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SENATE BILL NO. 753

Offered January 8, 2025

Prefiled December 4, 2024

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.

Patron—Favola

Referred to Committee on Education and Health

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.

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

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

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

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

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

59 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
60 plans shall be part of the relevant school division's 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. The
63 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 and
66 schools. Such report shall include an analysis of the strengths and weaknesses of public education programs
67 in the various school divisions in Virginia and recommendations to the General Assembly for further
68 enhancing student learning uniformly across the Commonwealth. In recognizing educational performance
69 and individual student growth in the school divisions, the Board shall include consideration of special school
70 division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and
71 International Baccalaureate courses, and participation in academic year Governor's Schools.

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

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

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

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

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

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

108 *The Board shall develop Standards of Learning assessments in native languages other than English that*
109 *are most commonly spoken in the Commonwealth. Each school board shall make available such native*
110 *language assessments to any English language learner student who speaks any such language natively and is*
111 *identified as having limited English proficiency. The English language learner faculty at such student's*
112 *school shall make the final determination as to whether the administration of a native language assessment is*
113 *appropriate.*

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

119 The Standards of Learning assessments administered to students in grades three through eight shall not

120 exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in grade
121 five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics in grade
122 eight; (v) science after the student receives instruction in the grade six science, life science, and physical
123 science Standards of Learning and before the student completes grade eight; and (vi) Virginia Studies and
124 Civics and Economics once each at the grade levels deemed appropriate by each local school board. The
125 reading and mathematics assessments administered to students in grades three through eight shall be through-
126 year growth assessments.

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

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

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

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

149 The Standards of Learning requirements, including all related assessments, shall be waived for any
150 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to §
151 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by
152 the Board or in an adult basic education program or an adult secondary education program to obtain the high
153 school diploma or a high school equivalency certificate.

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

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

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

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

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

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

181 relevant employee, place copies of such records or information relating to the specific employee in such
182 person's personnel file.

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

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

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

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

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

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

229 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based
230 on submission of a request from the division superintendent and chairman of the local school board,
231 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
232 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
233 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
234 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
235 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
236 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
237 five-year increments, or revoked, based on student achievement results in the affected school or schools.

238 **2. That the provisions of the first enactment of this act shall be implemented by the beginning of the**
239 **2025–2026 school year.**

240 **3. That the Department of Education shall submit to the U.S. Department of Education by August 1,**
241 **2025, any amendments to its consolidated state plan under the Elementary and Secondary Education**

242 Act of 1965, P.L. 89-10, as amended by the Every Student Succeeds Act, that are necessary to
243 implement the provisions of this act.

INTRODUCED

SB753