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SENATE BILL NO. 779

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 20, 2004)

(Patron Prior to Substitute-Senator Potts)

A BILL to amend and reenact §§ 22.1-60.1, 22.1-212.2:2, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:3, 22.1-253.13:5, 22.1-253.13:6, 22.1-253.13:8, and 22.1-294 of the Code of Virginia, relating to the Standards of Quality.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-60.1, 22.1-212.2:2, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:3, 22.1-253.13:5, 22.1-253.13:6, 22.1-253.13:8, and 22.1-294 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-60.1. Evaluation of superintendent.

Each local school board shall evaluate the division superintendent annually. The Board of Education shall develop guidelines for uniform performance standards and criteria to be used by local school boards in evaluating superintendents. These standards and criteria shall include, but not be limited to, assessing teacher and administrator skills and knowledge, improving student academic progress, providing for school safety and enforcing student discipline using the performance objectives set forth in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents as required by § 22.1-253.13:5.

§ 22.1-212.2:2. Educational technology foundations and public school foundations.

A. As used in this section:

"Educational technology" means any software, hardware, or other equipment or infrastructure or technical assistance or instruction in the use of such software, hardware or other equipment or infrastructure which may be required to implement a local school board's approved plan for educational technology, the Family Involvement in Technology program pursuant to § 22.1-212.2:3, or the Board of Education's ~~Six-Year Plan for Educational Technology~~ comprehensive technology plan for Virginia described in § 22.1-253.13:6.

"Educational technology foundation" means a nonstock, nonprofit corporation, established for the express purpose of implementing a public/private partnership to expand access to and improve the quality of educational technology in a school division.

"Public school foundation" means a nonstock, nonprofit corporation, established for the express purpose of implementing a public/private partnership to implement public school improvement projects approved by the local school board.

"Public school improvement project" means any project designed to achieve an educational purpose that may be identified in Title 22.1.

B. Any school board may establish educational technology and public school foundations. Such foundations may be established directly by the school board or by the school board and other organizations or persons, on behalf of the school board by a third party, or through a contract with a corporation as defined in this section. Such foundations may be established as a cooperative regional effort by two or more school boards.

C. Upon establishing or contracting with such nonstock, nonprofit corporation, whether or not other organizations, school boards or persons are involved, a school board shall:

1. Review and approve the articles of incorporation and bylaws;

2. Establish a system of accounting to protect public funds;

3. Establish agreement that, upon dissolution of such corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board or, if a regional effort, the procedure by which the property may be divided among the school boards;

4. Require, in any instance in which the school board advances, contributes or loans funds to the corporation, that such contract shall provide for the posting of a bond with surety by the officers of such corporation conditioned to protect the rights of the school board;

5. Establish terms for the allocation of any profits or revenues between the school board and the corporation; and

6. Take such other steps as may be necessary to comply with applicable law.

D. A school board may (i) advance, contribute or loan funds to such foundations and (ii) establish an escrow fund for the purpose of funding various educational technology projects, in the case of an educational technology foundation, or public school improvement projects approved by the local school board, in the case of a public school foundation.

E. A school board that makes purchases through its public school foundation or purchases

educational technology through its educational technology foundation, either as may be established pursuant to this section shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), as provided in *subsection E of § 2.2-4300 E*, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school, ~~and~~ preparation for life, *and reaching their full potential*. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. *The curriculum adopted by the local school division shall be aligned to the Standards of Learning.*

The Board of Education shall ~~supplement~~ *include* in the Standards of Learning for history and social science ~~to ensure~~ the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall include consideration of disability, ethnicity, race, and gender.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that ~~emphasizes~~ *is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize* reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education and employment or, ~~in the case of children with disabilities,~~ to qualify for appropriate training; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation.

Any student who passes one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails all *four* of the Standards of Learning assessments for the relevant grade level in grades three through eight shall be required to attend a summer school program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit required for the student's graduation. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remedial program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades; and

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance and job-seeking skills for all secondary students. Programs must be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be

183 developed with the input of area business and industry representatives and local community colleges and
184 shall be submitted to the Superintendent of Public Instruction in accordance with the timelines
185 established by federal law.

186 4. Early identification of students with disabilities and enrollment of such students in appropriate
187 instructional programs consistent with state and federal law.

188 5. Early identification of gifted students and enrollment of such students in appropriately
189 differentiated instructional programs.

190 6. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in
191 these standards. Such students shall be counted in average daily membership (ADM) in accordance with
192 the regulations of the Board of Education.

193 7. Adult education programs for individuals functioning below the high school completion level.
194 Such programs may be conducted by the school board as the primary agency or through a collaborative
195 arrangement between the school board and other agencies.

196 8. A plan to make achievements for students who are educationally at risk a divisionwide priority
197 that shall include procedures for measuring the progress of such students.

198 9. A plan to notify students and their parents of the availability of dual enrollment and advanced
199 placement classes, the International Baccalaureate Program, and Academic Year Governor's School
200 Programs, the qualifications for enrolling in such classes and programs, and the availability of financial
201 assistance to low-income and needy students to take the advanced placement and International
202 Baccalaureate examinations.

203 10. Identification of students with limited English proficiency and enrollment of such students in
204 appropriate instructional programs.

205 11. Early identification, diagnosis, and assistance for students with reading problems and provision of
206 instructional strategies and reading practices that benefit the development of reading skills for all
207 students.

208 12. Incorporation of art, music, and physical education as a part of the instructional program at the
209 elementary school level.

210 13. A program of student services for grades kindergarten through 12 that shall be designed to aid
211 students in their educational, social, and career development.

212 14. *The collection and analysis of data, and the use of the results to evaluate and make decisions*
213 *about the instructional program.*

214 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be
215 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the
216 resources and technical assistance to increase the capacity for school divisions to deliver quality
217 instruction; and (iii) assist school divisions in implementing those programs and practices that will
218 enhance pupil academic performance and improve family and community involvement in the public
219 schools. Such unit shall identify and analyze effective instructional programs and practices and
220 professional development initiatives; evaluate the success of programs encouraging parental and family
221 involvement; assess changes in student outcomes prompted by family involvement; and collect and
222 disseminate among school divisions information regarding effective instructional programs and practices,
223 initiatives promoting family and community involvement, and potential funding and support sources.
224 Such unit may also provide resources supporting professional development for administrators and
225 teachers. In providing such information, resources, and other services to school divisions, the unit shall
226 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
227 Learning assessments.

228 § 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

229 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents,
230 and other professional personnel.

231 B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

232 C. Each school board shall assign licensed instructional personnel in a manner that produces
233 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
234 excluding special education teachers, principals, assistant principals, counselors, and librarians, that are
235 not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29
236 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
237 teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class
238 being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than
239 35 students; and (iv) 24 to one in English classes in grades six through 12.

240 Within its regulations governing special education programs, the Board shall seek to set pupil/teacher
241 ratios for ~~educable mentally retarded (EMR)~~ pupils *with mental retardation* that do not exceed the
242 pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

243 Further, school boards shall assign instructional personnel in a manner that produces schoolwide
244 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in

middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 40 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students;

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; and

5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students.

I. Local school boards shall employ five *full-time equivalent* positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two *full-time equivalent* positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing

306 levels upon request from local school boards seeking to implement experimental or innovative programs
307 that are not consistent with these staffing levels.

308 M. School boards shall, however, annually, on or before January 1, report to the public the actual
309 pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual
310 ratios shall include only the teachers who teach the grade and class on a full-time basis and shall
311 exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers
312 in the same annual report. Any classes funded through the voluntary kindergarten through third grade
313 class size reduction program shall be identified as such classes. Any classes having waivers to exceed
314 the requirements of this subsection shall also be identified. Schools shall be identified; however, the data
315 shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

316 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the
317 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
318 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
319 basis in any mathematics, science, English, history, social science, career and technical education, fine
320 arts, foreign language, or health education or physical education course shall be counted in the ADM in
321 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
322 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
323 school student shall be counted as more than one-half a student for purposes of such pro rata
324 calculation. Such calculation shall not include enrollments of such students in any other public school
325 courses.

326 O. Each local school board shall provide those support services that are necessary for the efficient
327 and cost-effective operation and maintenance of its public schools.

328 For the purposes of this title, unless the context otherwise requires, "support services" shall include
329 services provided by the school board members; the superintendent; assistant superintendents; student
330 services (including guidance counselors, social workers, and homebound, improvement, principal's office,
331 and library-media positions); attendance and health positions; administrative, technical, and clerical
332 positions; operation and maintenance positions; educational technology positions; school nurses; and
333 pupil transportation positions.

334 Pursuant to the ~~appropriations~~ *appropriation* act, support services shall be funded from basic school
335 aid on the basis of prevailing statewide costs.

336 § 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

337 A. The Board of Education shall promulgate regulations establishing standards for accreditation
338 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited
339 to, student outcome measures, requirements and guidelines for instructional programs and for the
340 integration of educational technology into such instructional programs, administrative and instructional
341 staffing levels and positions, including staff positions for supporting educational technology, student
342 services, auxiliary education programs such as library and media services, course and credit requirements
343 for graduation from high school, community relations, and the philosophy, goals, and objectives of
344 public education in Virginia.

345 The Board shall review annually the accreditation status of all schools in the Commonwealth.

346 Each local school board shall maintain schools that are fully accredited pursuant to the standards of
347 accreditation as prescribed by the Board of Education. Each local school board shall review the
348 accreditation status of all schools in the local school division annually in public session. Within the time
349 specified by the Board of Education, each school board shall submit corrective action plans for any
350 schools within its school division that have been designated as not meeting the standards as approved by
351 the Board.

352 When the Board of Education has obtained evidence through the school academic review process that
353 the failure of schools within a division to achieve full accreditation status is related to division level
354 failure to implement the Standards of Quality, the Board may require a division level academic review.
355 After the conduct of such review and within the time specified by the Board of Education, each school
356 board shall submit for approval by the Board a corrective action plan, consistent with criteria established
357 by the Board and setting forth specific actions and a schedule designed to ensure that schools within its
358 school division achieve full accreditation status. Such corrective action plans shall be part of the relevant
359 school division's ~~six-year improvement~~ *comprehensive* plan pursuant to § 22.1-253.13:6.

360 With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and
361 implement an academic review process, to be conducted by the Department of Education, to assist
362 schools that are accredited with warning. The Department shall forward a report of each academic
363 review to the relevant local school board, and such school board shall ~~make~~ *report* the results of such
364 academic review ~~available to the~~ *and the required annual progress reports in public session. The local*
365 *school board shall implement any actions identified through the academic review and utilize them for*
366 *improvement planning.*

367 B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve

criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification 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 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 of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education 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 of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

In prescribing such Standards of Learning assessments, the Board shall provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. The Board of Education shall 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.

The Board shall include in the student outcome measures that are required by the Standards of Accreditation end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and history and social science.

In addition, to assess the educational progress of students, the Board of Education shall (i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments that may be used by classroom teachers and (ii) 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.

D. The Board of Education is authorized to pursue all available civil remedies for breaches in test security and unauthorized alteration of test materials or test results. 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.

E. With such funds as may be appropriated, the Board of Education 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 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.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the *use of relevant data to evaluate student progress and to determine educational performance. Each local school shall require the* administration of appropriate assessments to all students for grade levels and courses identified by the Board of Education, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Standards of Learning Assessments and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, *industry certification examinations*, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series,

429 Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the
430 requirements for home instruction pursuant to § 22.1-254.1.

431 The Board shall include requirements for the reporting of the Standards of Learning assessment
432 scores and averages for each year as part of the Board's requirements relating to the School Performance
433 Report Card. Such scores shall be disaggregated for each school by gender and by race or ethnicity, and
434 shall be reported to the public within three months of their receipt. These reports (i) shall be posted on
435 the portion of the Department of Education's website relating to the School Performance Report Card, in
436 a format and in a manner that allows year-to-year comparisons, and (ii) may include the National
437 Assessment of Educational Progress state-by-state assessment.

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

444 § 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

445 A. Each member of the Board of Education shall participate in high-quality professional development
446 programs on personnel, curriculum and current issues in education as part of his service on the Board.

447 B. Consistent with the finding that leadership is essential for the advancement of public education in
448 the Commonwealth, the Board of Education shall develop uniform performance standards and evaluation
449 criteria for teachers, administrators, and superintendents, which shall include standards for training in the
450 implementation of the Standards of Learning and training in the evaluation and documentation of teacher
451 and administrator performance based on student academic progress and the skills and knowledge of
452 instructional personnel teacher, administrator, and superintendent evaluations shall be based on
453 performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation
454 Criteria for Teachers, Administrators, and Superintendents. Teacher evaluations shall include regular
455 observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
456 include identification of areas of individual strengths and weaknesses and recommendations for
457 appropriate professional activities.

458 C. The Board of Education shall provide guidance on high-quality professional development for (i)
459 teachers, principals, supervisors, division superintendents and other school staff; (ii) administrative and
460 supervisory personnel in the evaluation and documentation of teacher and administrator performance
461 based on student academic progress and the skills and knowledge of such instructional or administrative
462 personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv)
463 programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia
464 Department for the Blind and Vision Impaired.

465 The Board shall also provide technical assistance on high-quality professional development to local
466 school boards designed to ensure that all instructional personnel are proficient in the use of educational
467 technology consistent with its ~~Six-Year Educational Technology Plan for Virginia~~ comprehensive plan
468 for educational technology.

469 D. Each local school board shall require (i) its members to participate annually in high-quality
470 professional development ~~programs~~ activities at the state, local, or national levels on governance,
471 including, but not limited to, personnel, policies and practices; curriculum and instruction; use of data
472 in planning and decision making; and current issues in education as part of their service on the local
473 board; and (ii) the division superintendent to participate annually in high-quality professional
474 development activities at the local, state or national levels.

475 E. Each local school board shall provide a program of high-quality professional development (i) in
476 the use and documentation of performance standards and evaluation criteria based on student academic
477 progress and skills for teachers and administrators to clarify roles and performance expectations and to
478 facilitate the successful implementation of instructional programs that promote student achievement at
479 the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and
480 principals in acquiring the skills needed to work with gifted students, students with disabilities, and
481 students who have been identified as having limited English proficiency and to increase student
482 achievement and expand the knowledge and skills students require to meet the standards for academic
483 performance set by the Board of Education; (iii) in educational technology for all instructional personnel
484 which is designed to facilitate integration of computer skills and related technology into the curricula,
485 and (iv) for administrative personnel designed to increase proficiency in instructional leadership and
486 management, including training in the evaluation and documentation of teacher and administrator
487 performance based on student academic progress and the skills and knowledge of such instructional or
488 administrative personnel.

489 In addition, each local school board shall also provide teachers and principals with high-quality
490 professional development programs each year in (i) instructional content; (ii) the preparation of tests

and other assessment measures; ~~(ii)~~ (iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; ~~(iii)~~ (iv) instruction and remediation techniques in English, mathematics, science, and history and social science; ~~(iv)~~ (v) interpreting test data for instructional purposes; and ~~(v)~~ (vi) technology applications to implement the Standards of Learning.

F. Schools and school divisions shall include as an integral component of their ~~biennial plans and six-year comprehensive plans; respectively,~~ required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. *Each school board shall require all instructional personnel to participate each year in these high quality professional development programs.*

G. *Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.*

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall ~~revise, extend and~~ adopt ~~biennially~~ a statewide ~~six-year comprehensive, unified, long-range plan that based on data collection, analysis, and evaluation.~~ Such plan shall be developed with statewide participation. *The Board shall review the plan biennially and adopt any necessary revisions.* The Board shall post ~~such~~ the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, *including strategies for improving and subsequently maintaining high levels of student achievement;* an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide ~~six-year comprehensive~~ plan have been met. The Board shall also develop, consistent with, *or as a part of,* its ~~six-year comprehensive~~ plan, a detailed ~~six-year comprehensive, long-range~~ plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the ~~six-year comprehensive~~ plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall ~~revise, extend and~~ adopt ~~biennially~~ a divisionwide ~~six-year comprehensive, unified, long-range plan that based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement.~~ The plan shall be developed with staff and community involvement *and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations.* Each local school board shall *review the plan biennially and adopt any necessary revisions.* Prior to the adoption of any divisionwide ~~six-year comprehensive~~ plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide ~~six-year comprehensive~~ plan shall include, but shall not be limited to, (i) the objectives of the school division, *including strategies for improving and subsequently maintaining high levels of student achievement;* (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, *or as a part of,* the ~~six-year comprehensive~~ technology plan for Virginia adopted by the Board of Education; (viii) an assessment of the needs of the school division and evidence of community participation, *including parental participation,* in the development of the plan; ~~and~~ (ix) any corrective action plan required pursuant to § 22.1-253.13:3; *and (x) a plan for parent and family involvement that shall include building successful school and parent partnerships developed with parent, staff, and community participation.*

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide ~~six-year comprehensive~~ plan have been met during the previous two school years.

C. Each public school shall *also* prepare a ~~biennial~~ comprehensive, unified, long-range plan, which

552 the relevant school board shall consider in the development of its divisionwide ~~six-year~~ *comprehensive*
553 plan.

554 D. The Board of Education shall, in a timely manner, make available to local school boards
555 information about where current Virginia school laws, Board regulations and revisions, and copies of
556 relevant Opinions of the Attorney General of Virginia may be located online.

557 § 22.1-253.13:8. Compliance.

558 The Standards of Quality prescribed in this chapter shall be the only standards of quality required by
559 Article VIII, Section 2 of the Constitution of Virginia.

560 Each local school board shall provide, as a minimum, the programs and services, as provided in the
561 ~~standards of quality~~ *Standards of Quality* prescribed above, with state and local funds as apportioned by
562 the General Assembly in the appropriation act and to the extent funding is provided by the General
563 Assembly.

564 *Each local school board shall report its compliance with the Standards of Quality to the Board of*
565 *Education annually. The report of compliance shall be submitted to the Board of Education by the*
566 *chairman of the local school board and the division superintendent.*

567 *Noncompliance with the Standards of Quality shall be included in the Board of Education's annual*
568 *report to the Governor and the General Assembly as required by § 22.1-18.*

569 As required by § 22.1-18, the Board of Education shall submit to the Governor and the General
570 Assembly a report on the condition and needs of public education in the Commonwealth and shall
571 identify any school divisions and the specific schools therein that have failed to establish and maintain
572 schools meeting the existing prescribed ~~standards of quality~~ *Standards of Quality*.

573 The Board of Education shall have authority to seek school division compliance with the foregoing
574 Standards of Quality. When the Board of Education determines that a school division has failed or
575 refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the
576 circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with
577 such standard, including the development or implementation of any required corrective action plan that a
578 local school board has failed or refused to develop or implement in a timely manner.

579 § 22.1-294. Probationary terms of service for principals, assistant principals and supervisors;
580 evaluation; reassigning principal, assistant principal or supervisor to teaching position.

581 A. A person employed as a principal, assistant principal or supervisor, including a person who has
582 previously achieved continuing contract status as a teacher, shall serve three years in such position in the
583 same school division before acquiring continuing contract status as principal, assistant principal or
584 supervisor.

585 B. Each local school board shall adopt for use by the division superintendent clearly defined criteria
586 for a performance evaluation process for principals, assistant principals, and supervisors that *is consistent*
587 *with the performance objectives set forth in the Guidelines for Uniform Performance Standards and*
588 *Evaluation Criteria for Teachers, Administrators, and Superintendents as provided in §22.1-253.13:5*
589 *and that includes, among other things, an assessment of such administrators' skills and knowledge;*
590 *student academic progress and school gains in student learning; and effectiveness in addressing school*
591 *safety and enforcing student discipline. The division superintendent shall implement such performance*
592 *evaluation process in making employment recommendations to the school board pursuant to § 22.1-293.*

593 C. Continuing contract status acquired by a principal, assistant principal or supervisor shall not be
594 construed (i) as prohibiting a school board from reassigning such principal, assistant principal or
595 supervisor to a teaching position if notice of reassignment is given by the school board by April 15 of
596 any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as
597 principal, assistant principal or supervisor in the case of any such reassignment to a teaching position.

598 D. No such salary reduction and reassignment, however, shall be made without first providing such
599 principal, assistant principal or supervisor with written notice of the reason for such reduction and
600 reassignment and an opportunity to present his or her position at an informal meeting with the division
601 superintendent, the division superintendent's designee or the school board. The principal, assistant
602 principal or supervisor shall elect whether such meeting shall be with the division superintendent, the
603 division superintendent's designee or the school board. The school board, division superintendent or the
604 division superintendent's designee shall determine what processes are to be followed at the meeting. The
605 decision to reassign and reduce salary shall be at the sole discretion of the school board.

606 The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor
607 to discuss the reasons for such salary reduction and reassignment with the division superintendent, his
608 designee or the school board, and the provisions of this section are meant to be procedural only.
609 Nothing contained herein shall be taken to require cause, as defined in § 22.1-307, for the salary
610 reduction and reassignment of a principal, assistant principal or supervisor.

611 E. As used in this section, "supervisor" means a person who holds a supervisory position as
612 specified in the regulations of the Board of Education and who is required to hold a license as
613 prescribed by the Board of Education.