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HOUSE BILL NO. 1243  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Education  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Delegate O'Quinn)

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

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

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

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

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

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

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

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would 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. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools  
58 within the division to meet the standards established by the Board, the Board may return the plan to the local  
59 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action  
60 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

61 B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and

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

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

77 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to  
78 determine the level of achievement of the Standards of Learning objectives by all students. Such assessments  
79 shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of  
80 Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a  
81 regular analysis and validation process for these assessments. ~~In lieu of a one-time end-of-year assessment,~~  
82 ~~the Board shall establish, for the purpose of providing measures of individual student growth over the course~~  
83 ~~of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the~~  
84 ~~administration of reading and mathematics assessments in grades three through eight. Such through-year~~  
85 ~~growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year~~  
86 ~~assessment in order to provide individual student growth scores over the course of the school year, but the~~  
87 ~~total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for~~  
88 ~~taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for~~  
89 ~~teachers and principals on how to interpret and use student growth data from such assessments to improve~~  
90 ~~reading and mathematics instruction in grades three through eight throughout the school year. With such~~  
91 ~~funds and content as are available for such purpose, such through-year growth assessment system shall~~

92 provide accurate measurement of a student's performance, through computer adaptive technology, using test  
93 items at, below, and above the student's grade level as necessary.

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

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

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

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

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

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

121 Each school board shall annually certify that it has provided instruction and administered an alternative

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

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

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

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

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

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

150 The Board may adopt special provisions related to the administration and use of any Standards of

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

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

160 *The Board shall, in its calculation of the passage rate for a Standards of Learning assessment for the*  
161 *purposes of state accountability, for any student who retakes an assessment on an expedited basis and*  
162 *receives a passing score, include the passing score received on such expedited retake and exclude the score*  
163 *such student received on the assessment taken during the regular assessment administration period.*

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

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

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

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

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

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

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

209 G. Each local school division superintendent shall regularly review the division's submission of data and

210 reports required by state and federal law and regulations to ensure that all information is accurate and  
211 submitted in a timely fashion. The Superintendent shall provide a list of the required reports and data to  
212 division superintendents annually. The status of compliance with this requirement shall be included in the  
213 Board's annual report to the Governor and the General Assembly as required by § 22.1-18.

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

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

236 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,**  
237 **and releases from state regulations.**

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

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

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

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

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

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

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

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

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

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

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

296 The Superintendent shall assist local school boards in the implementation of action plans for increasing  
297 educational performance and individual student growth in those school divisions and schools that are  
298 identified as not meeting the approved criteria, including, when applicable, providing assistance with the  
299 review, grant, and monitoring process set forth in subdivision K 4 of § 22.1-253.13:1. The Superintendent

300 shall monitor the implementation of and report to the Board on the effectiveness of the corrective actions  
301 taken to improve the educational performance in such school divisions and schools.

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

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

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

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

323 4. 3. Make available to school divisions Standards of Learning assessments typically administered by high  
324 schools by December 1 of the school year in which such assessments are to be administered or when newly  
325 developed assessments are available, whichever is later;

326 5. 4. Make publicly available such assessments in a timely manner and as soon as practicable following  
327 the administration of such tests, so long as the release of such assessments does not compromise test security  
328 or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test  
329 students on demand and provide immediate results in the web-based assessment system;

330 6. 5. Prescribe alternative methods of Standards of Learning assessment administration for children with

331 disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate  
332 achievement of the Standards of Learning. An eligible student's Individual Education Program team shall  
333 make the final determination as to whether an alternative method of administration is appropriate for the  
334 student;

335 ~~7-~~ 6. To assess the educational progress of students, (i) develop appropriate assessments, which may  
336 include criterion-referenced tests and other assessment instruments that may be used by classroom teachers;  
337 (ii) select appropriate industry certification and state licensure examinations; and (iii) prescribe and provide  
338 measures, which may include nationally normed tests to be used to identify students who score in the bottom  
339 quartile at selected grade levels;

340 ~~8-~~ 7. Not include in its calculation of the passage rate for a Standards of Learning assessment ~~or the level~~  
341 ~~of achievement of the Standards of Learning objectives for an individual student growth assessment~~ for the  
342 purposes of state accountability any student whose parent has decided to not have his child take such  
343 Standards of Learning assessment, unless such exclusions would result in the school's not meeting any  
344 required state or federal participation rate;

345 ~~9-~~ 8. Permit any teacher providing instruction in a Standards of Learning subject area who scores any such  
346 Standards of Learning assessments to earn professional development points toward renewal of his license for  
347 his time spent scoring such assessments;

348 ~~10-~~ 9. Require each assessment, including each Standards of Learning assessment ~~administered as a part~~  
349 ~~of the through-year growth assessment system established pursuant to subdivision 2~~, each mandatory local  
350 alternative assessment implemented by a school board pursuant to subdivision E 1 a (2), and each permissive  
351 local alternative assessment administered by a school board pursuant to subdivision E 3 b, to be scored on a  
352 100-point scale in accordance with statewide scoring rubrics;

353 ~~11-~~ 10. Make available to each student and his parents within 45 days of any state assessment window  
354 closing for any such assessment administration an individualized student score report for each such  
355 assessment, developed in accordance with the Board's guidelines, that shall include, at a minimum: (i) a  
356 description of the applicable assessment; (ii) individualized data on such student's assessment performance;  
357 (iii) a comparison of such student's performance on such assessment with the performance of the student's  
358 school, school division, and the Commonwealth; and (iv) guidance to assist the student and his parents in  
359 interpreting such student's assessment results; ~~and~~

360 ~~12-~~ 11. Publicly release the statewide Standards of Learning assessment results and any associated data no  
361 later than the date on which individual Standards of Learning assessment scores for the applicable assessment

362 administration period are released to individual students and parents; *and*

363 *12. In its calculation of the passage rate for a Standards of Learning assessment for the purposes of state*  
364 *accountability, for any student who retakes an assessment on an expedited basis and receives a passing*  
365 *score, include the passing score received on such expedited retake and exclude the score such student*  
366 *received on the assessment taken during the regular assessment administration period.*

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

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

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

383 1. The assessments administered to students in grades three through eight, except for those students with  
384 disabilities, as that term is defined in § 22.1-213, who participate in an alternative assessment pursuant to  
385 subdivision C 6 5, shall:

386 a. Consist of:

387 (1) Standards of Learning assessments; ~~including end-of-year assessments administered as part of the~~  
388 ~~through-year growth assessment system established pursuant to subdivision C 2.~~ The Standards of Learning  
389 assessments shall not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics,  
390 and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and  
391 mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life

392 science, and physical science Standards of Learning and before the student completes grade eight; and (vi)  
393 Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local  
394 school board. ~~The reading and mathematics assessments administered to students in grades three through~~  
395 ~~eight shall be through-year growth assessments pursuant to subdivision C 2.~~

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

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

420 b. With such funds as may be appropriated for such purpose, except as provided in subdivision C 6 5, be

421 developed consistent with Board guidelines and in accordance with subdivision 5; and

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

428 2. The assessments administered to students in grades nine through 12, except for those students with  
429 disabilities, as that term is defined in § 22.1-213, who participate in an alternative assessment pursuant to  
430 subdivision C 6 5:

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

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

440 3. Any end-of-course Standards of Learning assessment administered to students in grades three through  
441 12, except for those students with disabilities, as that term is defined in § 22.1-213, who participate in an  
442 alternative assessment pursuant to subdivision C 6 5, shall be subject to the following requirements:

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

451 b. Any school board may, but need not, administer a permissive local alternative assessment in a specific

452 subject area to students in a specific grade level in lieu of any end-of-course Standards of Learning  
453 assessment the administration of which is not necessary to meet federal accountability requirements  
454 established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, but  
455 which may be required in that subject area and at that grade level pursuant to state law or regulation; and

456 c. Any student who performs below grade level on any such Standards of Learning assessment or any  
457 permissive local alternative assessment administered pursuant to subdivision b shall be eligible to retake such  
458 assessment, provided that (i) no student may retake an assessment after June 30 of the calendar year in which  
459 the applicable assessment was administered, unless the school board of the school in which the student is  
460 enrolled grants such student permission to retake such assessment at a later date; (ii) any student who,  
461 pursuant to applicable Board regulations, is eligible for an expedited retake of an assessment shall retake such  
462 assessment within two weeks of the date on which scoring was completed for such student's assessment,  
463 unless it is determined that additional time is necessary in order for such student to complete the  
464 comprehensive remediation program required to establish eligibility for an expedited retake in accordance  
465 with Board regulations; ~~and~~ (iii) if applicable, the score any student receives on any assessment retake shall  
466 not replace the initial score the student received on the assessment taken during the regular assessment  
467 administration period *solely* for the purpose of calculating the student's final grade in the course in  
468 accordance with subdivision 4; *and (iv) for the purposes of state accountability, a passing score received by*  
469 *any student on any expedited retake shall be used to calculate the passage rate for such assessment and the*  
470 *score, pursuant to subdivision C 12.*

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

478 5. For the purpose of maximizing instructional time, the frequency of assessment administration for any  
479 assessment administered pursuant to the provisions of this section, including any Standards of Learning  
480 assessment, mandatory local alternative assessment administered in accordance with subdivision 1 a (2),  
481 permissive local alternative assessment administered in accordance with subdivision 3 b, or performance

482 assessment administered as a part of any school board's mandatory local alternative assessment plan, or any  
483 combination thereof, for each Standards of Learning subject area in a single school year shall not exceed one  
484 such assessment per academic quarter, or a total of four assessments per year.

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

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

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

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

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

511 G. With such funds as may be appropriated, the Board may provide, through an agreement with vendors

512 having the technical capacity and expertise to provide computerized tests and assessments, and test  
513 construction, analysis, and security, for (i) web-based computerized tests and assessments, including  
514 computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after  
515 remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

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

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

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

540 J. Any school board may request the Board for release from state regulations or, on behalf of one or more

541 of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance  
542 of one or more of its schools as authorized for certain other schools by the Standards for Accreditation  
543 pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements  
544 may be granted by the Board based on submission of a request from the division superintendent and chairman  
545 of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory  
546 requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The  
547 school board shall provide in its waiver request a description of how the releases from state regulations are  
548 designed to increase the quality of instruction and improve the achievement of students in the affected school  
549 or schools. The Department shall provide (a) guidance to any local school division that requests releases from  
550 state regulations and (b) information about opportunities to form partnerships with other agencies or entities  
551 to any local school division in which the school or schools granted releases from state regulations have  
552 demonstrated improvement in the quality of instruction and the achievement of students.

553 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based  
554 on submission of a request from the division superintendent and chairman of the local school board,  
555 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so  
556 long as the school division employs a sufficient number of personnel divisionwide to meet the total number  
557 required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of  
558 § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from  
559 specific Standards of Quality staffing standards are designed to increase the quality of instruction and  
560 improve the achievement of students in the affected school or schools. The waivers may be renewed in up to  
561 five-year increments, or revoked, based on student achievement results in the affected school or schools.

562 K. As used in this section:

563 "End-of-course Standards of Learning assessment" means any end-of-course, end-of-grade, or end-of-year  
564 Standards of Learning assessment or any Standards of Learning assessment administered at the conclusion of  
565 a course, grade, or school year.

566 "Local alternative assessment" means (i) an assessment that measures content and skills within a specific  
567 Standards of Learning subject area that is accepted by institutions of higher education as a measure of college  
568 readiness, including Advanced Placement, International Baccalaureate, or Cambridge assessments, or (ii) any  
569 mandatory local alternative assessment developed, administered, and scored by a local school board, that is  
570 approved by the Board as aligned with the rigor of Standards of Learning content, assessments, and the

571 Board's definition of proficiency for any Standards of Learning subject area. "Local alternative assessment"  
572 includes any mandatory local alternative assessment and any permissive local alternative assessment.

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

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

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

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