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1 **HOUSE BILL NO. 1243**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact § 22.1-253.13:3, as it is currently effective and as it shall become effective, of*  
5 *the Code of Virginia, relating to Standards of Quality; school accountability and accreditation; Standards*  
6 *of Learning assessment expedited retake scores.*

7 Patron—O'Quinn

8 Referred to Committee on Education

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That § 22.1-253.13:3, as it is currently effective and as it shall become effective, of the Code of**  
11 **Virginia is amended and reenacted as follows:**12 **§ 22.1-253.13:3. (Effective until July 1, 2026) Standard 3. Accreditation, other standards,**  
13 **assessments, and releases from state regulations.**14 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the  
15 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth  
16 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational  
17 technology into such instructional programs, (iii) administrative and instructional staffing levels and  
18 positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary  
19 education programs such as library and media services, (vi) requirements for graduation from high school,  
20 (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the  
21 Commonwealth.22 The Board shall promulgate regulations establishing standards for accreditation of public virtual schools  
23 under the authority of the local school board that enroll students full time.24 The Board's regulations establishing standards for accreditation shall ensure that the accreditation process  
25 is transparent and based on objective measurements and that any appeal of the accreditation status of a school  
26 is heard and decided by the Board.27 The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board  
28 shall review the accreditation status of a school once every three years if the school has been fully accredited  
29 for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the  
30 school for each individual year within that triennial review period. If the Board finds that the school would  
31 have been accredited every year of that triennial review period the Board shall accredit the school for another  
32 three years. The Board may review the accreditation status of any other school once every two years or once  
33 every three years, provided that any school that receives a multiyear accreditation status other than full  
34 accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the  
35 period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to  
36 the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting  
37 requirements.38 Each local school board shall maintain schools that are fully accredited pursuant to the standards for  
39 accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all  
40 schools in the local school division annually in public session.41 The Board shall establish a review process to assist any school that does not meet the standards  
42 established by the Board. The relevant school board shall report the results of such review and any annual  
43 progress reports in public session and shall implement any actions identified through such review and utilize  
44 them for improvement planning.45 The Board shall establish a corrective action plan process for any school that does not meet the standards  
46 established by the Board. Such process shall require (a) each school board to submit a corrective action plan  
47 for any school in the local school division that does not meet the standards established by the Board and (b)  
48 any school board that fails to demonstrate progress in developing or implementing any such corrective action  
49 plan to enter into a memorandum of understanding with the Board.50 When the Board determines through its review process that the failure of schools within a division to meet  
51 the standards established by the Board is related to division-level failure to implement the Standards of  
52 Quality or other division-level action or inaction, the Board may require a division-level academic review.  
53 After the conduct of such review and within the time specified by the Board, each school board shall enter  
54 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval  
55 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a  
56 schedule designed to ensure that schools within its school division meet the standards established by the  
57 Board.

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

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

74 The Superintendent shall assist local school boards in the implementation of action plans for increasing  
75 educational performance and individual student growth in those school divisions and schools that are  
76 identified as not meeting the approved criteria. The Superintendent shall monitor the implementation of and  
77 report to the Board on the effectiveness of the corrective actions taken to improve the educational  
78 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. Such assessments  
81 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of  
82 Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a  
83 regular analysis and validation process for these assessments. In lieu of a one-time end-of-year assessment,  
84 the Board shall establish, for the purpose of providing measures of individual student growth over the course  
85 of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the  
86 administration of reading and mathematics assessments in grades three through eight. Such through-year  
87 growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year  
88 assessment in order to provide individual student growth scores over the course of the school year, but the  
89 total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for  
90 taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for  
91 teachers and principals on how to interpret and use student growth data from such assessments to improve  
92 reading and mathematics instruction in grades three through eight throughout the school year. With such  
93 funds and content as are available for such purpose, such through-year growth assessment system shall  
94 provide accurate measurement of a student's performance, through computer adaptive technology, using test  
95 items at, below, and above the student's grade level as necessary.

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

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

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

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

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

115 The Standards of Learning assessments administered to students in grades three through eight shall not  
116 exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in grade  
117 five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics in grade  
118 eight; (v) science after the student receives instruction in the grade six science, life science, and physical  
119 science Standards of Learning and before the student completes grade eight; and (vi) Virginia Studies and  
120 Civics and Economics once each at the grade levels deemed appropriate by each local school board. The

121 reading and mathematics assessments administered to students in grades three through eight shall be through-  
 122 year growth assessments.

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

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

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

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

145 The Standards of Learning requirements, including all related assessments, shall be waived for any  
 146 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
 147 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by  
 148 the Board or in an adult basic education program or an adult secondary education program to obtain the high  
 149 school diploma or a high school equivalency certificate.

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

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

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

162 *The Board shall, in its calculation of the passage rate for a Standards of Learning assessment or the level  
 163 of achievement of the Standards of Learning objectives for an individual student growth assessment for the  
 164 purposes of state accountability and school accreditation ratings, for any student who retakes an assessment  
 165 on an expedited basis and receives a passing score, include the passing score received on such expedited  
 166 retake and exclude the score such student received on the assessment taken during the regular assessment  
 167 administration period.*

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

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

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

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

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

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

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

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

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

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

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

240 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,  
241 and releases from state regulations.**

242 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the  
243 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth  
244 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational

245 technology into such instructional programs, (iii) administrative and instructional staffing levels and  
 246 positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary  
 247 education programs such as library and media services, (vi) requirements for graduation from high school,  
 248 (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the  
 249 Commonwealth.

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

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

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

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

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

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

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

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

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

306 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to

307 determine the level of achievement of the Standards of Learning objectives by all students in grades three  
308 through 12. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and  
309 skills related to the Standards of Learning being assessed. In prescribing such assessment methods, the Board  
310 shall:

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

313 2. In lieu of a one-time end-of-year assessment, establish, for the purpose of providing measures of  
314 individual student growth over the course of the school year, a through-year growth assessment system,  
315 aligned with the Standards of Learning, for the administration of reading and mathematics assessments in  
316 grades three through eight. Such through-year growth assessment system shall include at least one beginning-  
317 of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores  
318 over the course of the school year, but the total time scheduled for taking all such assessments shall not  
319 exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The  
320 Department shall ensure adequate training for teachers and principals on how to interpret and use student  
321 growth data from such assessments to improve reading and mathematics instruction in grades three through  
322 eight throughout the school year. With such funds and content as are available for such purpose, such  
323 through-year growth assessment system shall provide accurate measurement of a student's performance,  
324 through computer adaptive technology, using test items at, below, and above the student's grade level as  
325 necessary;

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

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

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

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

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

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

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

352 10. Require each assessment, including each Standards of Learning assessment administered as a part of  
353 the through-year growth assessment system established pursuant to subdivision 2, each mandatory local  
354 alternative assessment implemented by a school board pursuant to subdivision E 1 a (2), and each permissive  
355 local alternative assessment administered by a school board pursuant to subdivision E 3 b, to be scored on a  
356 100-point scale in accordance with statewide scoring rubrics;

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

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

367 13. *In its calculation of the passage rate for a Standards of Learning assessment or the level of  
368 achievement of the Standards of Learning objectives for an individual student growth assessment for the*

369 purposes of state accountability and school accreditation ratings, for any student who retakes an assessment  
 370 on an expedited basis and receives a passing score, include the passing score received on such expedited  
 371 retake and exclude the score such student received on the assessment taken during the regular assessment  
 372 administration period.

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

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

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

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

392 a. Consist of:

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

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

406 (2) Local alternative assessments, including any permissive local alternative assessments administered in  
 407 accordance with subdivision 3 b and mandatory local alternative assessments administered by each school  
 408 board in each Standards of Learning subject area in which a Standards of Learning assessment is not  
 409 available for administration during the school year. Each school board shall annually certify that it has  
 410 provided instruction and administered each mandatory local alternative assessment in accordance with this  
 411 subdivision and Board guidelines. Such guidelines shall (i) incorporate options for age-appropriate, authentic  
 412 performance assessments and portfolios with rubrics and other methodologies designed to ensure that  
 413 students are making adequate academic progress in the subject area and that the Standards of Learning  
 414 content is being taught; (ii) permit and encourage integrated assessments that include multiple subject areas;  
 415 (iii) establish criteria for mandatory local alternative assessments, including the core content, concepts, and  
 416 skills that shall be prioritized on each such assessment and specific parameters for any performance  
 417 assessment administered by a school board in accordance with this subdivision, relating to the structure and  
 418 format of and content and items that shall be included in such assessments; (iv) include a comprehensive  
 419 grading rubric for each mandatory local alternative assessment that (a) clearly defines student performance  
 420 objectives and achievement targets, (b) provides scoring criteria that emphasizes student performance and  
 421 subject-matter proficiency, and (c) for any performance assessment, includes criteria and student performance  
 422 objectives designed to emphasize a student's performance and subject-matter proficiency as demonstrated  
 423 through completion of the tested tasks in ways that are authentic to the academic discipline; and (v)  
 424 emphasize collaboration between teachers to administer and substantiate the assessments and the professional  
 425 development of teachers to enable them to make the best use of mandatory local alternative assessments.

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

428 c. Be used to identify students who show deficiencies or a need for academic support in a specific subject  
 429 area or skill for the purpose of ensuring such students receive appropriate remediation or intervention. Local

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

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

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

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

446 3. Any end-of-course Standards of Learning assessment administered to students in grades three through  
447 12, except for those students with disabilities, as that term is defined in § 22.1-213, who participate in an  
448 alternative assessment pursuant to subdivision C 6, shall be subject to the following requirements:

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

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

462 c. Any student who performs below grade level on any such Standards of Learning assessment or any  
463 permissive local alternative assessment administered pursuant to subdivision b shall be eligible to retake such  
464 assessment, provided that (i) no student may retake an assessment after June 30 of the calendar year in which  
465 the applicable assessment was administered, unless the school board of the school in which the student is  
466 enrolled grants such student permission to retake such assessment at a later date; (ii) any student who,  
467 pursuant to applicable Board regulations, is eligible for an expedited retake of an assessment shall retake such  
468 assessment within two weeks of the date on which scoring was completed for such student's assessment,  
469 unless it is determined that additional time is necessary in order for such student to complete the  
470 comprehensive remediation program required to establish eligibility for an expedited retake in accordance  
471 with Board regulations; and (iii) if applicable, the score any student receives on any assessment retake shall  
472 not replace the initial score the student received on the assessment taken during the regular assessment  
473 administration period *solely* for the purpose of calculating the student's final grade in the course in  
474 accordance with subdivision 4; and (iv) for the purposes of state accountability and school accreditation  
475 ratings, a passing score received by any student on any expedited retake shall be used to calculate the  
476 passage rate for such assessment and the score, pursuant to subdivision C 13.

477 4. For students in grades seven through 12, except in the case of any assessments administered as a part of  
478 a competency-based assessment system, any Standards of Learning assessment or permissive local alternative  
479 assessment permitted pursuant to subdivision 3 b or, if any such assessment consists of more than one part,  
480 each of which has a separate administration period, the final part of any such end-of-course assessment shall  
481 be administered no earlier than two weeks prior to the last day of the school year. No additional end-of-  
482 course assessment shall be administered for any such Standards of Learning subject area. Each student's score  
483 on any such assessment shall account for at least 10 percent of the student's final grade in such course.

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

491 6. For any student awarded a scholarship under the Brown v. Board of Education Scholarship Program,

492 pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination  
 493 approved by the Board or in an adult basic education program or an adult secondary education program to  
 494 obtain the high school diploma or a high school equivalency certificate, the Standards of Learning  
 495 requirements, including all related assessments, shall be waived.

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

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

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

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

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

522 H. To assess the educational progress of students as individuals and as groups, each local school board  
 523 shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data,  
 524 such as industry certification and state licensure examinations, to evaluate student progress and to determine  
 525 educational performance. Each local school board shall require the administration of appropriate assessments  
 526 to students, which may include criterion-referenced tests and teacher-made tests and shall include the  
 527 Standards of Learning assessments, the local school board's alternative assessments, and the National  
 528 Assessment of Educational Progress state-by-state assessment. Each school board shall provide teachers,  
 529 parents, principals, and other school leaders with their students' results on any Standards of Learning  
 530 assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment  
 531 is administered. Each school board shall analyze and report annually, in compliance with any criteria that  
 532 may be established by the Board, the results from industry certification examinations and the Standards of  
 533 Learning assessments to the public.

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

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

546 J. Any school board may request the Board for release from state regulations or, on behalf of one or more  
 547 of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance  
 548 of one or more of its schools as authorized for certain other schools by the Standards for Accreditation  
 549 pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements  
 550 may be granted by the Board based on submission of a request from the division superintendent and chairman  
 551 of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory  
 552 requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The  
 553 school board shall provide in its waiver request a description of how the releases from state regulations are

554 designed to increase the quality of instruction and improve the achievement of students in the affected school  
555 or schools. The Department shall provide (a) guidance to any local school division that requests releases from  
556 state regulations and (b) information about opportunities to form partnerships with other agencies or entities  
557 to any local school division in which the school or schools granted releases from state regulations have  
558 demonstrated improvement in the quality of instruction and the achievement of students.

559 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based  
560 on submission of a request from the division superintendent and chairman of the local school board,  
561 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so  
562 long as the school division employs a sufficient number of personnel divisionwide to meet the total number  
563 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of  
564 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from  
565 specific Standards of Quality staffing standards are designed to increase the quality of instruction and  
566 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to  
567 five-year increments, or revoked, based on student achievement results in the affected school or schools.

568 K. As used in this section:

569 "End-of-course Standards of Learning assessment" means any end-of-course, end-of-grade, or end-of-year  
570 Standards of Learning assessment or any Standards of Learning assessment administered at the conclusion of  
571 a course, grade, or school year.

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

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

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

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

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