VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 22.1-253.13:3, as it shall become effective, of the Code of Virginia, relating to Board of Education; Standards of Learning assessments and related assessment methods; development, administration, scoring, and release.

[S 200]

Approved

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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

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

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

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board is related to division-level failure to implement the Standards of Quality or other division-level action or inaction, the Board may require a division-level academic review. After the conduct of such review and within the time specified by the Board, each school board shall enter into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, the Board may return the plan to the local

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

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

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

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

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

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

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

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

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

~~6.~~ *5.* Prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning, *and alternate assessments through the Virginia Alternate Assessment Program for children with the most significant cognitive disabilities.* An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student. *A student's eligibility for participation in an alternative assessment shall be determined by the student's Individual Education Program team in accordance with the criteria established by the Department*;

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

~~8.~~ *7.* Not include in its calculation of the passage rate for a Standards of Learning assessment ~~or the level of achievement of the Standards of Learning objectives for an individual student growth assessment~~ for the

purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate;

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

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

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

~~12.~~ *11.* Publicly release the statewide Standards of Learning assessment results and any associated data no later than the date on which individual Standards of Learning assessment scores for the applicable assessment administration period are released to individual students and parents.

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

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

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

1. The assessments administered to students in grades three through eight, except for those students *who are children* with disabilities, as that term is defined in § 22.1-213, who participate in an alternative *method of Standards of Learning* assessment *administration or who participate in alternate assessments through the Virginia Alternate Assessment Program* pursuant to subdivision C ~~6~~ *5*, shall:

a. Consist of:

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

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

(2) Local alternative assessments, including any permissive local alternative assessments administered in accordance with subdivision 3 b and mandatory local alternative assessments administered by each school board in each Standards of Learning subject area in which a Standards of Learning assessment is not available for administration during the school year. *Each school board shall ensure that each mandatory and permissive local alternative assessment administered pursuant to this subdivision (i) permits the use of formative learning experiences or assessments that are designed to build student understanding toward the applicable summative performance assessment administered, provided that any materials used during any*

such summative performative assessment are limited to sources and student-created artifacts from formative learning experiences that are (a) the student's own work, (b) not drafts or outlines of the final product, and (c) not teacher-provided writing scaffolds that directly address the summative task, and (ii) meets any applicable authenticity and integrity requirements, including by ensuring that each summative performance assessment used for purposes relating to scoring, accountability, or verified credits is completed in a supervised, secure setting, including through the use of digital security measures such as lockdown browser, to verify ownership and prevent the use of unapproved materials or unauthorized assistance. Each school board shall ensure that any teacher who participates in grading mandatory or permissive local alternative assessments administered for any course to earn verified credits shall not grade any assessment completed by a student that such teacher taught in any class or subject area during that school year. Each school board shall annually certify that it has provided instruction *in* and administered ~~each~~ *and graded a* mandatory local alternative assessment *for each Standards of Learning subject area in which a Standards of Learning assessment is not available for administration during the school year* in accordance with this subdivision and Board guidelines *and best practices*. Such guidelines shall ~~(i)~~ *(a)* incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; ~~(ii)~~ *(b)* permit and encourage integrated assessments that include multiple subject areas; ~~(iii)~~ *(c)* establish criteria for mandatory local alternative assessments, including the core content, concepts, and skills that shall be prioritized on each such assessment and specific parameters for any performance assessment administered by a school board in accordance with this subdivision, relating to the structure and format of and content and items that shall be included in such assessments; ~~(iv)~~ *(d)* include a comprehensive grading rubric for each mandatory local alternative assessment that ~~(a)~~ *(1)* clearly defines student performance objectives and achievement targets, ~~(b)~~ *(2)* provides scoring criteria that ~~emphasizes~~ *emphasize* student performance and subject-matter proficiency, and ~~(c)~~ *(3)* for any performance assessment, includes criteria and student performance objectives designed to emphasize a student's performance and subject-matter proficiency as demonstrated through completion of the tested tasks in ways that are authentic to the academic discipline; and ~~(v)~~ *(e)* emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of mandatory local alternative assessments.

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

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

2. The assessments administered to students in grades nine through 12, except for those students *who are children* with disabilities, as that term is defined in § 22.1-213, who participate in an alternative *method of Standards of Learning* assessment *administration or who participate in alternate assessments through the Virginia Alternate Assessment Program* pursuant to subdivision C ~~6~~ *5*:

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

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

3. Any end-of-course Standards of Learning assessment administered to students in grades three through 12, except for those students *who are children* with disabilities, as that term is defined in § 22.1-213, who participate in an alternative *method of Standards of Learning* assessment *administration or who participate in alternate assessments through the Virginia Alternate Assessment Program* pursuant to subdivision C ~~6~~ *5*, shall be subject to the following requirements:

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

subject area at that grade level, *provided, however, that any school board may submit to the Board a request for an exemption from such requirement, to be granted by the Board on a case-by-case basis and for good cause shown, to administer to a particular student an available end-of-course Standards of Learning assessment in a specific subject area and at a specific grade level for which the school board has elected to administer to each other student a permissive local alternative assessment. The Board shall not grant any exemption to a school board under this subdivision that would result in the school board's administration of an end-of-course Standards of Learning assessment to more than five percent of the students receiving instruction in a specific subject area at a specific grade level for the applicable assessment administration period. The provisions of this subdivision shall not apply to any student who, by reason of transferring to a public school within the applicable school division or other reason deemed appropriate by the school board, needs to take any such assessment in order to earn a verified credit, or when an irregularity, as defined by the Board, occurs during the administration of any particular assessment and the Board, upon request of the applicable school board, approves the administration of the assessment at another date*;

b. Any school board may, but need not, administer a permissive local alternative assessment in a specific subject area to students in a specific grade level in lieu of any end-of-course Standards of Learning assessment the administration of which is not necessary to meet federal accountability requirements established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, but which may be required in that subject area and at that grade level pursuant to state law or regulation. *Each school board that chooses to administer a permissive local alternative assessment in accordance with this subdivision shall administer such permissive local alternative assessment in accordance with the provisions of subdivision 1 a (2)*; and

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

4. For students in grades seven through 12, except in the case of *(i)* any assessments administered as a part of a competency-based assessment system~~, any~~*; (ii) any Advanced Placement examination, College Level Examination Program, or International Baccalaureate examination or any other national norm-referenced achievement test; or (iii) any students who are children with disabilities, as that term is defined in § 22.1-213, who participate in an alternative method of Standards of Learning assessment administration, or who participate in an alternate assessment through the Virginia Alternate Assessment Program pursuant to subdivision C 5:*

a. Any Standards of Learning assessment or permissive local alternative assessment permitted pursuant to subdivision 3 b or, if any such assessment consists of more than one part, each of which has a separate administration period, the final part of any such end-of-course assessment shall be administered no earlier than two weeks prior to the last day of the ~~school year~~ *applicable course of instructional, grade level, or academic quarter or semester. The provisions of this subdivision shall not apply to (i) any such assessment administered to high school seniors during the academic quarter or semester during which they will graduate; (ii) any assessment retake pursuant to subdivision 3 c; (iii) any assessment administered to students in grades seven and eight that is designed to be administered over a period of more than one day if, after making reasonable efforts to complete the administration of such assessment in two weeks, additional time to complete the administration of such assessment is necessary, provided that the total time for the administration of any such assessment shall not exceed three weeks; or (iv) any student who, by reason of transferring to a public school within the applicable school division or other reason deemed appropriate by the school board, needs to take any such assessment in order to earn a verified credit, or when an irregularity, as defined by the Board, occurs during the administration of any particular assessment and the Board, upon request of the applicable school board, approves the administration of the assessment at another date;*

b. No additional end-of-course assessment shall be administered for any such Standards of Learning subject area*; and*

c. Each student's score on any such assessment shall account for at least 10 percent of the student's final grade in such course *as calculated based on the grading scale currently used in the applicable school division.*

5. ~~For~~ *Except in the case of students who are children with disabilities, as that term is defined in § 22.1-213, who participate in an alternative method of Standards of Learning assessment administration or who participate in alternate assessments through the Virginia Alternative Assessment program pursuant to subdivision C 5, for* the purpose of maximizing instructional time, the frequency of assessment administration for any assessment administered pursuant to the provisions of this section, including any Standards of Learning assessment, mandatory local alternative assessment administered in accordance with subdivision 1 a (2), *or* permissive local alternative assessment administered in accordance with subdivision 3 b~~, or performance assessment administered as a part of any school board's mandatory local alternative assessment plan~~, or any combination thereof, for each Standards of Learning subject area in a single school year shall not exceed one such assessment per academic quarter, or a total of four assessments per year. *The provisions of this subdivision shall not apply to (i) any Advanced Placement examination, College Level Examination Program, or International Baccalaureate examination or any other national norm-referenced achievement test; (ii) any assessment retaken pursuant to subdivision 3 c; or (iii) any performance assessment.*

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

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

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

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records 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. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

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

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

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

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

include the National Assessment of Educational Progress state-by-state assessment.

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

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

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

K. *The Board shall:*

1. Make available to each local school division each Standards of Learning assessment for each subject area administered during the previous school year, including the applicable answer key or grading rubric for each such assessment, by the beginning of the current school year for the purpose of ensuring that such assessments are available to each teacher of the applicable subject area for use as practice assessments for students and in instructional planning, formative assessment, and classroom practice, provided that:

a. Each assessment released pursuant to this subdivision shall be aligned to the most current Standards of Learning for the applicable subject area and reviewed annually and refreshed as necessary to ensure continued alignment with any revisions to the Standards of Learning or assessment specifications; and

b. If the release of any such assessment would result in a depletion of the bank of assessment questions such that the questions remaining in the bank would be insufficient to cover at least 70 percent of the standards for any Standards of Learning assessment in a given subject area, the assessment shall not be released and, instead, the Board shall release a representative set of sample questions and corresponding answer keys for the applicable assessed subject area and grade level, in accordance with the following: (i) any such sample questions shall be selected from a pool of retired assessment items or, if necessary, from a set of assessment items specifically developed and designated for public release and instructional practice; (ii) the Board shall maintain, annually review, and refresh as necessary any such sample questions and answer keys to ensure complete alignment to the current Standards of Learning; (iii) the release and distribution of such sample questions shall not be considered a depletion of the bank of questions necessary for developing secure assessments; and (iv) the Board shall ensure that all sample questions, assessments items, and answer keys released pursuant to this subdivision are clearly labeled with the applicable standard and year of release; and

2. Perform an annual audit of a certain percentage, as determined by the Board, of such mandatory local alternative assessments implemented by a school board pursuant to subdivision E 1 a (2) for the purpose of ensuring such assessments are consistent with Board guidelines and ensuring the quality and rigor of such assessments are consistent across school divisions and years. Any school board, in order to administer a permissive local alternative assessment, shall (i) submit to the Board by July 31 of each year for which it plans on administering a permissive local alternative assessment notice of its intent to administer such permissive local alternative assessment, including an acknowledgement that such permissive local alternative assessment may be selected for a random audit as a part of the annual Board audit required pursuant to this subdivision and that failure of such audit shall result in an additional audit of any such permissive local alternative assessment administered by the school board the succeeding school year, the failure of which shall result in such school board being prohibited from administering a permissive local alternative assessment for the next four years and (ii) after administering such permissive local alternative assessment,

annually certify to the Board that it has provided instruction in the applicable Standards of Learning subject area and developed and administered the permissive local alternative assessment in accordance with this subdivision and Board guidelines. The Board shall perform an annual audit of a certain percentage, as determined by the Board, of such permissive local alternative assessments administered by any school board for the purpose of ensuring such assessments are developed and administered in accordance with this subdivision and Board guidelines and ensuring the quality and rigor of such assessments are consistent across school divisions and years. Failure of the Board audit for any permissive local alternative assessment shall have no impact on the grade or credits earned in the applicable subject area or course by any student to whom such permissive local alternative assessment was administered. Any permissive local alternative assessment administered by a school board, regardless of whether it is selected for and fails a Board audit, shall for each student to whom it was administered be scored, weighted, and factored into each student's grade, and, if applicable, result in the award of the same amount and type of verified credits as any other end-of-course assessment administered in that subject area and at that grade level.

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

1. Any assessment shall, with such funds as may be appropriated for such purpose, include (i) items that require the student to apply knowledge, critical thinking skills, and logic in preparing a response, including open-ended questions and long-form writing, and other tasks, as appropriate for the applicable subject, and (ii) different items and questions on each assessment administered during the same school year and in the same grade and Standards of Learning subject area such that such students are not tested on the same items or questions on one assessment as they were on a previous assessment administered during that school year in that grade or subject area; and

2. Any multiple choice questions included as a part of (i) any such assessment shall be representative of the Standards of Learning objectives and content for the applicable subject area for the school year; (ii) any end-of-course Standards of Learning assessment or permissive local alternative assessment administered pursuant to subdivision E 3 b shall be narrowly tailored to test students only on the most significant content for the applicable subject area, in accordance with the Board's guidelines; and (iii) any performance assessment administered as a part of a mandatory local alternative assessment in accordance with subdivision E 1 a (2) or otherwise administered as the final performance assessment for that course or school year shall consist of no more than 40 thematic questions focused on the broad, overarching themes and topics of the applicable subject area and shall either be developed in accordance with or selected from the multiple choice question test bank developed by the Board.

M. As used in this section:

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

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

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

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

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

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

2. That subdivisions E 4 b and E 4 c of § 22.1-253.13:3 of the Code of Virginia, as amended by this act, shall become effective beginning with the second full school year after the school year during which the pilot implementation of assessment items for the new statewide assessment system took place, pursuant to Chapter 760 of the Acts of Assembly of 2022, as amended by Chapter 525 of the Acts of Assembly of 2023. The Department of Education shall certify in writing to the Virginia Code Commission the date on which this requirement is met.

3. That the provisions of the first enactment of this act adding subsections K and L of § 22.1-253.13:3 of the Code of Virginia shall not become effective unless reenacted by the 2027 Session of the General Assembly.

4. That the Board of Education shall develop and make available to each school board by September 1, 2026, best practices for grading and scoring mandatory local alternative assessments, pursuant to subdivision E 1 a (2) of § 22.1-253.13:3 of the Code of Virginia, as amended by this act, and best practices for grading and scoring permissive local alternative assessments, pursuant to subdivision E 3 b of § 22.1-253.13:3 of the Code of Virginia, as amended by this act.

5. That the Department of Education (the Department) shall include the provisions of the first enactment of this act adding subsections K and L of § 22.1-253.13:3 of the Code of Virginia, as created by this act, to the extent permitted by federal law, as "add alternate components" of the Commonwealth's request for proposals for a new assessment vendor. The Department shall report the estimated costs of such components to the General Assembly by October 1, 2026.