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**HOUSE BILL NO. 924**

House Amendments in [ ] - February 9, 2026

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

Patron Prior to Engrossment—Delegate Rasoul

Referred to Committee on General Laws

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

**1. That §§ 2.2-3705.3 and 22.1-253.13:3, as they are currently effective and as they shall become effective, of the Code of Virginia are amended and reenacted as follows:**

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

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

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

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

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

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

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

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

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit

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59 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,  
60 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an  
61 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health  
62 Commission. Information contained in completed investigations shall be disclosed in a form that does not  
63 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is  
64 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the  
65 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the  
66 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject  
67 of the complaint may be released only with the consent of the subject person. Local governing bodies shall  
68 adopt guidelines to govern the disclosure required by this subdivision.

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

75 9. Records of active investigations being conducted by the Department of Criminal Justice Services  
76 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  
77 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

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

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

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

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

112 **§ 2.2-3705.3. (Effective July 1, 2026) Exclusions to application of chapter; records relating to**  
113 **administrative investigations.**

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

118 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and  
119 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia  
120 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41

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

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

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 149 (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

150 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise  
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 152 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in  
 153 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower  
 154 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an  
 155 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to  
 156 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public  
 157 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit  
 158 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,  
 159 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an  
 160 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health  
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 162 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is  
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 164 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the  
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 179 alteration, or improper administration of tests by local school board employees responsible for the  
 180 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such  
 181 information to (i) a local school board or division superintendent for the purpose of permitting such board or  
 182 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after

183 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person  
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187 school personnel, including transcripts or other documents submitted in support of an application, and (ii) an  
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203 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10  
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209 13. Records of active investigations being conducted by the Department of Behavioral Health and  
210 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

211 **§ 22.1-253.13:3. (Effective until July 1, 2026) Standard 3. Accreditation, other standards,**  
212 **assessments, and releases from state regulations.**

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

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

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

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

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

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

244 The Board shall establish a corrective action plan process for any school that does not meet the standards

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

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

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

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

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

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

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

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

304 The Board shall make publicly available such assessments in a timely manner and as soon as practicable  
 305 following the administration of such tests, so long as the release of such assessments does not compromise  
 306 test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the

307 ability to test students on demand and provide immediate results in the web-based assessment system.

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

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

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

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

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

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

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

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

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

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

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

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

368 The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security,

369 unauthorized alteration, or improper administration of tests, including the exclusion of students from testing  
 370 who are required to be assessed, by local school board employees responsible for the distribution or  
 371 administration of the tests.

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

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

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

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

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

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

415 ~~H.~~ *I.* Any school board may request the Board for release from state regulations or, on behalf of one or  
 416 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the  
 417 performance of one or more of its schools as authorized for certain other schools by the Standards for  
 418 Accreditation pursuant to [ ~~8VAC20-131-280~~ *8VAC20-32-310 D* ] of the Virginia Administrative Code.  
 419 Waivers of regulatory requirements may be granted by the Board based on submission of a request from the  
 420 division superintendent and chairman of the local school board. The Board may grant, for a period up to five  
 421 years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to  
 422 promote health or safety. The school board shall provide in its waiver request a description of how the  
 423 releases from state regulations are designed to increase the quality of instruction and improve the  
 424 achievement of students in the affected school or schools. The Department shall provide (a) guidance to any  
 425 local school division that requests releases from state regulations and (b) information about opportunities to  
 426 form partnerships with other agencies or entities to any local school division in which the school or schools  
 427 granted releases from state regulations have demonstrated improvement in the quality of instruction and the  
 428 achievement of students.

429 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based  
 430 on submission of a request from the division superintendent and chairman of the local school board,

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

438 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,**  
439 **and releases from state regulations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

553 9. Permit any teacher providing instruction in a Standards of Learning subject area who scores any such  
 554 Standards of Learning assessments to earn professional development points toward renewal of his license for

555 his time spent scoring such assessments;

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

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

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

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

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

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

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

590 a. Consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

679 on any such assessment shall account for at least 10 percent of the student's final grade in such course.

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

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

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

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

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

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

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

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

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

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

741 Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

742 ~~J~~. K. Any school board may request the Board for release from state regulations or, on behalf of one or  
 743 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the  
 744 performance of one or more of its schools as authorized for certain other schools by the Standards for  
 745 Accreditation pursuant to [ ~~8VAC20-131-280~~ *8VAC20-32-310 D* ] of the Virginia Administrative Code.  
 746 Waivers of regulatory requirements may be granted by the Board based on submission of a request from the  
 747 division superintendent and chairman of the local school board. The Board may grant, for a period up to five  
 748 years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to  
 749 promote health or safety. The school board shall provide in its waiver request a description of how the  
 750 releases from state regulations are designed to increase the quality of instruction and improve the  
 751 achievement of students in the affected school or schools. The Department shall provide (a) guidance to any  
 752 local school division that requests releases from state regulations and (b) information about opportunities to  
 753 form partnerships with other agencies or entities to any local school division in which the school or schools  
 754 granted releases from state regulations have demonstrated improvement in the quality of instruction and the  
 755 achievement of students.

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

765 ~~K~~. L. As used in this section:

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

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

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

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

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

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