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SENATE BILL NO. 34

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Health and Education
on January 19, 2006)

(Patron Prior to Substitute—Senator Reynolds)

A *BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to the release of Standards of Learning assessments.*

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

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

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

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

60 skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the
61 chairpersons of the eight regional superintendents' study groups, establish a timetable for administering
62 the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii)
63 with the assistance of independent testing experts, conduct a regular analysis and validation process for
64 these assessments.

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

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

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

78 In addition, to assess the educational progress of students, the Board of Education shall (i) develop
79 appropriate assessments, which may include criterion-referenced tests and alternative assessment
80 instruments that may be used by classroom teachers and (ii) prescribe and provide measures, which may
81 include nationally normed tests to be used to identify students who score in the bottom quartile at
82 selected grade levels.

83 The Standard of Learning requirements, including all related assessments, shall be waived for any
84 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
85 § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED)
86 certificate or in an adult basic education program to obtain the high school diploma.

87 D. The Board of Education is authorized to pursue all available civil remedies for breaches in test
88 security and unauthorized alteration of test materials or test results. Notwithstanding any other provision
89 of state law, no test or examination authorized by this section, including the Standards of Learning
90 assessments, shall be released or required to be released as minimum competency tests, if, in the
91 judgment of the Board, such release would breach the security of such test or examination or deplete the
92 bank of questions necessary to construct future secure tests.

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

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

109 The Board of Education shall not require administration of the Stanford Achievement Test Series,
110 Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the
111 requirements for home instruction pursuant to § 22.1-254.1.

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

119 G. Each local school division superintendent shall regularly review the division's submission of data
120 and reports required by state and federal law and regulations to ensure that all information is accurate
121 and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the

122 required reports and data to division superintendents annually. The status of compliance with this
123 requirement shall be included in the Board of Education's annual report to the Governor and the General
124 Assembly as required by § 22.1-18.