

25101067D

HOUSE BILL NO. 2244

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to Standards of Quality; standards of accreditation; measurement of student educational performance and academic achievement; calculation of proportionality score required.

Patrons—Cousins, Bennett-Parker, Clark, Convirs-Fowler, Feggans, Henson, Jones, Laufer, Martinez and Rasoul

Referred to Committee on Education

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, that the score or metric used to determine a school's accreditation status under the current public school accreditation system accounts for the proportionality score calculated for such school in accordance with subsection B, 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

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

64 B. ~~The Superintendent Board, in consultation with the Department, shall develop, subject to revision by~~
 65 ~~the Board, criteria~~ *establish and implement standards for determining and recognizing student educational*
 66 *performance and academic achievement in the Commonwealth's local school divisions and each public*
 67 *schools. The portion of such criteria that measures individual student growth shall become school as an*
 68 *integral part of the accreditation process for schools in which any grade level in the grade three through eight*
 69 *range is taught. Such standards shall include, in addition to any measures or indicators used under the school*
 70 *accreditation system, a weighted proportionality score for each school that shall account for no less than five*
 71 *percent of the overall summative accreditation rating score or metric of such school. The Department shall,*
 72 *in determining the accreditation rating under the current school accreditation system, calculate and account*
 73 *for such weighted proportionality score for each such school, provided, however, that the Department may*
 74 *waive calculation of such weighted proportionality score for the first year in which any new school is*
 75 *accepting students for enrollment. The Department shall:*

76 1. *Develop a metric for calculating the weighted proportionality score for each school based on variables*
 77 *calculated by the Department as follows:*

78 a. *The absolute difference between the percentage of each racial, ethnic, and socioeconomic subgroup as*
 79 *a part of a school's student population and the percentage of each such subgroup as a part of the population*
 80 *of children between the ages of five and 17 in the locality in which the school is located, based on the data*
 81 *published in the most current American Community Survey of the U.S. Census Bureau;*

82 b. *Access to educational resources associated with student educational performance and academic*
 83 *success for each of the subgroups identified pursuant to subdivision a in such school, including (i) the*
 84 *percentage of such subgroup of students participating in gifted and talented programs or advanced courses,*
 85 *(ii) access to teachers with at least three years of teaching experience in the school, (iii) access to teachers*
 86 *holding national certification from the National Board for Professional Teaching Standards, and (iv) ratios*
 87 *of students to school psychologists, counselors, nurses, and media specialists; and*

88 c. *Any such other variables relevant to identifying and measuring disparities relating to educational*
 89 *access and success as deemed necessary by the Board;*

90 2. *Develop a metric for calculating and scoring the progress of each school in addressing disparities*
 91 *relating to educational access and success based on change in such school's proportionality score year over*
 92 *year;*

93 3. *Calculate for each school as a part of the accountability process each year the weighted*
 94 *proportionality score in accordance with subdivision 1 and assign for each school one of the following*
 95 *proportionality designations based on the weighted proportionality score:*

96 a. *"Highly proportional" for any school that receives a weighted proportionality score of below 10*
 97 *percent;*

98 b. *"Proportional" for any school that receives a weighted proportionality score of at least 10 percent but*
 99 *less than 25 percent;*

100 c. *"Somewhat disproportional" for any school that receives a weighted proportionality score of at least 25*
 101 *percent but less than 50 percent; and*

102 d. *"Highly disproportional" for any school that receives a weighted proportionality score of 50 percent or*
 103 *above; and*

104 4. *Require any school board that contains within the applicable school division a school assigned a*
 105 *proportionality designation of "highly disproportional" to develop and submit to the Department a*
 106 *remediation plan detailing actions that such school board will take to address disparities in access to*
 107 *educational resources. The Department shall monitor the implementation of any such remediation plans and*
 108 *provide such resources as it deems necessary to support such remediation efforts.*

109 The Superintendent shall, *in collaboration with the Department, annually report to the Board on the*
 110 *accreditation status of all school divisions and schools. Such report shall include (i) an analysis of the*
 111 *strengths and weaknesses of public education programs in the various school divisions in Virginia, (ii) the*
 112 *weighted proportionality score calculated for each school in accordance with the provisions of this*
 113 *subsection, (iii) data relating to any progress made by each school in addressing segregation and improving*
 114 *access to educational resources as determined by a decrease in such school's weighted proportionality score*
 115 *from the previous year, and (iv) recommendations to the General Assembly for further enhancing student*
 116 *learning uniformly across the Commonwealth. In recognizing student educational performance and individual*
 117 *student growth in the school divisions, the Board shall include consideration of special school division*
 118 *accomplishments, such as numbers of dual enrollments and students in Advanced Placement and*

119 International Baccalaureate courses, ~~and~~ participation in academic year Governor's Schools, *and the*
 120 *assignment of an improved proportionality designation for any school in the school division resulting from a*
 121 *decrease in the weighted proportionality score calculated for such school from the previous year.*

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

127 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
 128 determine the level of achievement of the Standards of Learning objectives by all students. Such assessments
 129 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of
 130 Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a
 131 regular analysis and validation process for these assessments. In lieu of a one-time end-of-year assessment,
 132 the Board shall establish, for the purpose of providing measures of individual student growth over the course
 133 of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the
 134 administration of reading and mathematics assessments in grades three through eight. Such through-year
 135 growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year
 136 assessment in order to provide individual student growth scores over the course of the school year, but the
 137 total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for
 138 taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for
 139 teachers and principals on how to interpret and use student growth data from such assessments to improve
 140 reading and mathematics instruction in grades three through eight throughout the school year. With such
 141 funds and content as are available for such purpose, such through-year growth assessment system shall
 142 provide accurate measurement of a student's performance, through computer adaptive technology, using test
 143 items at, below, and above the student's grade level as necessary.

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

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

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

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

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

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

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

180 Local school divisions shall provide targeted mathematics remediation and intervention to students in

181 grades six through eight who show computational deficiencies as demonstrated by their individual
182 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-
183 calculator computational skills.

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

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

193 The Standards of Learning requirements, including all related assessments, shall be waived for any
194 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to §
195 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by
196 the Board or in an adult basic education program or an adult secondary education program to obtain the high
197 school diploma or a high school equivalency certificate.

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

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

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

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

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

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

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

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

236 F. To assess the educational progress of students as individuals and as groups, each local school board
237 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,
238 such as industry certification and state licensure examinations, to evaluate student progress and to determine
239 educational performance. Each local school shall require the administration of appropriate assessments to
240 students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards
241 of Learning assessments, the local school board's alternative assessments, and the National Assessment of

242 Educational Progress state-by-state assessment. Each school board shall provide teachers, parents, principals,
 243 and other school leaders with their students' results on any Standards of Learning assessment or Virginia
 244 Alternate Assessment Program assessment as soon as practicable after the assessment is administered. Each
 245 school board shall analyze and report annually, in compliance with any criteria that may be established by the
 246 Board, the results from industry certification examinations and the Standards of Learning assessments to the
 247 public.

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

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

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

273 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based
 274 on submission of a request from the division superintendent and chairman of the local school board,
 275 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
 276 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
 277 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
 278 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
 279 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
 280 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
 281 five-year increments, or revoked, based on student achievement results in the affected school or schools.

282 **2. That the Board of Education shall, within 90 days of the effective date of this act, submit to the U.S.**
 283 **Department of Education any amendments to its consolidated state plan pursuant to the federal**
 284 **Elementary and Secondary Education Act (P. L. 89-10), as amended by the Every Student Succeeds**
 285 **Act, that are necessary to implement the provisions of this act.**

286 **3. That the provisions of this act shall be implemented beginning with the 2025–2026 school year.**