

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 1243]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 22.1-253.13:3, as it is currently effective and as it shall become effective, of the Code of**
 9 **Virginia is amended and reenacted as follows:**10 **§ 22.1-253.13:3. (Effective until July 1, 2026) Standard 3. Accreditation, other standards,**
 11 **assessments, and releases from state regulations.**12 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
 13 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
 14 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational
 15 technology into such instructional programs, (iii) administrative and instructional staffing levels and
 16 positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary
 17 education programs such as library and media services, (vi) requirements for graduation from high school,
 18 (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the
 19 Commonwealth.20 The Board shall promulgate regulations establishing standards for accreditation of public virtual schools
 21 under the authority of the local school board that enroll students full time.22 The Board's regulations establishing standards for accreditation shall ensure that the accreditation process
 23 is transparent and based on objective measurements and that any appeal of the accreditation status of a school
 24 is heard and decided by the Board.25 The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board
 26 shall review the accreditation status of a school once every three years if the school has been fully accredited
 27 for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the
 28 school for each individual year within that triennial review period. If the Board finds that the school would
 29 have been accredited every year of that triennial review period the Board shall accredit the school for another
 30 three years. The Board may review the accreditation status of any other school once every two years or once
 31 every three years, provided that any school that receives a multiyear accreditation status other than full
 32 accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the
 33 period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to
 34 the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting
 35 requirements.36 Each local school board shall maintain schools that are fully accredited pursuant to the standards for
 37 accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all
 38 schools in the local school division annually in public session.39 The Board shall establish a review process to assist any school that does not meet the standards
 40 established by the Board. The relevant school board shall report the results of such review and any annual
 41 progress reports in public session and shall implement any actions identified through such review and utilize
 42 them for improvement planning.43 The Board shall establish a corrective action plan process for any school that does not meet the standards
 44 established by the Board. Such process shall require (a) each school board to submit a corrective action plan
 45 for any school in the local school division that does not meet the standards established by the Board and (b)
 46 any school board that fails to demonstrate progress in developing or implementing any such corrective action
 47 plan to enter into a memorandum of understanding with the Board.48 When the Board determines through its review process that the failure of schools within a division to meet
 49 the standards established by the Board is related to division-level failure to implement the Standards of
 50 Quality or other division-level action or inaction, the Board may require a division-level academic review.
 51 After the conduct of such review and within the time specified by the Board, each school board shall enter
 52 into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval
 53 a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a
 54 schedule designed to ensure that schools within its school division meet the standards established by the
 55 Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools
 56 within the division to meet the standards established by the Board, the Board may return the plan to the local

57 school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action
58 plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

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

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

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

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

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

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

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

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

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

118 year growth assessments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

235 **§ 22.1-253.13:3. (Effective July 1, 2026) Standard 3. Accreditation, other standards, assessments,**
236 **and releases from state regulations.**

237 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
238 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
239 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational
240 technology into such instructional programs, (iii) administrative and instructional staffing levels and
241 positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary

242 education programs such as library and media services, (vi) requirements for graduation from high school,
 243 (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the
 244 Commonwealth.

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

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

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

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

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

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

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

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

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

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

304 skills related to the Standards of Learning being assessed. In prescribing such assessment methods, the Board
305 shall:

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

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

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

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

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

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

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

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

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

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

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

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

362 13. *In its calculation of the passage rate for a Standards of Learning assessment or the level of*
363 *achievement of the Standards of Learning objectives for an individual student growth assessment for the*
364 *purposes of state accountability ratings, for any student who retakes an assessment on an expedited basis and*
365 *receives a passing score, include the passing score received on such expedited retake and exclude the score*

366 *such student 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, 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, 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:

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, shall
439 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, 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 ratings, a passing score*
469 *received by any student on any expedited retake shall be used to calculate the passage rate for such*
470 *assessment and the score, pursuant to subdivision C 13.*

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.