

HOUSE BILL NO. 500

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

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

(Patron Prior to Substitute--Delegate Cohen)

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to Standards of Quality; Standards of Learning assessments in languages other than English; development and administration.

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

**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

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

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

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

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

49           When the Board determines through its review process that the failure of schools within a division  
50 to meet the standards established by the Board is related to division-level failure to implement the  
51 Standards of Quality or other division-level action or inaction, the Board may require a division-level  
52 academic review. After the conduct of such review and within the time specified by the Board, each school

53 board shall enter into a memorandum of understanding with the Board and shall subsequently submit to  
54 the Board for approval a corrective action plan, consistent with criteria established by the Board setting  
55 forth specific actions and a schedule designed to ensure that schools within its school division meet the  
56 standards established by the Board. If the Board determines that the proposed corrective action plan is not  
57 sufficient to enable all schools within the division to meet the standards established by the Board, the  
58 Board may return the plan to the local school board with directions to submit an amended plan pursuant  
59 to Board guidance. Such corrective action plans shall be part of the relevant school division's  
60 comprehensive plan pursuant to § 22.1-253.13:6.

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

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

78 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods  
79 to determine the level of achievement of the Standards of Learning objectives by all students. Such

80 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the  
81 Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts,  
82 conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year  
83 assessment, the Board shall establish, for the purpose of providing measures of individual student growth  
84 over the course of the school year, a through-year growth assessment system, aligned with the Standards  
85 of Learning, for the administration of reading and mathematics assessments in grades three through eight.  
86 Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year,  
87 and one end-of-year assessment in order to provide individual student growth scores over the course of  
88 the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent  
89 of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure  
90 adequate training for teachers and principals on how to interpret and use student growth data from such  
91 assessments to improve reading and mathematics instruction in grades three through eight throughout the  
92 school year. With such funds and content as are available for such purpose, such through-year growth  
93 assessment system shall provide accurate measurement of a student's performance, through computer  
94 adaptive technology, using test items at, below, and above the student's grade level as necessary.

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

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

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

105         The Board shall prescribe alternative methods of Standards of Learning assessment administration  
106 for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the

107 Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual  
108 Education Program team shall make the final determination as to whether an alternative method of  
109 administration is appropriate for the student.

110 The Board shall develop Standards of Learning assessments in languages other than English that  
111 are present to a significant extent in the student population in the Commonwealth and each school board  
112 shall administer any such assessment to any student who is an English language learner identified as  
113 having limited English proficiency and for whom the English language learner faculty at the student's  
114 school makes the determination that such an assessment is appropriate.

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

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

129 Each school board shall annually certify that it has provided instruction and administered an  
130 alternative assessment, consistent with Board guidelines, to students in grades three through eight in each  
131 Standards of Learning subject area in which a Standards of Learning assessment was not administered  
132 during the school year. Such guidelines shall (a) incorporate options for age-appropriate, authentic  
133 performance assessments and portfolios with rubrics and other methodologies designed to ensure that

134 students are making adequate academic progress in the subject area and that the Standards of Learning  
135 content is being taught; (b) permit and encourage integrated assessments that include multiple subject  
136 areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments  
137 and the professional development of teachers to enable them to make the best use of alternative  
138 assessments.

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

143           The Department shall award recovery credit to any student in grades three through eight who  
144 performs below grade level on a Standards of Learning assessment in English reading or mathematics,  
145 receives remediation, and subsequently retakes and performs at or above grade level on such an  
146 assessment, including any such student who subsequently retakes such an assessment on an expedited  
147 basis.

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

153           The Standards of Learning requirements, including all related assessments, shall be waived for any  
154 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
155 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved  
156 by the Board or in an adult basic education program or an adult secondary education program to obtain  
157 the high school diploma or a high school equivalency certificate.

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

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

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

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

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

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

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

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

197 F. To assess the educational progress of students as individuals and as groups, each local school  
198 board shall require the use of Standards of Learning assessments, alternative assessments, and other  
199 relevant data, such as industry certification and state licensure examinations, to evaluate student progress  
200 and to determine educational performance. Each local school shall require the administration of  
201 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests  
202 and shall include the Standards of Learning assessments, the local school board's alternative assessments,  
203 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall  
204 provide teachers, parents, principals, and other school leaders with their students' results on any Standards  
205 of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after  
206 the assessment is administered. Each school board shall analyze and report annually, in compliance with  
207 any criteria that may be established by the Board, the results from industry certification examinations and  
208 the Standards of Learning assessments to the public.

209 The Board shall include requirements for the reporting of the Standards of Learning assessment  
210 data, regardless of accreditation frequency, as part of the Board's requirements relating to the School  
211 Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the  
212 Virginia assessment program as appropriate and shall be reported to the public within three months of  
213 their receipt. These reports (i) shall be posted on the portion of the Department's website relating to the



214 School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and  
215 (ii) may include the National Assessment of Educational Progress state-by-state assessment.

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

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

235 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2,  
236 based on submission of a request from the division superintendent and chairman of the local school board,  
237 permitting the local school board to assign instructional personnel to the schools with the greatest needs,  
238 so long as the school division employs a sufficient number of personnel divisionwide to meet the total  
239 number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in  
240 subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of

241 how the waivers from specific Standards of Quality staffing standards are designed to increase the quality  
242 of instruction and improve the achievement of students in the affected school or schools. The waivers may  
243 be renewed in up to five-year increments, or revoked, based on student achievement results in the affected  
244 school or schools.

245 **2. That the provisions of the first enactment of this act shall be implemented by the beginning of the**  
246 **2025–2026 school year.**

247 **3. That the Department of Education shall, by January 1, 2025, submit to the U.S. Department of**  
248 **Education any amendments to its consolidated state plan under the Elementary and Secondary**  
249 **Education Act of 1965, as amended by the Every Student Succeeds Act, that are necessary to**  
250 **implement the provisions of this act.**

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