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4 A BILL to direct the Department of Education to study criteria used in public elementary schools to
5 determine retention of students.
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7 Patron—Leftwich
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9 Committee Referral Pending

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

11 **1. § 1.** *The Department of Education (the Department) shall conduct a study on the criteria used by public
12 elementary school educators to determine retention of students in grade. In conducting the study, the
13 Department shall evaluate any regulations promulgated or policies adopted by the Board of Education (the
14 Board), local school board policies, and policies of individual public elementary schools that provide for the
15 criteria used to determine retention, and any assessments required by the Code of Virginia or by the Board,
16 where the scores or results of such assessment may contribute to the decision to retain a student in grade.
17 The Department shall identify any other additional criteria used by educators to evaluate students for
18 promotion or retention, including overall academic performance in core subjects, teacher
19 recommendations, student attendance, and socio-emotional factors, and evaluate the overall weight given to
20 and impact of those factors on retention decisions. The Department shall consider the feasibility of
21 expanding the criteria used to determine retention of an elementary school student, when the standardized
22 assessment scores would indicate such student should be retained, such as (i) requiring documentation of
23 multiple attempts by the student's classroom teacher, or other assigned educator or staff, to implement
24 support measures and interventions to include specialized instruction, small group tutoring, differentiated
25 instruction strategies, or other support programs to address individual learning needs; (ii) requiring at least
26 three of the following criteria to be met: (a) the student performs below average on the Virginia Language
27 and Literacy Screener, (b) the student performs below average on the Phonological Awareness Literacy
28 Screening, (c) the student's academic performance is such that more than half of the graded assignments in
29 at least two core subjects receive a grade of "D" or "F" or are marked as "needs improvement" or
30 "unsatisfactory," and (d) documented support measures and interventions to improve academic progress
31 over a significant time period within the school year result in no meaningful or substantial improvement or
32 progress; and (iii) seeking and considering input from educators, intervention specialists, and caregivers
33 and demonstrating a comprehensive understanding of the student's cognitive and learning profile beyond
34 standardized assessment scores prior to determining that such student should be retained in grade. The
35 Department shall complete the study and submit its findings and any recommendations to amend or expand
36 criteria used to determine retention in a report to the Chairs of the House Committee on Education and the
37 Senate Committee on Education and Health no later than the first day of the 2027 Regular Session of the
38 General Assembly.*

INTRODUCED

HB724