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1 **HOUSE BILL NO. 189**

2 Offered January 14, 2026

3 Prefiled January 7, 2026

4 *A BILL to amend and reenact § 22.1-253.13:3, as it shall become effective, of the Code of Virginia, relating*
5 *to certain student assessment requirements; calculation of final course grade; repeal.*

6 Patron—Convirs-Fowler

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 22.1-253.13:3, as it shall become effective, of the Code of Virginia is amended and reenacted**
10 **as follows:**11 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,**
12 **and releases from state regulations.**13 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
14 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
15 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational
16 technology into such instructional programs, (iii) administrative and instructional staffing levels and
17 positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary
18 education programs such as library and media services, (vi) requirements for graduation from high school,
19 (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the
20 Commonwealth.21 The Board shall promulgate regulations establishing standards for accreditation of public virtual schools
22 under the authority of the local school board that enroll students full time.23 The Board's regulations establishing standards for accreditation shall ensure that the accreditation process
24 is transparent and based on objective measurements and that any appeal of the accreditation status of a school
25 is heard and decided by the Board.26 The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board
27 shall review the accreditation status of a school once every three years if the school has been fully accredited
28 for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the
29 school for each individual year within that triennial review period. If the Board finds that the school would
30 have been accredited every year of that triennial review period the Board shall accredit the school for another
31 three years. The Board may review the accreditation status of any other school once every two years or once
32 every three years, provided that any school that receives a multiyear accreditation status other than full
33 accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the
34 period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to
35 the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting
36 requirements.37 Each local school board shall maintain schools that are fully accredited pursuant to the standards for
38 accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all
39 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 utilize
43 them for improvement planning.44 The Board shall establish a corrective action plan process for any school that does not meet the standards
45 established by the Board. Such process shall require (a) each school board to submit a corrective action plan
46 for any school in the local school division that does not meet the standards established by the Board and (b)
47 any school board that fails to demonstrate progress in developing or implementing any such corrective action
48 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 to meet
50 the standards established by the Board is related to division-level failure to implement the Standards of
51 Quality or other division-level action or inaction, the Board may require a division-level academic review.
52 After the conduct of such review and within the time specified by the Board, each school board shall enter
53 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval
54 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a
55 schedule designed to ensure that schools within its school division meet the standards established by the
56 Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools
57 to meet the standards established by the Board, the Board may require the school division to implement
58 such actions and a schedule as specified by the Board.

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HB189

59 within the division to meet the standards established by the Board, the Board may return the plan to the local
60 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
61 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

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

73 The Superintendent shall assist local school boards in the implementation of action plans for increasing
74 educational performance and individual student growth in those school divisions and schools that are
75 identified as not meeting the approved criteria, including, when applicable, providing assistance with the
76 review, grant, and monitoring process set forth in subdivision K 4 of § 22.1-253.13:1. The Superintendent
77 shall monitor the implementation of and report to the Board on the effectiveness of the corrective actions
78 taken to improve the educational performance in such school divisions and schools.

79 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
80 determine the level of achievement of the Standards of Learning objectives by all students in grades three
81 through 12. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and
82 skills related to the Standards of Learning being assessed. In prescribing such assessment methods, the Board
83 shall:

84 1. With the assistance of independent testing experts, conduct a regular analysis and validation process for
85 these assessments;

86 2. In lieu of a one-time end-of-year assessment, establish, for the purpose of providing measures of
87 individual student growth over the course of the school year, a through-year growth assessment system,
88 aligned with the Standards of Learning, for the administration of reading and mathematics assessments in
89 grades three through eight. Such through-year growth assessment system shall include at least one beginning-
90 of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores
91 over the course of the school year, but the total time scheduled for taking all such assessments shall not
92 exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The
93 Department shall ensure adequate training for teachers and principals on how to interpret and use student
94 growth data from such assessments to improve reading and mathematics instruction in grades three through
95 eight throughout the school year. With such funds and content as are available for such purpose, such
96 through-year growth assessment system shall provide accurate measurement of a student's performance,
97 through computer adaptive technology, using test items at, below, and above the student's grade level as
98 necessary;

99 3. Provide the option of industry certification and state licensure examinations as a student-selected credit;

100 4. Make available to school divisions Standards of Learning assessments typically administered by high
101 schools by December 1 of the school year in which such assessments are to be administered or when newly
102 developed assessments are available, whichever is later;

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

107 6. Prescribe alternative methods of Standards of Learning assessment administration for children with
108 disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate
109 achievement of the Standards of Learning. An eligible student's Individual Education Program team shall
110 make the final determination as to whether an alternative method of administration is appropriate for the
111 student;

112 7. To assess the educational progress of students, (i) develop appropriate assessments, which may include
113 criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (ii) select
114 appropriate industry certification and state licensure examinations; and (iii) prescribe and provide measures,
115 which may include nationally normed tests to be used to identify students who score in the bottom quartile at
116 selected grade levels;

117 8. Not include in its calculation of the passage rate for a Standards of Learning assessment or the level of
118 achievement of the Standards of Learning objectives for an individual student growth assessment for the
119 purposes of state accountability any student whose parent has decided to not have his child take such
120 Standards of Learning assessment, unless such exclusions would result in the school's not meeting any

121 required state or federal participation rate;

122 9. Permit any teacher providing instruction in a Standards of Learning subject area who scores any such
123 Standards of Learning assessments to earn professional development points toward renewal of his license for
124 his time spent scoring such assessments;

125 10. Require each assessment, including each Standards of Learning assessment administered as a part of
126 the through-year growth assessment system established pursuant to subdivision 2, each mandatory local
127 alternative assessment implemented by a school board pursuant to subdivision E 1 a (2), and each permissive
128 local alternative assessment administered by a school board pursuant to subdivision E 3 b, to be scored on a
129 100-point scale in accordance with statewide scoring rubrics;

130 11. Make available to each student and his parents within 45 days of any state assessment window closing
131 for any such assessment administration an individualized student score report for each such assessment,
132 developed in accordance with the Board's guidelines, that shall include, at a minimum: (i) a description of the
133 applicable assessment; (ii) individualized data on such student's assessment performance; (iii) a comparison
134 of such student's performance on such assessment with the performance of the student's school, school
135 division, and the Commonwealth; and (iv) guidance to assist the student and his parents in interpreting such
136 student's assessment results; and

137 12. Publicly release the statewide Standards of Learning assessment results and any associated data no
138 later than the date on which individual Standards of Learning assessment scores for the applicable assessment
139 administration period are released to individual students and parents.

140 For any period during which the Standards of Learning contents or assessments in a specific content area
141 are being revised or phased in, the Board may adopt special provisions related to the administration and use
142 of any Standards of Learning test or tests in such content area as applied to accreditation ratings for such
143 period. Prior to statewide administration of such tests, the Board shall provide notice to local school boards
144 regarding such special provisions. The Department shall develop processes for informing school divisions of
145 changes in the Standards of Learning requirements, including any revisions to Standards of Learning contents
146 or assessments.

147 D. The Board shall include in the student outcome and growth measures that are required by the standards
148 of accreditation the required assessments for various grade levels and classes, including the completion of the
149 mandatory local alternative assessments implemented by each local school board pursuant to subdivision E 1
150 a (2), in accordance with the Standards of Learning. These assessments shall include end-of-course tests for
151 English, mathematics, science, and history and social science and may be integrated to include multiple
152 subject areas.

153 E. All assessment methods prescribed by the Board to determine the level of achievement of the Standards
154 of Learning objectives, pursuant to subsections C and D, shall be developed, implemented, and administered
155 in accordance with the following:

156 1. The assessments administered to students in grades three through eight, except for those students with
157 disabilities, as that term is defined in § 22.1-213, who participate in an alternative assessment pursuant to
158 subdivision C 6, shall:

159 a. Consist of:

160 (1) Standards of Learning assessments, including end-of-year assessments administered as part of the
161 through-year growth assessment system established pursuant to subdivision C 2. The Standards of Learning
162 assessments shall not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics,
163 and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and
164 mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life
165 science, and physical science Standards of Learning and before the student completes grade eight; and (vi)
166 Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local
167 school board. The reading and mathematics assessments administered to students in grades three through
168 eight shall be through-year growth assessments pursuant to subdivision C 2.

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

173 (2) Local alternative assessments, including any permissive local alternative assessments administered in
174 accordance with subdivision 3 b and mandatory local alternative assessments administered by each school
175 board in each Standards of Learning subject area in which a Standards of Learning assessment is not
176 available for administration during the school year. Each school board shall annually certify that it has
177 provided instruction and administered each mandatory local alternative assessment in accordance with this
178 subdivision and Board guidelines. Such guidelines shall (i) incorporate options for age-appropriate, authentic
179 performance assessments and portfolios with rubrics and other methodologies designed to ensure that
180 students are making adequate academic progress in the subject area and that the Standards of Learning
181 content is being taught; (ii) permit and encourage integrated assessments that include multiple subject areas;

182 (iii) establish criteria for mandatory local alternative assessments, including the core content, concepts, and
183 skills that shall be prioritized on each such assessment and specific parameters for any performance
184 assessment administered by a school board in accordance with this subdivision, relating to the structure and
185 format of and content and items that shall be included in such assessments; (iv) include a comprehensive
186 grading rubric for each mandatory local alternative assessment that (a) clearly defines student performance
187 objectives and achievement targets, (b) provides scoring criteria that emphasizes student performance and
188 subject-matter proficiency, and (c) for any performance assessment, includes criteria and student performance
189 objectives designed to emphasize a student's performance and subject-matter proficiency as demonstrated
190 through completion of the tested tasks in ways that are authentic to the academic discipline; and (v)
191 emphasize collaboration between teachers to administer and substantiate the assessments and the professional
192 development of teachers to enable them to make the best use of mandatory local alternative assessments.

193 b. With such funds as may be appropriated for such purpose, except as provided in subdivision C 6, be
194 developed consistent with Board guidelines and in accordance with subdivision 5; and

195 c. Be used to identify students who show deficiencies or a need for academic support in a specific subject
196 area or skill for the purpose of ensuring such students receive appropriate remediation or intervention. Local
197 school divisions shall provide targeted mathematics remediation and intervention to students in grades six
198 through eight who show computational deficiencies as demonstrated by their individual performance on any
199 diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator
200 computational skills.

201 2. The assessments administered to students in grades nine through 12, except for those students with
202 disabilities, as that term is defined in § 22.1-213, who participate in an alternative assessment pursuant to
203 subdivision C 6:

204 a. Shall consist, for each student, of only the end-of-course Standards of Learning assessments necessary
205 to meet federal accountability requirements established by the federal Elementary and Secondary Education
206 Act of 1965, P.L. 89-10, as amended, and to meet Virginia high school graduation requirements. For the
207 purposes of this subdivision, any student who receives a passing score on a permissive local alternative
208 assessment administered pursuant to subdivision 3 b in lieu of any end-of-course Standards of Learning
209 assessment corresponding to any graduation requirement shall be deemed to meet the applicable graduation
210 requirement; and

211 b. With such funds as may be appropriated for such purpose, except as provided in subdivision C 6, shall
212 be developed consistent with Board guidelines and in accordance with the provisions of subdivision 5.

213 3. Any end-of-course Standards of Learning assessment administered to students in grades three through
214 12, except for those students with disabilities, as that term is defined in § 22.1-213, who participate in an
215 alternative assessment pursuant to subdivision C 6, shall be subject to the following requirements:

216 a. A school board may, but need not, elect to administer any available end-of-course Standards of
217 Learning assessment in a specific Standards of Learning subject area to students in a specific grade level the
218 administration of which is (i) not necessary to meet federal accountability requirements established by the
219 federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, and (ii) is not required by
220 the provisions of subdivision E 1 or 2 or by any other applicable state law or regulation. However, any school
221 board that elects to administer such an end-of-course Standards of Learning assessment pursuant to this
222 subdivision shall be required to administer such assessment to each student receiving instruction in that
223 subject area at that grade level;

224 b. Any school board may, but need not, administer a permissive local alternative assessment in a specific
225 subject area to students in a specific grade level in lieu of any end-of-course Standards of Learning
226 assessment the administration of which is not necessary to meet federal accountability requirements
227 established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, but
228 which may be required in that subject area and at that grade level pursuant to state law or regulation; and

229 c. Any student who performs below grade level on any such Standards of Learning assessment or any
230 permissive local alternative assessment administered pursuant to subdivision b shall be eligible to retake such
231 assessment, provided that (i) no student may retake an assessment after June 30 of the calendar year in which
232 the applicable assessment was administered, unless the school board of the school in which the student is
233 enrolled grants such student permission to retake such assessment at a later date; and (ii) any student who,
234 pursuant to applicable Board regulations, is eligible for an expedited retake of an assessment shall retake such
235 assessment within two weeks of the date on which scoring was completed for such student's assessment,
236 unless it is determined that additional time is necessary in order for such student to complete the
237 comprehensive remediation program required to establish eligibility for an expedited retake in accordance
238 with Board regulations; and (iii) if applicable, the score any student receives on any assessment retake shall
239 not replace the initial score the student received on the assessment taken during the regular assessment
240 administration period for the purpose of calculating the student's final grade in the course in accordance with
241 subdivision 4.

242 4. For students in grades seven through 12, except in the case of any assessments administered as a part of
243 a competency-based assessment system, any Standards of Learning assessment or permissive local alternative

244 assessment permitted pursuant to subdivision 3 b or, if any such assessment consists of more than one part,
 245 each of which has a separate administration period, the final part of any such end-of-course assessment shall
 246 be administered no earlier than two weeks prior to the last day of the school year. No additional
 247 end-of-course assessment shall be administered for any such Standards of Learning subject area. ~~Each~~
 248 student's score on any such assessment shall account for at least 10 percent of the student's final grade in such
 249 course.

250 5. For the purpose of maximizing instructional time, the frequency of assessment administration for any
 251 assessment administered pursuant to the provisions of this section, including any Standards of Learning
 252 assessment, mandatory local alternative assessment administered in accordance with subdivision 1 a (2),
 253 permissive local alternative assessment administered in accordance with subdivision 3 b, or performance
 254 assessment administered as a part of any school board's mandatory local alternative assessment plan, or any
 255 combination thereof, for each Standards of Learning subject area in a single school year shall not exceed one
 256 such assessment per academic quarter, or a total of four assessments per year.

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

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

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

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

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

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

288 H. To assess the educational progress of students as individuals and as groups, each local school board
 289 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,
 290 such as industry certification and state licensure examinations, to evaluate student progress and to determine
 291 educational performance. Each local school board shall require the administration of appropriate assessments
 292 to students, which may include criterion-referenced tests and teacher-made tests and shall include the
 293 Standards of Learning assessments, the local school board's alternative assessments, and the National
 294 Assessment of Educational Progress state-by-state assessment. Each school board shall provide teachers,
 295 parents, principals, and other school leaders with their students' results on any Standards of Learning
 296 assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment
 297 is administered. Each school board shall analyze and report annually, in compliance with any criteria that
 298 may be established by the Board, the results from industry certification examinations and the Standards of
 299 Learning assessments to the public.

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

306 include the National Assessment of Educational Progress state-by-state assessment.

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

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

325 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based
326 on submission of a request from the division superintendent and chairman of the local school board,
327 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
328 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
329 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
330 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
331 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
332 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
333 five-year increments, or revoked, based on student achievement results in the affected school or schools.

334 K. As used in this section:

335 "End-of-course Standards of Learning assessment" means any end-of-course, end-of-grade, or end-of-year
336 Standards of Learning assessment or any Standards of Learning assessment administered at the conclusion of
337 a course, grade, or school year.

338 "Local alternative assessment" means (i) an assessment that measures content and skills within a specific
339 Standards of Learning subject area that is accepted by institutions of higher education as a measure of college
340 readiness, including Advanced Placement, International Baccalaureate, or Cambridge assessments, or (ii) any
341 mandatory local alternative assessment developed, administered, and scored by a local school board, that is
342 approved by the Board as aligned with the rigor of Standards of Learning content, assessments, and the
343 Board's definition of proficiency for any Standards of Learning subject area. "Local alternative assessment"
344 includes any mandatory local alternative assessment and any permissive local alternative assessment.

345 "Mandatory local alternative assessment" means any local alternative assessment that each local school
346 board is required to develop, administer, and score, consistent with Board guidelines, for any Standards of
347 Learning subject area in which a Standards of Learning assessment is not currently available or administered
348 on a statewide basis. "Mandatory local alternative assessment" includes any performance assessment
349 implemented by a local school board as a part of its local alternative assessment plan in accordance with
350 Department guidelines.

351 "Performance assessment" means an assessment that is approved by the Board as aligned with both the
352 rigor of the content of the Standards of Learning and the Board's definition of proficiency and is scored using
353 a set rubric or set of criteria and that is designed to measure subject-matter proficiency by requiring students
354 to demonstrate learning acquisition and apply content, skills, and processes in the applicable subject area
355 through performing a task or creating a project.

356 "Permissive local alternative assessment" means any local alternative assessment that a local school board
357 may, consistent with Board guidelines and in accordance with the provisions of this section, develop,
358 administer, and score in lieu of any Standards of Learning assessment that is otherwise administered on a
359 statewide basis but the administration of which is not necessary to meet federal accountability requirements.

360 "Standards of Learning assessment" means those criterion-referenced assessments approved by the Board
361 that measure attainment of knowledge and skills required by the Standards of Learning. "Standards of
362 Learning assessment" includes any end-of-course standards of learning assessment.