

HOUSE BILL NO. 1051

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Batten)

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.

**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 high school student is enrolled in a postsecondary program with the intent of earning an associate degree, career and technical education, or industry recognized credential and may include noncredit industry-recognized credentials offered through the Virginia Community College System.

"Department" means the Department of Education.

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

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the

26 enrollment of a qualified high school student in a postsecondary course that is not creditable toward high  
27 school completion.

28 "Elementary" includes kindergarten.

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

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

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

42 "High demand career and technical education" means a course, program or earned credential,  
43 license, or certification for an occupation on the high demand occupations list compiled biennially by the  
44 Virginia Office of Education Economics and approved by the Virginia Board of Workforce Development  
45 and meets or exceeds the wage threshold determined by the Virginia Office of Education Economics.

46 "High demand industry recognized credential" means a credential, license, or certification earned  
47 for an occupation on the high demand occupations list compiled biennially by the Virginia Office of  
48 Education Economics and approved by the Virginia Board of Workforce Development and meets or  
49 exceeds the wage threshold determined by the Virginia Office of Education Economics.

50 "Industry recognized credential" means a credential awarded by a third-party certifying entity  
51 using predetermined standards for knowledge, skills, and competencies, resulting in the award of a  
52 credential, license, or certification that is recognized by employers in the state, nationally, or

53 internationally and sought or accepted by employers within the industry or sector as a recognized  
54 credential for recruitment, screening, hiring, retention, or advancement purposes.

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

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

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

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

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

69 "Superintendent" means the Superintendent of Public Instruction.

70 **§ 22.1-206.3. (Effective July 1, 2024) Dual enrollment and concurrent enrollment; course**  
71 **credit; guidelines.**

72 The Board shall develop guidelines and policies for prioritizing to the maximum extent practicable  
73 dual enrollment and concurrent enrollment programs, including the Passport Program, the Uniform  
74 Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and  
75 other such programs that allow high school students to receive credit toward the completion of an  
76 undergraduate course, degree, or credential offered in the Virginia Community College System. Such  
77 guidelines and policies shall include recommendations and strategies on how to ensure the prioritization  
78 of such programs to the maximum extent practicable, including ways to direct prioritization of funding to  
79 such programs.

80 § 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 1.  
81 **Instructional programs supporting the Standards of Learning and other educational objectives.**

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

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

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

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

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

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

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

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

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

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

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

146           The Board shall establish content standards and curriculum guidelines for courses in career  
147 investigation in elementary school, middle school, and high school. Each school board shall (i) require  
148 each middle school student to take at least one course in career investigation or (ii) select an alternate  
149 means of delivering the career investigation course to each middle school student, provided that such  
150 alternative is equivalent in content and rigor and provides the foundation for such students to develop their  
151 academic and career plans. Any school board may require (a) such courses in career investigation at the  
152 high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-  
153 253.13:4, and (b) such courses in career investigation at the elementary school level as it deems  
154 appropriate. The Board shall develop and disseminate to each school board career investigation resource  
155 materials that are designed to ensure that students have the ability to further explore interest in career and  
156 technical education opportunities in middle and high school. In developing such resource materials, the  
157 Board shall consult with representatives of career and technical education, industry, skilled trade  
158 associations, chambers of commerce or similar organizations, and contractor organizations.

159 C. Local school boards shall develop and implement a program of instruction for grades K through  
160 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The  
161 program of instruction shall emphasize reading, writing, speaking, mathematical concepts and  
162 computations, proficiency in the use of computers and related technology, computer science and  
163 computational thinking, including computer coding, and scientific concepts and processes; essential skills  
164 and concepts of citizenship, including knowledge of Virginia history and world and United States history,  
165 economics, government, foreign languages, international cultures, health and physical education,  
166 environmental issues, and geography necessary for responsible participation in American society and in  
167 the international community; fine arts, which may include, but need not be limited to, music and art, and  
168 practical arts; knowledge and skills needed to qualify for further education, gainful employment, or  
169 training in a career or technical field; and development of the ability to apply such skills and knowledge  
170 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

171 Local school boards shall also develop and implement programs of prevention, intervention, or  
172 remediation for students who are educationally at risk including, but not limited to, those who fail to  
173 achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail  
174 an end-of-course test required for the award of a verified unit of credit. Such programs shall include  
175 components that are research-based.

176 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning  
177 assessments for the relevant grade level in grades three through eight may be required to attend a  
178 remediation program.

179 Any student who fails to achieve a passing score on all of the Standards of Learning assessments  
180 for the relevant grade level in grades three through eight or who fails an end-of-course test required for  
181 the award of a verified unit of credit shall be required to attend a remediation program or to participate in  
182 another form of remediation. Division superintendents shall require such students to take special programs  
183 of prevention, intervention, or remediation, which may include attendance in public summer school  
184 programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

185 Remediation programs shall include, when applicable, a procedure for early identification of  
186 students who are at risk of failing the Standards of Learning assessments in grades three through eight or  
187 who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also  
188 include summer school for all elementary and middle school grades and for all high school academic  
189 courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer  
190 school remediation programs or other forms of remediation shall be chosen by the division superintendent  
191 to be appropriate to the academic needs of the student. Students who are required to attend such summer  
192 school programs or to participate in another form of remediation shall not be charged tuition by the school  
193 division.

194 The requirement for remediation may, however, be satisfied by the student's attendance in a  
195 program of prevention, intervention or remediation that has been selected by his parent, in consultation  
196 with the division superintendent or his designee, and is either (i) conducted by an accredited private school  
197 or (ii) a special program that has been determined to be comparable to the required public school  
198 remediation program by the division superintendent. The costs of such private school remediation program  
199 or other special remediation program shall be borne by the student's parent.

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

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

- 208 1. Programs in grades K through three that emphasize developmentally appropriate learning to  
209 enhance success.



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

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

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

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

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

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

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

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

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

241 6. Early identification of gifted students and enrollment of such students in appropriately  
242 differentiated instructional programs.

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

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

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

251 10. An agreement for postsecondary degree attainment with a comprehensive community college  
252 in the Commonwealth specifying the options for students to complete an associate degree ~~or~~, the Passport  
253 Program, a one-year Uniform Certificate of General Studies, or a high-demand industry-recognized  
254 credential from a comprehensive community college or an educational institution under § 23.1-3100  
255 concurrent with a high school diploma. Such agreement shall specify the credit available for dual  
256 enrollment and concurrent enrollment courses and Advanced Placement, and International Baccalaureate  
257 courses with ~~qualifying college-qualifying~~ exam scores of ~~three or higher~~.

258 11. A plan to notify students and their parents of the availability of dual enrollment, concurrent  
259 enrollment, and advanced placement ~~classes~~ courses; career and technical education programs, including  
260 internships, externships, apprenticeships, industry-recognized credentialing programs, certification  
261 programs, licensure programs, and other work-based learning experiences; the International Baccalaureate  
262 Program, Advanced Placement courses, and Academic Year Governor's School Programs; the  
263 qualifications for enrolling in such classes, programs, and experiences; and the availability of financial

264 assistance to low-income and needy students to take ~~the advanced placement and International~~  
265 ~~Baccalaureate~~ examinations to earn credit, certificates, or licenses for such programs. This plan shall  
266 include notification to students and parents of the agreement with a comprehensive community college in  
267 the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate  
268 of General Studies concurrent with a high school diploma.

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

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

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

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

285 15. A program of physical activity available to all students in grades kindergarten through five  
286 consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school  
287 year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on  
288 average during the regular school year. Such program may include any combination of (i) physical  
289 education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities  
290 deemed appropriate by the local school board. Each local school board shall implement such program

291 during the regular school year. Any physical education class offered to students in grades seven and eight  
292 shall include at least one hour of personal safety training per school year in each such grade level that is  
293 developed and delivered in partnership with the local law-enforcement agency and consists of situational  
294 safety awareness training and social media education.

295 16. A program of student services for kindergarten through grade 12 that shall be designed to aid  
296 students in their educational, social, and career development.

297 17. The collection and analysis of data and the use of the results to evaluate and make decisions  
298 about the instructional program.

299 18. A program of instruction in the high school Virginia and U.S. Government course on all  
300 information and concepts contained in the civics portion of the U.S. Naturalization Test.

301 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be  
302 established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and  
303 technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii)  
304 assist school divisions in implementing those programs and practices that will enhance pupil academic  
305 performance and improve family and community involvement in the public schools. Such unit shall  
306 identify and analyze effective instructional programs and practices and professional development  
307 initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes  
308 in student outcomes prompted by family involvement; and collect and disseminate among school divisions  
309 information regarding effective instructional programs and practices, initiatives promoting family and  
310 community involvement, and potential funding and support sources. Such unit may also provide resources  
311 supporting professional development for administrators and teachers. In providing such information,  
312 resources, and other services to school divisions, the unit shall give priority to those divisions  
313 demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

314 F. Each local school board may enter into agreements for postsecondary course credit, credential,  
315 certification, or license attainment, hereinafter referred to as College and Career Access Pathways  
316 Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher  
317 education or educational institutions established pursuant to Title 23.1 that offer a career and technical

318 education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part  
319 of the career and technical education curriculum that lead to course credit or an industry-recognized  
320 credential, certification, or license concurrent with a high school diploma; (ii) specify the credit,  
321 credentials, certifications, or licenses available for such courses; and (iii) specify available options for  
322 students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community  
323 colleges concurrent with the pursuit of a high school diploma and receive college credit and high school  
324 credit for successful completion of any such program.

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

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

336 2. A reading specialist, in collaboration with the teacher of any student who receives reading  
337 intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor  
338 student progress on a student reading plan. The parent of each student who receives reading intervention  
339 services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the  
340 development of the student reading plan. Each student reading plan (i) shall follow the Department  
341 template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii)  
342 shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined  
343 or identified by diagnostic assessment data or the literacy screener provided or approved by the  
344 Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific

345 measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-  
346 based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will  
347 be provided to the student's parent to support the student to make reading progress; and (f) any additional  
348 services the teacher deems available and appropriate to accelerate the student's reading skill development;  
349 and (iv) may include the following services for the student: instruction from a reading specialist, trained  
350 aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended  
351 instructional time in the school day or school year, or, for students in grades six through eight, a literacy  
352 course, in addition to the course required by the Standards of Learning in English, that provides the  
353 specific evidence-based literacy instruction identified in the student's reading plan. In accordance with §  
354 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student  
355 reading plan.

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

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

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

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

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

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

369 4. The Department shall develop and implement a plan for the annual collection and public  
370 reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent,

371 to include results on the literacy screeners provided or approved by the Department and the reading  
372 Standards of Learning assessments; and

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

375 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from**  
376 **state regulations.**

377 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the  
378 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth  
379 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational  
380 technology into such instructional programs, (iii) administrative and instructional staffing levels and  
381 positions, including staff positions for supporting educational technology, (iv) student services, (v)  
382 auxiliary education programs such as library and media services, (vi) requirements for graduation from  
383 high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education  
384 in the Commonwealth.

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

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

390 The Board shall review annually the accreditation status of all schools in the Commonwealth. The  
391 Board shall review the accreditation status of a school once every three years if the school has been fully  
392 accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation  
393 status of the school for each individual year within that triennial review period. If the Board finds that the  
394 school would have been accredited every year of that triennial review period the Board shall accredit the  
395 school for another three years. The Board may review the accreditation status of any other school once  
396 every two years or once every three years, provided that any school that receives a multiyear accreditation  
397 status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan

398 for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual  
399 written progress updates to the Board. A multiyear accreditation status shall not relieve any school or  
400 division of annual reporting requirements.

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

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

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

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



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

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

442 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods  
443 to determine the level of achievement of the Standards of Learning objectives by all students. Such  
444 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the  
445 Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts,  
446 conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year  
447 assessment, the Board shall establish, for the purpose of providing measures of individual student growth  
448 over the course of the school year, a through-year growth assessment system, aligned with the Standards  
449 of Learning, for the administration of reading and mathematics assessments in grades three through eight.  
450 Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year,  
451 and one end-of-year assessment in order to provide individual student growth scores over the course of

452 the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent  
453 of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure  
454 adequate training for teachers and principals on how to interpret and use student growth data from such  
455 assessments to improve reading and mathematics instruction in grades three through eight throughout the  
456 school year. With such funds and content as are available for such purpose, such through-year growth  
457 assessment system shall provide accurate measurement of a student's performance, through computer  
458 adaptive technology, using test items at, below, and above the student's grade level as necessary.

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

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

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

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

474         The Board shall include in the student outcome and growth measures that are required by the  
475 standards of accreditation the required assessments for various grade levels and classes, including the  
476 completion of the alternative assessments implemented by each local school board, in accordance with the  
477 Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English,

478 mathematics, science, and history and social science and may be integrated to include multiple subject  
479 areas.

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

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

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

502         The Department shall award recovery credit to any student in grades three through eight who  
503 performs below grade level on a Standards of Learning assessment in English reading or mathematics,  
504 receives remediation, and subsequently retakes and performs at or above grade level on such an

505 assessment, including any such student who subsequently retakes such an assessment on an expedited  
506 basis.

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

512 The Standards of Learning requirements, including all related assessments, shall be waived for any  
513 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
514 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved  
515 by the Board or in an adult basic education program or an adult secondary education program to obtain  
516 the high school diploma or a high school equivalency certificate.

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

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

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

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

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

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

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

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

556           F. To assess the educational progress of students as individuals and as groups, each local school  
557 board shall require the use of Standards of Learning assessments, alternative assessments, and other  
558 relevant data, such as industry certification and state licensure examinations, to evaluate student progress

559 and to determine educational performance. Each local school shall require the administration of  
560 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests  
561 and shall include the Standards of Learning assessments, the local school board's alternative assessments,  
562 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall  
563 provide teachers, parents, principals, and other school leaders with their students' results on any Standards  
564 of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after  
565 the assessment is administered. Each school board shall analyze and report annually, in compliance with  
566 any criteria that may be established by the Board, the results from industry certification examinations and  
567 the Standards of Learning assessments to the public.

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

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

580         H. Any school board may request the Board for release from state regulations or, on behalf of one  
581 or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the  
582 performance of one or more of its schools as authorized for certain other schools by the Standards for  
583 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory  
584 requirements may be granted by the Board based on submission of a request from the division  
585 superintendent and chairman of the local school board. The Board may grant, for a period up to five years,

586 a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to  
587 promote health or safety. The school board shall provide in its waiver request a description of how the  
588 releases from state regulations are designed to increase the quality of instruction and improve the  
589 achievement of students in the affected school or schools. The Department shall provide (a) guidance to  
590 any local school division that requests releases from state regulations and (b) information about  
591 opportunities to form partnerships with other agencies or entities to any local school division in which the  
592 school or schools granted releases from state regulations have demonstrated improvement in the quality  
593 of instruction and the achievement of students.

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

604         **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

605         A. Each local school board shall award diplomas to all secondary school students, including  
606 students who transfer from nonpublic schools or from home instruction, who meet the requirements  
607 prescribed by the Board and meet such other requirements as may be prescribed by the local school board  
608 and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade  
609 placement of students from other public secondary schools, from nonpublic schools, or from home  
610 instruction as outlined in the standards for accreditation. The standards for accreditation shall include  
611 provisions relating to the completion of graduation requirements through Virtual Virginia. Further,

612 reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise  
613 qualified students with disabilities as needed.

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

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

621 B. Students identified as disabled who complete the requirements of their individualized education  
622 programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet  
623 the requirements for any named diploma shall be awarded Applied Studies diplomas by local school  
624 boards. The Board shall develop and implement statewide requirements for earning an Applied Studies  
625 diploma for implementation at the beginning of the 2022-2023 school year.

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

630 The Department shall develop guidance, in multiple languages, for students and parents conveying  
631 (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the  
632 likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of  
633 an applied studies diploma may preclude a student's ability to pursue a standard diploma.

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



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

641 Each local school board shall provide notification of the right to a free public education for students  
642 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§  
643 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation  
644 requirements as provided in the standards for accreditation. If such student who does not graduate or  
645 complete such requirements is a student for whom English is a second language, the local school board  
646 shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-  
647 5.

648 D. In establishing graduation requirements, the Board shall:

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

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

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

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

662 5. Require students to complete at least one course in fine or performing arts or high-demand career  
663 and technical education, one course in United States and Virginia history, and two sequential elective  
664 courses chosen from a concentration of courses selected from a variety of options that may be planned to

665 ensure the completion of a focused sequence of elective courses that provides a foundation for further  
666 education or training or preparation for employment.

667           6. Require that students (i) ~~complete~~ earn college course credit through an Advanced Placement,  
668 ~~honors~~, International Baccalaureate, ~~or~~ dual enrollment, or concurrent enrollment course; (ii) earn an  
669 associate degree; (iii) earn an enlistment-qualifying score on the Armed Services Vocational Aptitude  
670 Battery; (iv) complete a high-quality work-based learning experience, as defined by the Board; ~~or~~ ~~(iii)~~ (v)  
671 earn a career and technical education high-demand industry-recognized credential that has been approved  
672 by is on the list approved by the Board pursuant to subdivision 12 for any school year in which the student  
673 is enrolled in high school, except when such a career and technical education credential in a particular  
674 subject area is not readily available or appropriate or does not adequately measure student competency, in  
675 which case the student shall receive satisfactory competency-based instruction in the subject area to earn  
676 credit. ~~The career and technical education credential, when required, could include the successful~~  
677 ~~completion of an industry certification, a state licensure examination, a national occupational competency~~  
678 ~~assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills~~  
679 ~~assessment.~~ The Virginia workplace readiness skills assessment can meet the high-demand industry  
680 recognized credential graduation requirements when paired with an additional high-demand industry  
681 recognized credential. The Department shall develop, maintain, and make available to each local school  
682 board a catalogue of the testing accommodations available to English language learners for ~~each such~~ any  
683 certification, examination, assessment, and battery that may be used to satisfy the requirements of this  
684 subdivision. Each local school board shall develop and implement policies to require each high school  
685 principal or his designee to notify each English language learner of the availability of such testing  
686 accommodations prior to the student's participation in any such certification, examination, assessment, or  
687 battery. The Board shall approve applications from local school boards for any school division that cannot  
688 reasonably provide opportunities for students to meet the requirements listed in clauses (i) through (v) and  
689 allow such school divisions to include industry recognized certifications or credentials.

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

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

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

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

698 ~~11.~~10. Establish a procedure to facilitate the acceleration of students that allows qualified students,  
699 with the recommendation of the division superintendent, without completing the 140-hour class, to obtain  
700 credit for such class upon demonstrating mastery of the course content and objectives and receiving a  
701 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude  
702 relevant school division personnel from enforcing compulsory attendance in public schools.

703 ~~12.~~11. Provide for the award of credit for passing scores on industry certifications, state licensure  
704 examinations, and national occupational competency assessments approved by the Board.

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

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

714 In addition, the Board may:

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

718 b. Permit students completing high-demand career and technical education programs designed to  
719 enable such students to pass such industry certification examinations or state licensure examinations to be  
720 awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations,  
721 appropriate credit for one or more high-demand career and technical education classes into which relevant  
722 Standards of Learning for various classes taught at the same level have been integrated. Such industry  
723 certification and state licensure examinations may cover relevant Standards of Learning for various  
724 required classes and may, at the discretion of the Board, address some Standards of Learning for several  
725 required classes.

726 12. Approve high school degree-qualifying high-demand industry-recognized credentials and  
727 high-quality work-based learning experiences aligned to the high-demand occupations list compiled  
728 biennially by the Virginia Office of Education Economics and approved by the Virginia Board of  
729 Workforce Development and annually publish a list of such approved credentials and experiences.

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

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

739 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours  
740 of instruction upon providing the ~~Board~~ division superintendent with satisfactory proof, based on Board

741 guidelines, that the students for whom such requirements are waived have learned the content and skills  
742 included in the relevant Standards of Learning.

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

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

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

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

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

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

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

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

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

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

788 F. The Board shall establish, by regulation, requirements for the award of a general achievement  
789 adult high school diploma for those persons who are not subject to the compulsory school attendance  
790 requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency  
791 examination approved by the Board; (ii) successfully completed an education and training program  
792 designated by the Board; (iii) earned a Board-approved high-demand career and technical education  
793 credential such as the successful completion of an industry certification, a state licensure examination, a

794 national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the  
795 Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established  
796 by the Board for the award of such diploma.

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

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

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

807 J. The Virginia Department of Education, State Council of Higher Education, Virginia Community  
808 College System, and Virginia Department of Labor shall provide data to the Virginia Office of Education  
809 Economics on an annual basis and define data points needed together for the Virginia Office of Education  
810 Economics to conduct an annual return on investment analysis and provide a summary report and detailed  
811 dataset to the Governor, General Assembly, and Virginia Board of Workforce Development and publicly  
812 post on its website by December 31 of each year the Commonwealth's secondary and postsecondary career  
813 and technical education (CTE), as defined in § 22.1-227.01, and work based learning offerings. Such  
814 report and dataset shall include:

815 1. The alignment of existing CTE and work-based learning offerings with employer demand,  
816 postsecondary degree or certificate programs, and industry-recognized credentials;

817 2. The CTE and work-based learning offerings that are linked to high-demand occupations;

818 3. An evaluation of student participation and outcomes, such as postsecondary attainment,  
819 employment status, and wage earnings, associated with each CTE program disaggregated by student  
820 demographics, program, industry, superintendent region, and school division;

- 821 4. Information that can be used to further align and ameliorate CTE and work-based learning  
822 programs and continue to increase access and successful outcomes for all students, including:
- 823 a. Information about the availability of CTE and work-based learning offerings to support students  
824 and their families in making informed decisions about their educational options;
  - 825 b. A list of existing CTE and work-based learning programs that are not aligned to employer  
826 demand; and
  - 827 c. A list of in-demand knowledge, skills, and competencies by employers that are currently are or  
828 are not being met through existing CTE and work-based learning program offerings; and
- 829 5. Beginning with the report due on December 31, 2025, an update on the implementation status,  
830 activities, and outcomes stemming from the immediately preceding report's recommendations.

831 **§ 23.1-100. Definitions.**

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

833 "Associate-degree-granting" means that an associate degree is the most advanced degree that is  
834 granted.

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

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

838 "Baccalaureate public institution of higher education" includes Christopher Newport University,  
839 George Mason University, James Madison University, Longwood University, the University of Mary  
840 Washington, Norfolk State University, Old Dominion University, Radford University, the University of  
841 Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia  
842 Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State  
843 University, Virginia State University, and The College of William and Mary in Virginia.

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



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

849 1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate  
850 degree programs;

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

852 3. Career and technical education leading directly to employment;

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

855 5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of  
856 business and industry in the Commonwealth.

857 "Concurrent enrollment" means a program whereby a postsecondary course is taught at the high  
858 school, at an institution of higher education accredited by an agency recognized by the U.S. Secretary of  
859 Education, or in an online program recognized by a state education agency and taught by an approved  
860 high school faculty, adjunct college faculty, or college faculty. "Concurrent enrollment" includes associate  
861 degree transfer programs, career and technical education programs as defined in § 22.1-227.01, and  
862 noncredit industry-recognized credentials including those offered through the Virginia Community  
863 College System workforce programs that are funded through the New Economy Workforce Credentials  
864 Grants program.

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

866 "Dual enrollment" means the enrollment of a qualified high school student in a postsecondary  
867 course that is creditable toward high school completion and a career certificate or an associate or  
868 baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the  
869 enrollment of a qualified high school student in a postsecondary course that is not creditable toward high  
870 school completion.

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

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

876 "Nonprofit private institution of higher education" means any postsecondary school, as that term  
877 is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under §  
878 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from  
879 such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

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

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

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

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

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

891 "System" means the Virginia Community College System.

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

894 **§ 23.1-301. Short title; objective; purposes.**

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

897 B. The objective of this chapter is to fuel strong economic growth in the Commonwealth and  
898 prepare Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by  
899 establishing a long-term commitment, policy, and framework for sustained investment and innovation that

900 will (i) enable the Commonwealth to build upon the strengths of its excellent higher education system and  
901 achieve national and international leadership in college degree attainment and personal income and (ii)  
902 ensure that these educational and economic opportunities are accessible and affordable for all capable and  
903 committed Virginia students.

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

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

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

915 3. To (i) place the Commonwealth among the most highly educated states and countries by  
916 conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between  
917 2011 and 2025, accompanied by a comparable percentage increase in privately conferred undergraduate  
918 degrees in the Commonwealth over the same period and (ii) achieve this purpose by expanding enrollment  
919 of Virginians at public institutions of higher education and private institutions of higher education,  
920 improving undergraduate graduation and retention rates in the higher education system in the  
921 Commonwealth, and increasing degree completion by Virginians with partial credit toward a college  
922 degree, including students with ongoing job and family commitments who require access to nontraditional  
923 college-level educational opportunities;

924 4. To enhance personal opportunity and earning power for individual Virginians by (i) increasing  
925 college degree attainment in the Commonwealth, especially in high-demand, high-income fields such as

926 STEM and health care fields and (ii) providing information about the economic value and impact of  
927 individual degree programs by institution;

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

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

936           7. To preserve and enhance the excellence and cost-efficiency of the Commonwealth's higher  
937 education system through reform-based investment that promotes innovative instructional models and  
938 pathways to degree attainment, including optimal use of physical facilities and instructional resources  
939 throughout the year, technology-enhanced instruction, sharing of instructional resources between colleges,  
940 universities, and other degree-granting entities in the Commonwealth, increased online learning  
941 opportunities for nontraditional students, improved rate and pace of degree completion, expanded  
942 availability of dual enrollment, concurrent enrollment, and advanced placement options and early college  
943 commitment programs, expanded comprehensive community college transfer options leading to  
944 bachelor's degree completion, and enhanced college readiness before matriculation;

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

949           9. To establish a higher education funding framework and policy that promotes stable, predictable,  
950 equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides  
951 incentives for increased enrollment of Virginia students at public institutions of higher education and  
952 nonprofit private institutions of higher education, provides need-based financial aid for low-income and

953 middle-income students and families, relieves the upward pressure on tuition associated with loss of state  
954 support due to economic downturns or other causes, and provides financial incentives to promote  
955 innovation and enhanced economic opportunity in furtherance of the objective of this chapter set forth in  
956 subsection A; and

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

963 **§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school**  
964 **students.**

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

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

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

979 pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as  
980 a dependent for Virginia and federal income tax purposes.

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

983 4. Any veteran who resides in the Commonwealth.

984 5. Any surviving spouse who resides in the Commonwealth.

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

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

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

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

999 10. Any non-Virginia student who is currently present in the Commonwealth as a result of being  
1000 a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human  
1001 trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility  
1002 under this subdivision may be proved by a certification of such status as a victim of human trafficking by  
1003 a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide  
1004 services to victims of human trafficking. For the purposes of this subdivision, "victim of human  
1005 trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation

1006 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)  
1007 sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection  
1008 Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall automatically record  
1009 any student qualifying for in-state tuition pursuant to this subdivision as opting out of making any directory  
1010 or educational information available to the public unless the student voluntarily and affirmatively chooses  
1011 to opt in to allowing such directory or educational information to be made available.

1012 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a  
1013 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee  
1014 revenue policies.

1015 B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the  
1016 governing board of any public institution of higher education may charge in-state tuition to the following  
1017 students regardless of domicile:

1018 1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council  
1019 who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that  
1020 is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for  
1021 Virginia students and (ii) is domiciled in such other state;

1022 2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program  
1023 approved by the institution of higher education during the same period in which a Virginia student from  
1024 such institution is attending such foreign institution as an exchange student; and

1025 3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is  
1026 enrolled in courses specifically designed as part of the high school or magnet school curriculum in a  
1027 comprehensive community college for which he may, upon successful completion, receive high school  
1028 and college credit pursuant to a dual enrollment or concurrent enrollment agreement between the high  
1029 school or magnet school and the comprehensive community college.

1030 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a  
1031 non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee  
1032 revenue policies.

1033 C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a  
1034 comprehensive community college who resides in another state within a 30-mile radius of a public  
1035 institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to  
1036 in-state tuition charges at the institutions of higher education in any state that is contiguous to the  
1037 Commonwealth and that has similar reciprocal provisions for Virginia students.

1038 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a  
1039 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee  
1040 revenue policies.

1041 **§ 23.1-509. In-state tuition; surcharge.**

1042 A. For the purpose of this section:

1043 "Credit hour threshold" means 125 percent of the credit hours needed to satisfy the degree  
1044 requirements for a specified undergraduate program.

1045 "Surcharge" means an amount equal to 100 percent of the average cost of a student's education at  
1046 the baccalaureate public institution of higher education that the student attends less tuition and mandatory  
1047 educational and general fee charges assessed to a Virginia student who has not exceeded the credit hour  
1048 threshold.

1049 B. Virginia students who enroll for the first time at baccalaureate public institutions of higher  
1050 education after August 1, 2006, shall be assessed a surcharge for each semester beginning in which the  
1051 student continues to be enrolled after such student has reached the credit hour threshold.

1052 C. In calculating the credit hour threshold, the following courses and credit hours shall be  
1053 excluded: (i) remedial courses; (ii) transfer credits from another institution of higher education that do not  
1054 meet degree requirements for general education courses or the student's chosen program of study; (iii)  
1055 advanced placement or international baccalaureate credits that were obtained while in high school or  
1056 another secondary school program; and (iv) dual enrollment, or concurrent enrollment college-level  
1057 credits obtained by the student prior to receiving a high school diploma.



1058 D. The relevant baccalaureate public institution of higher education may waive the surcharge in  
1059 accordance with guidelines and criteria established by the Council, which may include illness, disability,  
1060 and active service in the Armed Forces of the United States.

1061 **§ 23.1-905.1. Course credit; dual enrollment and concurrent enrollment courses.**

1062 A. The Council, in consultation with each public institution of higher education, shall establish a  
1063 policy for granting undergraduate course credit to any entering student who has successfully completed a  
1064 dual enrollment or concurrent enrollment course. The policy shall:

1065 1. Outline the conditions necessary for each public institution of higher education to grant course  
1066 credit for the successful completion of a dual enrollment or concurrent enrollment course;

1067 2. Identify whether each dual enrollment course and each concurrent enrollment course offered in  
1068 the Commonwealth is transferrable to a public institution of higher education as (i) a Uniform Certificate  
1069 of General Studies Program or Passport Program course credit, (ii) a general elective course credit, or (iii)  
1070 a course credit meeting other academic requirements of a public institution of higher education, or if such  
1071 course is not likely to transfer for course credit. The policy shall also require that each school division and  
1072 comprehensive community college offering a dual enrollment or concurrent enrollment course clearly  
1073 specify such transfer information on any website, literature, or other materials describing or advertising  
1074 the course;

1075 3. Require each public institution of higher education offering a dual enrollment or concurrent  
1076 enrollment course to identify the equivalent non-dual enrollment course or non-concurrent enrollment  
1077 course;

1078 4. Ensure that the grant of course credit is consistent across each public institution of higher  
1079 education and each such dual enrollment course and concurrent enrollment course; and

1080 5. Require that the following information be made available on the online portal maintained by the  
1081 System pursuant to subsection C of § 23.1-908: (i) a description of each dual enrollment course and each  
1082 concurrent enrollment course offered in the Commonwealth; (ii) the specific academic, career, or technical  
1083 programs in the System that will accept the course credit and which specific comprehensive community

1084 colleges offer such programs; and (iii) if available, the pathway maps in which the dual enrollment or  
1085 concurrent enrollment course is included.

1086 B. The Council and each public institution of higher education shall make the policy available to  
1087 the public on their websites. The Council shall also forward the policy to the System for inclusion in the  
1088 online portal maintained by the System pursuant to § 23.1-908.

1089 C. The Council shall annually report to the House Committee on Education and the Senate  
1090 Committee on Education and Health on the implementation of the course credit policy by each public  
1091 institution of higher education.

1092 **§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission**  
1093 **of certain comprehensive community college graduates.**

1094 A. The board of visitors of each baccalaureate public institution of higher education shall develop,  
1095 consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation,  
1096 dual admissions, and guaranteed admissions agreements with each associate-degree-granting public  
1097 institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed  
1098 admission of a student who earns an associate degree concurrently with a high school diploma through a  
1099 dual enrollment or concurrent enrollment program, in addition to any guaranteed admission for a student  
1100 who earns an associate degree post-high school.

1101 B. The System, in cooperation with the Council and each public institution of higher education,  
1102 and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a  
1103 one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The  
1104 Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour  
1105 Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program  
1106 and Passport Program course shall be transferable and shall satisfy a lower division general education  
1107 requirement at any public institution of higher education. The Uniform Certificate of General Studies  
1108 Program and Passport Program shall be available at each comprehensive community college and through  
1109 the Online Virginia Network.

1110 C. The Council shall establish procedures under which a baccalaureate public institution of higher  
1111 education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of  
1112 General Studies Program or Passport Program course to satisfy the requirements for the completion of a  
1113 specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to  
1114 (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies  
1115 Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate  
1116 of General Studies Program or Passport Program for all pathway maps and degrees. An application for a  
1117 waiver shall identify with particularity the course for which the institution is seeking a waiver and the  
1118 particular pathway or degree to which the waiver would apply. The application shall provide justification  
1119 for the waiver and shall designate alternative courses offered through the System that may be completed  
1120 by a student in order to complete a transferable, 30-credit-hour Uniform Certificate or 15-credit-hour  
1121 Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions  
1122 regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public  
1123 institution of higher education provides evidence that the specified pathway or degree requires a  
1124 specialized, lower division course not available through the System. Once approved, notice of a waiver  
1125 granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

1126 D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public  
1127 institutions of higher education to use in mapping pathways for the completion of credits in particular  
1128 programs of study, including the courses recommended to be taken in a dual enrollment, concurrent  
1129 enrollment, comprehensive community college, and baccalaureate public institution setting in order to  
1130 pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify  
1131 the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish  
1132 a multiyear schedule for the development and implementation of pathway maps for all fields of study.

1133 E. Each baccalaureate public institution of higher education, in cooperation and consultation with  
1134 the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection  
1135 D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community  
1136 college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the

1137 career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and  
1138 cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for  
1139 which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

1140 F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring  
1141 from comprehensive community colleges to baccalaureate public institutions of higher education,  
1142 including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost  
1143 savings in the completion of a degree program. The report shall include the following elements:  
1144 completion rates, average time to degree, credit accumulation, post-transfer student academic  
1145 performance, and comparative efficiency. The Council shall adopt guidelines for data submission from  
1146 public institutions of higher education necessary for such report, and all institutions shall report such data  
1147 in accordance with the guidelines. The report shall be made publicly available on the Council website and  
1148 on the online portal maintained pursuant to § 23.1-908.

1149 G. Each comprehensive community college shall develop agreements for postsecondary  
1150 attainment with the public high schools in the school divisions that such comprehensive community  
1151 college serves specifying the options for students to complete an associate degree, the Passport Program,  
1152 ~~or the Uniform Certificate of General Studies Program,~~ or a high-demand industry-recognized credential  
1153 concurrent with a high school diploma. Such agreements shall specify the credit available for dual  
1154 enrollment and concurrent enrollment courses and Advanced Placement and International Baccalaureate  
1155 courses with ~~qualifying college-qualifying~~ exam scores of three or higher.

1156 H. The provisions of this section shall not apply to any public institution of higher education  
1157 established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

1158 **§ 23.1-908. State Transfer Tool.**

1159 A. The Council shall develop, in cooperation with the System and each public institution of higher  
1160 education, a State Transfer Tool that designates each general education course, in addition to the courses  
1161 that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is  
1162 offered in an associate degree program at an associate-degree-granting public institution of higher  
1163 education and transferable for course credit to a baccalaureate public institution of higher education. In

1164 developing the State Transfer Tool, the Council shall also seek the participation of private institutions of  
1165 higher education.

1166 B. The Council shall develop guidelines to govern the development and implementation of  
1167 articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting  
1168 public institutions of higher education and baccalaureate public institutions of higher education. Dual  
1169 admissions agreements shall set forth (i) the obligations of each student accepted to such a program,  
1170 including grade point average requirements, acceptable associate degree majors, and completion  
1171 timetables, and (ii) the extent to which each student accepted to such a program may access the privileges  
1172 of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to  
1173 the admissions requirements of the baccalaureate public institutions of higher education.

1174 C. Each baccalaureate public institution of higher education shall update its transfer agreements  
1175 immediately following any program modifications and shall send a copy of its updated agreement and any  
1176 other transfer-related documents and resources to the System. The Council shall also send to the System  
1177 a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an  
1178 online portal that allows access to all such agreements, documents, and resources. The online portal shall  
1179 also include (i) documents and resources related to course equivalency, (ii) pathway maps established  
1180 pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv)  
1181 information regarding dual enrollment and concurrent enrollment courses as described in § 23.1-905.1,  
1182 and (v) any other information required to be included by law or deemed relevant by the System. The online  
1183 portal shall be available to the public on the websites of the Council, the System, each public institution  
1184 of higher education, and each school division offering a dual enrollment or concurrent enrollment course.

1185 **§ 23.1-1002. Eligibility for restructured financial and administrative operational authority**  
1186 **and financial benefits.**

1187 A. The state goals for each public institution of higher education are to:  
1188 1. Consistent with its institutional mission, provide access to higher education for all citizens  
1189 throughout the Commonwealth, including underrepresented populations, and consistent with subdivision  
1190 4 of § 23.1-203 and in accordance with anticipated demand analysis, meet enrollment projections and

1191 degree estimates as agreed upon with the Council. Each such institution shall bear a measure of  
1192 responsibility for ensuring that the statewide demand for enrollment is met;

1193         2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of  
1194 individual or family income, and through a periodic assessment determine the impact of tuition and fee  
1195 levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment  
1196 of tuition, mandatory fees, and other necessary charges;

1197         3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with  
1198 its mission and assess regularly the extent to which the institution's curricula and degree programs address  
1199 the Commonwealth's need for sufficient graduates in particular shortage areas, including specific  
1200 academic disciplines, professions, and geographic regions;

1201         4. Ensure that the institution's academic programs and course offerings maintain high academic  
1202 standards by undertaking a continuous review and improvement of academic programs, course  
1203 availability, faculty productivity, and other relevant factors;

1204         5. Improve student retention so that students progress from initial enrollment to a timely graduation  
1205 and the number of degrees conferred increases as enrollment increases;

1206         6. Consistent with its institutional mission, develop articulation agreements that have uniform  
1207 application to all comprehensive community colleges and meet appropriate general education and program  
1208 requirements at the baccalaureate institution of higher education, provide additional opportunities for  
1209 associate degree graduates to be admitted and enrolled, and offer dual enrollment and concurrent  
1210 enrollment programs in cooperation with high schools;

1211         7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and  
1212 the area in which the institution is located, and for those institutions subject to a management agreement  
1213 pursuant to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and  
1214 employment rates;

1215         8. Consistent with its institutional mission, increase the level of externally funded research  
1216 conducted at the institution and facilitate the transfer of technology from university research centers to  
1217 private sector companies;

1218 9. Work actively and cooperatively with public elementary and secondary school administrators,  
1219 teachers, and students to improve student achievement, upgrade the knowledge and skills of teachers, and  
1220 strengthen leadership skills of school administrators;

1221 10. Prepare a six-year financial plan consistent with § 23.1-306;

1222 11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational  
1223 efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and  
1224 administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in  
1225 the current general appropriation act, which shall include best practices for electronic procurement and  
1226 leveraged purchasing, information technology, real estate portfolio management, and diversity of  
1227 suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business  
1228 enterprises; and

1229 12. Seek to ensure the safety and security of students on campus.

1230 B. Each public institution of higher education that meets the state goals set forth in subsection A  
1231 on or after August 1, 2005, may:

1232 1. Dispose of its surplus materials at the location where the surplus materials are held and retain  
1233 any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

1234 2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a  
1235 building official of the locality in which construction is taking place and for such official to perform any  
1236 inspection and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et  
1237 seq.) pursuant to subsection C of § 36-98.1;

1238 3. For each public institution of higher education that has in effect a signed memorandum of  
1239 understanding with the Secretary of Administration regarding participation in the nongeneral fund  
1240 decentralization program as set forth in the general appropriation act, as provided in subsection C of § 2.2-  
1241 1132, enter into contracts for specific construction projects without the preliminary review and approval  
1242 of the Division of Engineering and Buildings of the Department of General Services, provided that such  
1243 institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300

1244 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the  
1245 Division of Engineering and Buildings and the Office of the Attorney General;

1246 4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

1247 5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions  
1248 in subdivision 5 of § 2.2-1149;

1249 6. Convey an easement pertaining to any property such institution owns or controls as provided in  
1250 subsection C of § 2.2-1150;

1251 7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus  
1252 real property that is possessed and controlled by the institution and valued at less than \$5 million;

1253 8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a  
1254 vendor that the institution has certified as a small, women-owned, or minority-owned business enterprise  
1255 pursuant to the conditions and provisions in § 2.2-1609;

1256 9. Be exempt from review of its budget request for information technology by the CIO as provided  
1257 in subdivision B 3 of § 2.2-2007.1;

1258 10. Adopt policies for the designation of administrative and professional faculty positions at the  
1259 institution pursuant to the conditions and provisions in subsection E of § 2.2-2901;

1260 11. Be exempt from reporting its purchases to the Secretary of Education, provided that all  
1261 purchases, including sole source purchases, are placed through the Commonwealth's electronic  
1262 procurement system using proper system codes for the methods of procurement; and

1263 12. Utilize as methods of procurement a fixed price, design-build, or construction management  
1264 contract in compliance with the provisions of Chapter 43.1 (§ 2.2-4378 et seq.) of Title 2.2.

1265 C. Each public institution of higher education that (i) has been certified during the fiscal year by  
1266 the Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public  
1267 institutions of higher education and (ii) meets the state goals set in subsection A shall receive the following  
1268 financial benefits:

1269 1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues  
1270 deposited into the state treasury by the institution, as provided in the general appropriation act. Such



1271 interest shall be paid from the general fund and shall be an appropriate and equitable amount as determined  
1272 and certified in writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as  
1273 soon as practicable after the end of such fiscal year;

1274 2. Any unexpended appropriations of the public institution of higher education at the end of the  
1275 fiscal year, which shall be reappropriated and allotted for expenditure by the institution in the immediately  
1276 following fiscal year;

1277 3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000  
1278 or less made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share  
1279 based upon its total transactions of \$5,000 or less using the credit card that is approved for use by all state  
1280 agencies as compared to all transactions of \$5,000 or less using such card by all state agencies. The  
1281 Comptroller shall determine the public institution's pro rata share and, as provided in the general  
1282 appropriation act, shall pay the institution by August 15 of the fiscal year immediately following the year  
1283 of certification or as soon as practicable after August 15 of such fiscal year. The payment to an institution  
1284 of its pro rata share under this subdivision shall also be applicable to other rebate or refund programs in  
1285 effect that are similar to that of the credit card rebate program described in this subdivision. The Secretary  
1286 of Finance shall identify such other rebate or refund programs and shall determine the pro rata share to be  
1287 paid to the institution; and

1288 4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made  
1289 by the institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered  
1290 with the Department of General Services' web-based electronic procurement program commonly known  
1291 as "eVA," as provided in the general appropriation act. Such rebate shall be certified by the Department  
1292 of General Services and paid to each public institution by August 15 of the fiscal year immediately  
1293 following the year of certification or as soon as practicable after August 15 of such fiscal year.

1294 **§ 23.1-2904. State Board; duties.**

1295 In addition to the duties of governing boards of public institutions of higher education set forth in  
1296 Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1297 1. Be the state agency with primary responsibility for coordinating workforce training at the  
1298 postsecondary through the associate degree level, exclusive of the career and technical education programs  
1299 provided through and administered by the public school system. This responsibility shall not preclude  
1300 other agencies from also providing such services as appropriate, but these activities shall be coordinated  
1301 with the comprehensive community colleges;

1302 2. Report on actions that comprehensive community colleges have taken to meet the requirements  
1303 of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required  
1304 by the general appropriation act;

1305 3. Prepare and administer a plan providing standards and policies for the establishment,  
1306 development, and administration of comprehensive community colleges under its authority. It shall  
1307 determine the need for comprehensive community colleges and develop a statewide plan for their location  
1308 and a time schedule for their establishment. In the development of such plan, a principal objective is to  
1309 provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-  
1310 100 to make appropriate educational opportunities and programs available throughout the  
1311 Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in  
1312 all curricula and shall establish and maintain standards appropriate to the various purposes the respective  
1313 programs are designed to serve;

1314 4. Establish policies providing for the creation of a local community college board for each  
1315 comprehensive community college established under this chapter and the procedures and regulations  
1316 under which such local boards shall operate. These boards shall assist in ascertaining educational needs  
1317 and enlisting community involvement and support and shall perform such other duties as may be  
1318 prescribed by the State Board;

1319 5. Adhere to the policies of the Council for the coordination of higher education as required by  
1320 law;

1321 6. Develop a mental health referral policy directing comprehensive community colleges to  
1322 designate at least one individual at each college to serve as a point of contact with an emergency services  
1323 system clinician at a local community services board, or another qualified mental health services provider,

1324 for the purposes of facilitating screening and referral of students who may have emergency or urgent  
1325 mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and  
1326 23.1-805. Each comprehensive community college may establish relationships with community services  
1327 boards or other mental health providers for referral and treatment of persons with less serious mental  
1328 health needs;

1329           7. Develop and implement, in coordination with the Council, the Department of Education, and  
1330 the Virginia Association of School Superintendents, (i) a plan to achieve and maintain the same standards  
1331 regarding quality, consistency, and level of evaluation and review for dual enrollment and concurrent  
1332 enrollment courses offered by local school divisions pursuant to § 23.1-907 as are required for all courses  
1333 taught in the System and (ii) a process and criteria for determining whether any dual enrollment or  
1334 concurrent enrollment course offered in the Commonwealth that meets or exceeds such standards is  
1335 transferable to a public institution of higher education as (a) a uniform certificate of general studies  
1336 program or passport program course credit, (b) a general elective course credit, or (c) a course credit  
1337 meeting other academic requirements of a public institution of higher education;

1338           8. Prepare and administer a plan to standardize across all comprehensive community colleges the  
1339 courses offered and the quality and content of such courses, as well as to standardize the application and  
1340 registration process at all comprehensive community colleges. Such plan shall allow for a comprehensive  
1341 community college to provide additional courses, beyond the standard class content offered across the  
1342 System, that meet specific regional interests and needs. Regional courses shall be subject to the standards  
1343 of quality applied to all courses offered in the System;

1344           9. Develop and implement a plan to standardize across all comprehensive community colleges the  
1345 courses offered for health care-related degree, credential, or licensure programs, excluding any registered  
1346 nursing programs. Such plan shall include procedures and criteria for (i) standardizing such courses by  
1347 name, curriculum, coursework, quality, academic rigor, and standard of evaluation; (ii) awarding credit  
1348 toward the completion of any such health care-related program for any student enrolled in a  
1349 comprehensive community college; and (iii) standardizing the manner in which academic and clinical

1350 hour credits are awarded for such courses to ensure that they are stackable and transferrable across the  
1351 System; and

1352 10. Develop and implement accountability measures to periodically, but in no case less than every  
1353 three years, review the performance of each comprehensive community college to ensure that all standards  
1354 established by the Board are being met, with a goal of ensuring a consistent quality of education and  
1355 opportunity across the System. If it is found that such standards are not being met at a particular institution,  
1356 the Board shall develop a plan for corrective action specific to the issues presented at that institution.

1357 **§ 23.1-2906.1. Dual enrollment and concurrent enrollment; high school equivalency;**  
1358 **workforce training.**

1359 Each comprehensive community college shall enter into agreements with the local school divisions  
1360 it serves to facilitate the dual enrollment and concurrent enrollment of eligible students into a Career  
1361 Pathways program preparing students to pass a high school equivalency examination offered by the local  
1362 school division and a postsecondary credential, certification, or license attainment program offered by the  
1363 comprehensive community college.

1364 **2. That the Board of Education shall amend its regulations, including 8VAC20-131-51 of the**  
1365 **Virginia Administrative Code, as necessary to comply with and effectuate the provisions of this act.**

1366 **3. That the provisions of subsection D of § 22.1-253.13:1, as amended by this act, of the Code of**  
1367 **Virginia shall become effective for the 2025–2026 school year beginning August 1, 2025.**

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