

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 924]

6 Approved

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

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

10 **§ 2.2-3705.3. (Effective until July 1, 2026) Exclusions to application of chapter; records relating to**  
 11 **administrative investigations.**

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

16 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and  
 17 permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia  
 18 Cannabis Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41  
 19 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and  
 20 Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.)  
 21 of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice  
 22 Services.

23 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the  
 24 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to  
 25 § 54.1-108.

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

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

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

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

48 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise  
 49 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public  
 50 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in  
 51 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower  
 52 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an  
 53 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to  
 54 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public  
 55 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit  
 56 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,

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

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

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

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

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

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

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

**§ 2.2-3705.3. (Effective 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

119 Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.)  
 120 of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice  
 121 Services.

122 2. Records of active investigations being conducted by the Virginia Cannabis Control Authority or by the  
 123 Department of Health Professions or any health regulatory board in the Commonwealth pursuant to  
 124 § 54.1-108.

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

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

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

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

147 7. Investigative notes, correspondence and information furnished in confidence, and records otherwise  
 148 exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public  
 149 Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in  
 150 § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower  
 151 Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an  
 152 investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to  
 153 Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public  
 154 institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit  
 155 conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county,  
 156 city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an  
 157 investigation of any officer, department, or program of such body; or (viii) the Behavioral Health  
 158 Commission. Information contained in completed investigations shall be disclosed in a form that does not  
 159 reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is  
 160 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the  
 161 person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the  
 162 complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject  
 163 of the complaint may be released only with the consent of the subject person. Local governing bodies shall  
 164 adopt guidelines to govern the disclosure required by this subdivision.

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

171 9. Records of active investigations being conducted by the Department of Criminal Justice Services  
 172 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  
 173 Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

174 10. Information furnished to or prepared by the Board of Education pursuant to subsection F G of  
 175 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized  
 176 alteration, or improper administration of tests by local school board employees responsible for the  
 177 distribution or administration of the tests. However, this section shall not prohibit the disclosure of such  
 178 information to (i) a local school board or division superintendent for the purpose of permitting such board or  
 179 superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after  
 180 the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person

181 making a complaint or supplying information to the Board on a confidential basis and (b) does not  
182 compromise the security of any test mandated by the Board.

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

199 12. Information provided in confidence and related to an investigation by the Attorney General under  
200 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10  
201 (§ 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)  
202 of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more  
203 than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law  
204 and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses,  
205 or other individuals involved in the investigation.

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

208 **§ 22.1-253.13:3. (Effective until July 1, 2026) Standard 3. Accreditation, other standards,**  
209 **assessments, and releases from state regulations.**

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

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

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

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

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

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

241 The Board shall establish a corrective action plan process for any school that does not meet the standards  
242 established by the Board. Such process shall require (a) each school board to submit a corrective action plan

243 for any school in the local school division that does not meet the standards established by the Board and (b)  
 244 any school board that fails to demonstrate progress in developing or implementing any such corrective action  
 245 plan to enter into a memorandum of understanding with the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

345 The Standards of Learning requirements, including all related assessments, shall be waived for any  
346 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
347 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by  
348 the Board or in an adult basic education program or an adult secondary education program to obtain the high  
349 school diploma or a high school equivalency certificate.

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

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

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

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

365 The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security,  
366 unauthorized alteration, or improper administration of tests, including the exclusion of students from testing

367 who are required to be assessed, by local school board employees responsible for the distribution or  
368 administration of the tests.

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

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

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

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

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

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

412 ~~H. I.~~ Any school board may request the Board for release from state regulations or, on behalf of one or  
413 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the  
414 performance of one or more of its schools as authorized for certain other schools by the Standards for  
415 Accreditation pursuant to ~~8VAC20-131-280~~ ~~C~~ *8VAC20-132-310 D* of the Virginia Administrative Code.  
416 Waivers of regulatory requirements may be granted by the Board based on submission of a request from the  
417 division superintendent and chairman of the local school board. The Board may grant, for a period up to five  
418 years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to  
419 promote health or safety. The school board shall provide in its waiver request a description of how the  
420 releases from state regulations are designed to increase the quality of instruction and improve the  
421 achievement of students in the affected school or schools. The Department shall provide (a) guidance to any  
422 local school division that requests releases from state regulations and (b) information about opportunities to  
423 form partnerships with other agencies or entities to any local school division in which the school or schools  
424 granted releases from state regulations have demonstrated improvement in the quality of instruction and the  
425 achievement of students.

426 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based  
427 on submission of a request from the division superintendent and chairman of the local school board,  
428 permitting the local school board to assign instructional personnel to the schools with the greatest needs, so

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

435 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,**  
436 **and releases from state regulations.**

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

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

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

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

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

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

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

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

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

491 enhancing student learning uniformly across the Commonwealth. In recognizing educational performance  
 492 and individual student growth in the school divisions, the Board shall include consideration of special school  
 493 division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and  
 494 International Baccalaureate courses, and participation in academic year Governor's Schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

587 a. Consist of:

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

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

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

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

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

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

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

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

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

641 3. Any end-of-course Standards of Learning assessment administered to students in grades three through  
 642 12, except for those students with disabilities, as that term is defined in § 22.1-213, who participate in an  
 643 alternative assessment pursuant to subdivision *€ D* 6, shall be subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

739 J. K. Any school board may request the Board for release from state regulations or, on behalf of one or  
 740 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the  
 741 performance of one or more of its schools as authorized for certain other schools by the Standards for  
 742 Accreditation pursuant to ~~8VAC20-131-280~~ *8VAC20-132-310 D* of the Virginia Administrative Code.  
 743 Waivers of regulatory requirements may be granted by the Board based on submission of a request from the  
 744 division superintendent and chairman of the local school board. The Board may grant, for a period up to five  
 745 years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to  
 746 promote health or safety. The school board shall provide in its waiver request a description of how the  
 747 releases from state regulations are designed to increase the quality of instruction and improve the  
 748 achievement of students in the affected school or schools. The Department shall provide (a) guidance to any  
 749 local school division that requests releases from state regulations and (b) information about opportunities to  
 750 form partnerships with other agencies or entities to any local school division in which the school or schools  
 751 granted releases from state regulations have demonstrated improvement in the quality of instruction and the  
 752 achievement of students.

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

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

763 "End-of-course Standards of Learning assessment" means any end-of-course, end-of-grade, or end-of-year  
 764 Standards of Learning assessment or any Standards of Learning assessment administered at the conclusion of  
 765 a course, grade, or school year.

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

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

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

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

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