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## SENATE BILL NO. 1364

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Miller

on February 4, 2013)

(Patron Prior to Substitute—Senator Miller)

A BILL to provide two-year waivers from third grade Standards of Learning assessments to certain schools.

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the Board of Education shall study the effects on third grade Standards of Learning achievement levels of increasing classroom time in reading and mathematics in lieu of participating in SOL assessments in science and in history and social science. Notwithstanding any provision of law to the contrary, the Superintendent of Public Instruction shall select two local school divisions in each of the eight Superintendents' Regions and the Board shall grant a two-year waiver from the science and the history and social science Standards of Learning assessment requirement for third grade students in certain elementary schools in such local school divisions. Such elementary schools shall (i) develop a system to monitor the academic progress of all third grade students in the subject areas in which the assessment waiver is sought, which shall include the administration of a summative assessment or another assessment to third grade students in the subject areas; (ii) commit to providing at least 30 minutes of instruction per day to third grade students in the subject areas in which the assessment waiver is sought; and (iii) continue to administer benchmark assessments in science and in history and social science. The Superintendent of Public Instruction shall select local school divisions to represent a fair cross section of students in all student subgroups identified pursuant to the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, including the African American, Hispanic, English language learners, and economically disadvantaged student subgroups. In addition, the Superintendent of Public Instruction shall select local school divisions to represent a fair cross section of urban, suburban, and rural areas.

The Superintendent of Public Instruction shall notify the local school divisions that he has selected to receive waivers. The division superintendent in such local school divisions shall select at least two elementary schools in the local school division to participate in the two-year waiver program and the Board shall grant two-year waivers to such schools. The division superintendent shall also identify a peer elementary school in the local school division with similar student demographics to be paired, for control group purposes, with each elementary school granted a two-year waiver.

Elementary schools that have been granted a two-year waiver shall use the additional instruction time for study in reading and mathematics. Elementary schools that have been granted a two-year waiver shall notify the parents of all third grade students that their child will not participate in SOL assessments in science and in history and social science and will instead receive additional instruction in reading and mathematics.

At the conclusion of the two-year waiver period, the Board of Education shall compile (a) a list of the elementary schools granted a waiver, (b) a list of the peer elementary schools in the local school division with similar student demographics paired with the waiver schools, (c) a list of the third grade teachers at each elementary school granted a waiver, (d) a de-identified list of the results of third grade students in each elementary school granted a waiver on SOL assessments in reading and mathematics, and (e) a de-identified list of the results of third grade students at the peer elementary schools identified pursuant to this section on SOL assessments in reading and mathematics. The Board shall ensure that the student-level data collected is identified in such a way that student performance can be tracked across multiple years while the identities of such students remain private.

At each elementary school granted a waiver pursuant to this act, the Board shall administer a survey to the third grade students to obtain information on the students' attitudes on forgoing the SOL assessments in science and in history and social science. The Board shall administer a survey to the third grade teachers in such schools to obtain information on (1) how each teacher used the additional instructional time, (2) how much time each teacher spent teaching science and how much time each teacher spent teaching history and social science, (3) each teacher's opinion about the advisability of continuing and expanding the pilot program, and (4) how, if at all, forgoing the administration of the SOL assessments in science and in history and social science improved the educational experience and academic achievement of their students. The Board shall compare the assessment results of such students with the assessment results of the peer elementary schools paired with the waiver schools.

The Board shall submit, no later than the first day of the 2016 Regular Session of the General Assembly, an executive summary of the results of the surveys administered pursuant to this act. The executive summary shall state whether the Board intends to submit to the General Assembly and the

SENATE SUBSTITUTE

SB1364S1

60 Governor a report of the results of the surveys for publication as a House or Senate document. The  
61 executive summary and report shall be submitted as provided in the procedures of the Division of  
62 Legislative Automated Systems for the processing of legislative documents and reports and shall be  
63 posted on the General Assembly's website.  
64 2. That the Board of Education shall grant waivers pursuant to this act beginning with the  
65 2013-2014 school year and concluding at the end of the 2014-2015 school year.