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SENATE BILL NO. 547

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 13, 2000)

(Patron Prior to Substitute—Senator Newman)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.1, relating to public school test security violations.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.1 as follows:

§ 22.1-292.1. Violation of test security procedures; revocation of license.

A. The Board of Education may suspend or revoke the administrative or teaching license it has issued to any person who knowingly and willfully commits any of the following acts regarding secure mandatory tests administered to students as required by this title or by the Board of Education:

1. Giving unauthorized access to secure test questions;

2. Copying or reproducing all or any portion of any secure test booklet;

3. Divulging the contents of any portion of a secure test;

4. Altering examinees' responses in any way;

5. Making available any answer keys;

6. Providing a false certification on any test security form required by the Department of Education;

7. Retaining a copy of secure test questions; and

8. Participating in, directing, aiding, or assisting in any of the acts prohibited by this section.

For the purposes of this section, "secure test" means an item, question, or test that has not been made publicly available by the Department of Education.

B. Nothing in this section shall be construed to prohibit or restrict the reasonable and necessary actions of the Board of Education, the Superintendent of Public Instruction, or the Department of Education in test development or selection, test form construction, standard setting, test scoring and reporting, or any other related activities which, in the judgment of the Superintendent of Public Instruction or the Board, are necessary and appropriate.

C. Any suspension or revocation imposed for the acts enumerated in this section shall be rendered pursuant to Board regulations promulgated pursuant to the Administrative Process Act and § 22.1-298, governing the licensure of teachers.

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