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1 **HOUSE BILL NO. 924**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact §§ 2.2-3705.3 and 22.1-253.13:3, as they are currently effective and as they*
5 *shall become effective, of the Code of Virginia, relating to Board of Education and Superintendent of*
6 *Public Instruction; state program to support the improvement of low-performing schools.*

7 Patron—Rasoul

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That §§ 2.2-3705.3 and 22.1-253.13:3, as they are currently effective and as they shall become**
11 **effective, of the Code of Virginia are amended and reenacted as follows:**12 **§ 2.2-3705.3. (Effective until July 1, 2026) Exclusions to application of chapter; records relating to**
13 **administrative investigations.**14 The following information contained in a public record is excluded from the mandatory disclosure
15 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
16 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
17 shall be conducted in accordance with § 2.2-3704.01.18 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
19 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia
20 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41
21 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and
22 Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.)
23 of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice
24 Services.24 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
25 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
26 § 54.1-108.27 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
28 an active investigation of individual employment discrimination complaints made to the Department of
29 Human Resource Management, to such personnel of any local public body, including local school boards, as
30 are responsible for conducting such investigations in confidence, or to any public institution of higher
31 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
32 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
33 information, or other individuals involved in the investigation.34 4. Records of active investigations being conducted by the Department of Medical Assistance Services
35 pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.36 5. Investigative notes and other correspondence and information furnished in confidence with respect to
37 an investigation or conciliation process involving an alleged unlawful discriminatory practice under the
38 Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the
39 authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in
40 accordance with applicable law, relating to local human rights or human relations commissions. However,
41 nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form
42 that does not reveal the identity of the parties involved or other persons supplying information.43 6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery
44 vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that
45 cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the
46 use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not
47 been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii),
48 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.49 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
50 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
51 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in
52 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
53 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
54 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
55 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
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59 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
60 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
61 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
62 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
63 Commission. Information contained in completed investigations shall be disclosed in a form that does not
64 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
65 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
66 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
67 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
68 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
69 adopt guidelines to govern the disclosure required by this subdivision.

70 8. The names and personal contact information of complainants furnished in confidence with respect to an
71 investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide
72 Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local
73 governing body. As used in this subdivision, "personal contact information" includes the complainant's home
74 or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any
75 other electronic communication device.

76 9. Records of active investigations being conducted by the Department of Criminal Justice Services
77 pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and
78 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

79 10. Information furnished to or prepared by the Board of Education pursuant to subsection ~~D~~ E of
80 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
81 alteration, or improper administration of tests by local school board employees responsible for the
82 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
83 information to (i) a local school board or division superintendent for the purpose of permitting such board or
84 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
85 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
86 making a complaint or supplying information to the Board on a confidential basis and (b) does not
87 compromise the security of any test mandated by the Board.

88 11. Information contained in (i) an application for licensure or renewal of a license for teachers and other
89 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
90 active investigation conducted by or for the Board of Education related to the denial, suspension,
91 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
92 investigator notes and other correspondence and information, furnished in confidence with respect to such
93 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
94 to the applicant at his own expense or (b) investigation information to a local school board or division
95 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
96 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
97 form that does not reveal the identity of any complainant or person supplying information to investigators.
98 The completed investigation information disclosed shall include information regarding the school or facility
99 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
100 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
101 corrective action, the identity of the person who was the subject of the complaint may be released only with
102 the consent of the subject person. No personally identifiable information regarding a current or former
103 student shall be released except as permitted by state or federal law.

104 12. Information provided in confidence and related to an investigation by the Attorney General under
105 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
106 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000)
107 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
108 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
109 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
110 or other individuals involved in the investigation.

111 13. Records of active investigations being conducted by the Department of Behavioral Health and
112 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

113 **§ 2.2-3705.3. (Effective July 1, 2026) Exclusions to application of chapter; records relating to
114 administrative investigations.**

115 The following information contained in a public record is excluded from the mandatory disclosure
116 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
117 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
118 shall be conducted in accordance with § 2.2-3704.01.

119 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and
120 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia

121 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41
 122 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and
 123 Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.)
 124 of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice
 125 Services.

126 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the
 127 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to
 128 § 54.1-108.

129 3. Investigator notes, and other correspondence and information, furnished in confidence with respect to
 130 an active investigation of individual employment discrimination complaints made to the Department of
 131 Human Resource Management, to such personnel of any local public body, including local school boards, as
 132 are responsible for conducting such investigations in confidence, or to any public institution of higher
 133 education. However, nothing in this subdivision shall prevent the disclosure of information taken from
 134 inactive reports in a form that does not reveal the identity of charging parties, persons supplying the
 135 information, or other individuals involved in the investigation.

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 137 pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

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 139 an investigation or conciliation process involving an alleged unlawful discriminatory practice under the
 140 Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the
 141 authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in
 142 accordance with applicable law, relating to local human rights or human relations commissions. However,
 143 nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form
 144 that does not reveal the identity of the parties involved or other persons supplying information.

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 146 vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that
 147 cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the
 148 use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not
 149 been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii),
 150 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

151 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise
 152 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public
 153 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in
 154 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower
 155 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an
 156 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to
 157 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public
 158 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit
 159 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,
 160 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an
 161 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health
 162 Commission. Information contained in completed investigations shall be disclosed in a form that does not
 163 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is
 164 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the
 165 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the
 166 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject
 167 of the complaint may be released only with the consent of the subject person. Local governing bodies shall
 168 adopt guidelines to govern the disclosure required by this subdivision.

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 170 investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide
 171 Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local
 172 governing body. As used in this subdivision, "personal contact information" includes the complainant's home
 173 or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any
 174 other electronic communication device.

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 176 pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and
 177 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

178 10. Information furnished to or prepared by the Board of Education pursuant to subsection F G of
 179 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized
 180 alteration, or improper administration of tests by local school board employees responsible for the
 181 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such
 182 information to (i) a local school board or division superintendent for the purpose of permitting such board or

183 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after
184 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person
185 making a complaint or supplying information to the Board on a confidential basis and (b) does not
186 compromise the security of any test mandated by the Board.

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188 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an
189 active investigation conducted by or for the Board of Education related to the denial, suspension,
190 cancellation, revocation, or reinstatement of teacher and other school personnel licenses including
191 investigator notes and other correspondence and information, furnished in confidence with respect to such
192 investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information
193 to the applicant at his own expense or (b) investigation information to a local school board or division
194 superintendent for the purpose of permitting such board or superintendent to consider or to take personnel
195 action with regard to an employee. Information contained in completed investigations shall be disclosed in a
196 form that does not reveal the identity of any complainant or person supplying information to investigators.
197 The completed investigation information disclosed shall include information regarding the school or facility
198 involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the
199 actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to
200 corrective action, the identity of the person who was the subject of the complaint may be released only with
201 the consent of the subject person. No personally identifiable information regarding a current or former
202 student shall be released except as permitted by state or federal law.

203 12. Information provided in confidence and related to an investigation by the Attorney General under
204 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
205 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000)
206 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more
207 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law
208 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,
209 or other individuals involved in the investigation.

210 13. Records of active investigations being conducted by the Department of Behavioral Health and
211 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

212 **§ 22.1-253.13:3. (Effective until July 1, 2026) Standard 3. Accreditation, other standards,
213 assessments, and releases from state regulations.**

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

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

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

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

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

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

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

250 When the Board determines through its review process that the failure of schools within a division to meet
 251 the standards established by the Board is related to division-level failure to implement the Standards of
 252 Quality or other division-level action or inaction, the Board may require a division-level academic review.
 253 After the conduct of such review and within the time specified by the Board, each school board shall enter
 254 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval
 255 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a
 256 schedule designed to ensure that schools within its school division meet the standards established by the
 257 Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools
 258 within the division to meet the standards established by the Board, the Board may return the plan to the local
 259 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
 260 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

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

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

277 C. *The Superintendent shall consistently and effectively implement a state program to support the
 278 improvement of low-performing schools based on school accountability standards established by the Board
 279 within the standards of accreditation. The Superintendent shall ensure that the Department is appropriately
 280 organized and employs qualified staff to effectively provide this support to such low-performing schools. The
 281 Board shall ensure that the Superintendent and the Department administer an effective school improvement
 282 program to support such low-performing schools.*

283 D. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
 284 determine the level of achievement of the Standards of Learning objectives by all students. Such assessments
 285 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of
 286 Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a
 287 regular analysis and validation process for these assessments. In lieu of a one-time end-of-year assessment,
 288 the Board shall establish, for the purpose of providing measures of individual student growth over the course
 289 of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the
 290 administration of reading and mathematics assessments in grades three through eight. Such through-year
 291 growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year
 292 assessment in order to provide individual student growth scores over the course of the school year, but the
 293 total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for
 294 taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for
 295 teachers and principals on how to interpret and use student growth data from such assessments to improve
 296 reading and mathematics instruction in grades three through eight throughout the school year. With such
 297 funds and content as are available for such purpose, such through-year growth assessment system shall
 298 provide accurate measurement of a student's performance, through computer adaptive technology, using test
 299 items at, below, and above the student's grade level as necessary.

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

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

305 The Board shall make publicly available such assessments in a timely manner and as soon as practicable
 306 following the administration of such tests, so long as the release of such assessments does not compromise

307 test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the
308 ability to test students on demand and provide immediate results in the web-based assessment system.

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

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

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

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

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

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

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

349 The Standards of Learning requirements, including all related assessments, shall be waived for any
350 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
351 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by
352 the Board or in an adult basic education program or an adult secondary education program to obtain the high
353 school diploma or a high school equivalency certificate.

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

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

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

366 *D. E.* The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action
367 pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test
368 results.

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

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

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

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

392 **F. G.** To assess the educational progress of students as individuals and as groups, each local school board
 393 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,
 394 such as industry certification and state licensure examinations, to evaluate student progress and to determine
 395 educational performance. Each local school shall require the administration of appropriate assessments to
 396 students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards
 397 of Learning assessments, the local school board's alternative assessments, and the National Assessment of
 398 Educational Progress state-by-state assessment. Each school board shall provide teachers, parents, principals,
 399 and other school leaders with their students' results on any Standards of Learning assessment or Virginia
 400 Alternate Assessment Program assessment as soon as practicable after the assessment is administered. Each
 401 school board shall analyze and report annually, in compliance with any criteria that may be established by the
 402 Board, the results from industry certification examinations and the Standards of Learning assessments to the
 403 public.

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

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

416 **H. I.** Any school board may request the Board for release from state regulations or, on behalf of one or
 417 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the
 418 performance of one or more of its schools as authorized for certain other schools by the Standards for
 419 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory
 420 requirements may be granted by the Board based on submission of a request from the division superintendent
 421 and chairman of the local school board. The Board may grant, for a period up to five years, a waiver of
 422 regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or
 423 safety. The school board shall provide in its waiver request a description of how the releases from state
 424 regulations are designed to increase the quality of instruction and improve the achievement of students in the
 425 affected school or schools. The Department shall provide (a) guidance to any local school division that
 426 requests releases from state regulations and (b) information about opportunities to form partnerships with
 427 other agencies or entities to any local school division in which the school or schools granted releases from
 428 state regulations have demonstrated improvement in the quality of instruction and the achievement of
 429 students.

430 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based

431 on submission of a request from the division superintendent and chairman of the local school board,
432 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
433 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
434 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
435 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
436 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
437 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
438 five-year increments, or revoked, based on student achievement results in the affected school or schools.

439 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,
440 and releases from state regulations.**

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

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

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

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

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

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

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

477 When the Board determines through its review process that the failure of schools within a division to meet
478 the standards established by the Board is related to division-level failure to implement the Standards of
479 Quality or other division-level action or inaction, the Board may require a division-level academic review.
480 After the conduct of such review and within the time specified by the Board, each school board shall enter
481 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval
482 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a
483 schedule designed to ensure that schools within its school division meet the standards established by the
484 Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools
485 within the division to meet the standards established by the Board, the Board may return the plan to the local
486 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
487 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

488 B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and
489 recognizing educational performance in the Commonwealth's local school divisions and public schools. The
490 portion of such criteria that measures individual student growth shall become an integral part of the
491 accreditation process for schools in which any grade level in the grade three through eight range is taught.
492 The Superintendent shall annually report to the Board on the accreditation status of all school divisions and

493 schools. Such report shall include an analysis of the strengths and weaknesses of public education programs
494 in the various school divisions in Virginia and recommendations to the General Assembly for further
495 enhancing student learning uniformly across the Commonwealth. In recognizing educational performance
496 and individual student growth in the school divisions, the Board shall include consideration of special school
497 division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and
498 International Baccalaureate courses, and participation in academic year Governor's Schools.

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

505 *C. The Superintendent shall consistently and effectively implement a state program to support the
506 improvement of low-performing schools based on school accountability standards established by the Board
507 within the standards of accreditation. The Superintendent shall ensure that the Department is appropriately
508 organized and employs qualified staff to effectively provide this support to such low-performing schools. The
509 Board shall ensure that the Superintendent and the Department administer an effective school improvement
510 program to support such low-performing schools.*

511 *D. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
512 determine the level of achievement of the Standards of Learning objectives by all students in grades three
513 through 12. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and
514 skills related to the Standards of Learning being assessed. In prescribing such assessment methods, the Board
515 shall:*

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

518 2. In lieu of a one-time end-of-year assessment, establish, for the purpose of providing measures of
519 individual student growth over the course of the school year, a through-year growth assessment system,
520 aligned with the Standards of Learning, for the administration of reading and mathematics assessments in
521 grades three through eight. Such through-year growth assessment system shall include at least one beginning-
522 of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores
523 over the course of the school year, but the total time scheduled for taking all such assessments shall not
524 exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The
525 Department shall ensure adequate training for teachers and principals on how to interpret and use student
526 growth data from such assessments to improve reading and mathematics instruction in grades three through
527 eight throughout the school year. With such funds and content as are available for such purpose, such
528 through-year growth assessment system shall provide accurate measurement of a student's performance,
529 through computer adaptive technology, using test items at, below, and above the student's grade level as
530 necessary;

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

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

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

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

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

549 8. Not include in its calculation of the passage rate for a Standards of Learning assessment or the level of
550 achievement of the Standards of Learning objectives for an individual student growth assessment for the
551 purposes of state accountability any student whose parent has decided to not have his child take such
552 Standards of Learning assessment, unless such exclusions would result in the school's not meeting any
553 required state or federal participation rate;

554 9. Permit any teacher providing instruction in a Standards of Learning subject area who scores any such

555 Standards of Learning assessments to earn professional development points toward renewal of his license for
556 his time spent scoring such assessments;

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

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

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

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

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

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

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

591 a. Consist of:

592 (1) Standards of Learning assessments, including end-of-year assessments administered as part of the
593 through-year growth assessment system established pursuant to subdivision **C D 2**. The Standards of
594 Learning assessments shall not exceed (i) reading and mathematics in grades three and four; (ii) reading,
595 mathematics, and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading,
596 writing, and mathematics in grade eight; (v) science after the student receives instruction in the grade six
597 science, life science, and physical science Standards of Learning and before the student completes grade
598 eight; and (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate
599 by each local school board. The reading and mathematics assessments administered to students in grades
600 three through eight shall be through-year growth assessments pursuant to subdivision **C D 2**.

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

605 (2) Local alternative assessments, including any permissive local alternative assessments administered in
606 accordance with subdivision 3 b and mandatory local alternative assessments administered by each school
607 board in each Standards of Learning subject area in which a Standards of Learning assessment is not
608 available for administration during the school year. Each school board shall annually certify that it has
609 provided instruction and administered each mandatory local alternative assessment in accordance with this
610 subdivision and Board guidelines. Such guidelines shall (i) incorporate options for age-appropriate, authentic
611 performance assessments and portfolios with rubrics and other methodologies designed to ensure that
612 students are making adequate academic progress in the subject area and that the Standards of Learning
613 content is being taught; (ii) permit and encourage integrated assessments that include multiple subject areas;
614 (iii) establish criteria for mandatory local alternative assessments, including the core content, concepts, and
615 skills that shall be prioritized on each such assessment and specific parameters for any performance
616 assessment administered by a school board in accordance with this subdivision, relating to the structure and

617 format of and content and items that shall be included in such assessments; (iv) include a comprehensive
 618 grading rubric for each mandatory local alternative assessment that (a) clearly defines student performance
 619 objectives and achievement targets, (b) provides scoring criteria that emphasizes student performance and
 620 subject-matter proficiency, and (c) for any performance assessment, includes criteria and student performance
 621 objectives designed to emphasize a student's performance and subject-matter proficiency as demonstrated
 622 through completion of the tested tasks in ways that are authentic to the academic discipline; and (v)
 623 emphasize collaboration between teachers to administer and substantiate the assessments and the professional
 624 development of teachers to enable them to make the best use of mandatory local alternative assessments.

625 b. With such funds as may be appropriated for such purpose, except as provided in subdivision ϵ D 6, be
 626 developed consistent with Board guidelines and in accordance with subdivision 5; and

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

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

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

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

645 3. Any end-of-course Standards of Learning assessment administered to students in grades three through
 646 12, except for those students with disabilities, as that term is defined in § 22.1-213, who participate in an
 647 alternative assessment pursuant to subdivision ϵ D 6, shall be subject to the following requirements:

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

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

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

674 4. For students in grades seven through 12, except in the case of any assessments administered as a part of
 675 a competency-based assessment system, any Standards of Learning assessment or permissive local alternative
 676 assessment permitted pursuant to subdivision 3 b or, if any such assessment consists of more than one part,
 677 each of which has a separate administration period, the final part of any such end-of-course assessment shall
 678 be administered no earlier than two weeks prior to the last day of the school year. No additional end-of-

679 course assessment shall be administered for any such Standards of Learning subject area. Each student's score
680 on any such assessment shall account for at least 10 percent of the student's final grade in such course.

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

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

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

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

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

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

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

719 H. I. To assess the educational progress of students as individuals and as groups, each local school board
720 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,
721 such as industry certification and state licensure examinations, to evaluate student progress and to determine
722 educational performance. Each local school board shall require the administration of appropriate assessments
723 to students, which may include criterion-referenced tests and teacher-made tests and shall include the
724 Standards of Learning assessments, the local school board's alternative assessments, and the National
725 Assessment of Educational Progress state-by-state assessment. Each school board shall provide teachers,
726 parents, principals, and other school leaders with their students' results on any Standards of Learning
727 assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment
728 is administered. Each school board shall analyze and report annually, in compliance with any criteria that
729 may be established by the Board, the results from industry certification examinations and the Standards of
730 Learning assessments to the public.

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

738 I. J. Each local school division superintendent shall regularly review the division's submission of data and
739 reports required by state and federal law and regulations to ensure that all information is accurate and
740 submitted in a timely fashion. The Superintendent shall provide a list of the required reports and data to

741 division superintendents annually. The status of compliance with this requirement shall be included in the
 742 Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

743 **J. K.** Any school board may request the Board for release from state regulations or, on behalf of one or
 744 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the
 745 performance of one or more of its schools as authorized for certain other schools by the Standards for
 746 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory
 747 requirements may be granted by the Board based on submission of a request from the division superintendent
 748 and chairman of the local school board. The Board may grant, for a period up to five years, a waiver of
 749 regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or
 750 safety. The school board shall provide in its waiver request a description of how the releases from state
 751 regulations are designed to increase the quality of instruction and improve the achievement of students in the
 752 affected school or schools. The Department shall provide (a) guidance to any local school division that
 753 requests releases from state regulations and (b) information about opportunities to form partnerships with
 754 other agencies or entities to any local school division in which the school or schools granted releases from
 755 state regulations have demonstrated improvement in the quality of instruction and the achievement of
 756 students.

757 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based
 758 on submission of a request from the division superintendent and chairman of the local school board,
 759 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so
 760 long as the school division employs a sufficient number of personnel divisionwide to meet the total number
 761 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of
 762 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from
 763 specific Standards of Quality staffing standards are designed to increase the quality of instruction and
 764 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to
 765 five-year increments, or revoked, based on student achievement results in the affected school or schools.

766 **K. L.** As used in this section:

767 "End-of-course Standards of Learning assessment" means any end-of-course, end-of-grade, or end-of-year
 768 Standards of Learning assessment or any Standards of Learning assessment administered at the conclusion of
 769 a course, grade, or school year.

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

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

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

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

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