institutions subject to a management agreement  
1197 pursuant to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and  
1198 employment rates;

1199 8. Consistent with its institutional mission, increase the level of externally funded research conducted  
1200 at the institution and facilitate the transfer of technology from university research centers to private  
1201 sector companies;

1202 9. Work actively and cooperatively with public elementary and secondary school administrators,  
1203 teachers, and students to improve student achievement, upgrade the knowledge and skills of teachers,  
1204 and strengthen leadership skills of school administrators;

1205 10. Prepare a six-year financial plan consistent with § 23.1-306;

1206 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational  
1207 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and  
1208 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in  
1209 the current general appropriation act, which shall include best practices for electronic procurement and  
1210 leveraged purchasing, information technology, real estate portfolio management, and diversity of  
1211 suppliers through fair and reasonable consideration of small, women-owned, and minority-owned  
1212 business enterprises; and

1213 12. Seek to ensure the safety and security of students on campus.

1214 B. Each public institution of higher education that meets the state goals set forth in subsection A on  
1215 or after August 1, 2005, may:

1216 1. Dispose of its surplus materials at the location where the surplus materials are held and retain any  
1217 proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1218 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a  
1219 building official of the locality in which construction is taking place and for such official to perform any  
1220 inspection and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et  
1221 seq.) pursuant to subsection C of § 36-98.1;

1222 3. For each public institution of higher education that has in effect a signed memorandum of  
1223 understanding with the Secretary of Administration regarding participation in the nongeneral fund  
1224 decentralization program as set forth in the general appropriation act, as provided in subsection C of  
1225 § 2.2-1132, enter into contracts for specific construction projects without the preliminary review and  
1226 approval of the Division of Engineering and Buildings of the Department of General Services, provided  
1227 that such institutions are in compliance with the requirements of the Virginia Public Procurement Act

(§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division of Engineering and Buildings and the Office of the Attorney General;

4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions in subdivision 5 of § 2.2-1149;

6. Convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;

7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus real property that is possessed and controlled by the institution and valued at less than \$5 million;

8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, or minority-owned business enterprise pursuant to the conditions and provisions in § 2.2-1609;

9. Be exempt from review of its budget request for information technology by the CIO as provided in subdivision B 3 of § 2.2-2007.1;

10. Adopt policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions in subsection E of § 2.2-2901;

11. Be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement; and

12. Utilize as methods of procurement a fixed price, design-build, or construction management contract in compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

C. Each public institution of higher education that (i) has been certified during the fiscal year by the Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public institutions of higher education and (ii) meets the state goals set in subsection A shall receive the following financial benefits:

1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues deposited into the state treasury by the institution, as provided in the general appropriation act. Such interest shall be paid from the general fund and shall be an appropriate and equitable amount as determined and certified in writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as soon as practicable after the end of such fiscal year;

2. Any unexpended appropriations of the public institution of higher education at the end of the fiscal year, which shall be reappropriated and allotted for expenditure by the institution in the immediately following fiscal year;

3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000 or less made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share based upon its total transactions of \$5,000 or less using the credit card that is approved for use by all state agencies as compared to all transactions of \$5,000 or less using such card by all state agencies. The Comptroller shall determine the public institution's pro rata share and, as provided in the general appropriation act, shall pay the institution by August 15 of the fiscal year immediately following the year of certification or as soon as practicable after August 15 of such fiscal year. The payment to an institution of its pro rata share under this subdivision shall also be applicable to other rebate or refund programs in effect that are similar to that of the credit card rebate program described in this subdivision. The Secretary of Finance shall identify such other rebate or refund programs and shall determine the pro rata share to be paid to the institution; and

4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made by the institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered with the Department of General Services' web-based electronic procurement program commonly known as "eVA," as provided in the general appropriation act. Such rebate shall be certified by the Department of General Services and paid to each public institution by August 15 of the fiscal year immediately following the year of certification or as soon as practicable after August 15 of such fiscal year.

#### **§ 23.1-2904. State Board; duties.**

In addition to the duties of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;

2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the general appropriation act;

3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective is to provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall establish and maintain standards appropriate to the various purposes the respective programs are designed to serve;

4. Establish policies providing for the creation of a local community college board for each comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. These boards shall assist in ascertaining educational needs and enlisting community involvement and support and shall perform such other duties as may be prescribed by the State Board;

5. Adhere to the policies of the Council for the coordination of higher education as required by law;

6. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs;

7. Develop and implement, in coordination with the Council, the Department of Education, and the Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards regarding quality, consistency, and level of evaluation and review for dual enrollment *and concurrent enrollment* courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses taught in the System and (ii) a process and criteria for determining whether any dual enrollment *or concurrent enrollment* course offered in the Commonwealth that meets or exceeds such standards is transferable to a public institution of higher education as (a) a uniform certificate of general studies program or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other academic requirements of a public institution of higher education;

8. Prepare and administer a plan to standardize across all comprehensive community colleges the courses offered and the quality and content of such courses, as well as to standardize the application and registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive community college to provide additional courses, beyond the standard class content offered across the System, that meet specific regional interests and needs. Regional courses shall be subject to the standards of quality applied to all courses offered in the System;

9. Develop and implement a plan to standardize across all comprehensive community colleges the courses offered for health care-related degree, credential, or licensure programs, excluding any registered nursing programs. Such plan shall include procedures and criteria for (i) standardizing such courses by name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit toward the completion of any such health care-related program for any student enrolled in a comprehensive community college; and (iii) standardizing the manner in which academic and clinical hour credits are awarded for such courses to ensure that they are stackable and transferrable across the System; and

10. Develop and implement accountability measures to periodically, but in no case less than every three years, review the performance of each comprehensive community college to ensure that all standards established by the Board are being met, with a goal of ensuring a consistent quality of education and opportunity across the System. If it is found that such standards are not being met at a particular institution, the Board shall develop a plan for corrective action specific to the issues presented at that institution.

#### **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency; workforce training.**

Each comprehensive community college shall enter into agreements with the local school divisions it serves to facilitate *the* dual enrollment *and concurrent enrollment* of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

**2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the Virginia Administrative Code, as necessary to comply with and effectuate the provisions of this act.**