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SENATE BILL NO. 1374

Offered January 31, 2013

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to requirements for schools that have been denied accreditation.

Patrons—Alexander, Blevins and Ebbin; Delegate: Krupicka

Unanimous consent to introduce

Referred to Committee on Education and Health

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 of Education 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 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 for 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.

Any school that has been denied accreditation and that has failed, per the Board of Education's assessment, to demonstrate progress toward full accreditation during the subsequent school year in accordance with the corrective action plan submitted by the local school board and the memorandum of understanding between the Board and the local school board shall be designated by the Board for further corrective action.

The Board shall direct the school principal, in conjunction with the Office of School Improvement, through the Partnership for Achieving Successful Schools (PASS) initiative, to act as a turnaround specialist to address those conditions at the school that may impede educational progress and effectiveness and academic success. The school principal and the Office of School Improvement shall continue in this capacity until the school achieves full accreditation status.

The school principal and the Office of School Improvement shall tailor their turnaround efforts to address the unique challenges and meet the unique needs of the school. Their duties shall include (i) establishing a leadership team among the faculty and staff of the school that shall meet at least once

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59 *daily to discuss the school's progress towards full accreditation, (ii) developing and implementing*
60 *professional development seminars for teachers to increase teacher morale and improve the quality of*
61 *classroom instruction, (iii) increasing parent involvement in the turnaround process, (iv) addressing*
62 *methods for improving the test-taking skills of the school's students, (v) developing partnerships that will*
63 *aid in the sustained success and accreditation of the school, and (vi) extending, at the discretion of the*
64 *principal and the Office of School Improvement, the length of classroom instruction for any subject in*
65 *which the school has failed to meet the accreditation benchmark.*

66 B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve
67 criteria for determining and recognizing educational performance in the Commonwealth's public school
68 divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation
69 process and shall include student outcome measurements. The Superintendent of Public Instruction shall
70 annually identify to the Board those school divisions and schools that exceed or do not meet the
71 approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public
72 education programs in the various school divisions in Virginia and recommendations to the General
73 Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing
74 educational performance in the school divisions, the Board shall include consideration of special school
75 division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and
76 International Baccalaureate courses, and participation in academic year Governor's Schools.

77 The Superintendent of Public Instruction shall assist local school boards in the implementation of
78 action plans for increasing educational performance in those school divisions and schools that are
79 identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor
80 the implementation of and report to the Board of Education on the effectiveness of the corrective actions
81 taken to improve the educational performance in such school divisions and schools.

82 C. With such funds as are available for this purpose, the Board of Education shall prescribe
83 assessment methods to determine the level of achievement of the Standards of Learning objectives by all
84 students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and
85 skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the
86 chairpersons of the eight regional superintendents' study groups, establish a timetable for administering
87 the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii)
88 with the assistance of independent testing experts, conduct a regular analysis and validation process for
89 these assessments.

90 In prescribing such Standards of Learning assessments, the Board shall provide local school boards
91 the option of administering tests for United States History to 1877, United States History: 1877 to the
92 Present, and Civics and Economics. The last administration of the cumulative grade eight history test
93 will be during the 2007-2008 academic school year. Beginning with the 2008-2009 academic year, all
94 school divisions shall administer the United States History to 1877, United States History: 1877 to the
95 Present, and Civics and Economics tests. The Board shall also provide the option of industry
96 certification and state licensure examinations as a student-selected verified credit.

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

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

107 In addition, to assess the educational progress of students, the Board of Education shall ~~(i)~~ (a)
108 develop appropriate assessments, which may include criterion-referenced tests and alternative assessment
109 instruments that may be used by classroom teachers; ~~(ii)~~ (b) select appropriate industry certification and
110 state licensure examinations; and ~~(iii)~~ (c) prescribe and provide measures, which may include nationally
111 normed tests to be used to identify students who score in the bottom quartile at selected grade levels.
112 An annual justification that includes evidence that the student meets the participation criteria defined by
113 the Virginia Department of Education shall be provided for each student considered for the Virginia
114 Grade Level Alternative. Each Individual Education Program team shall review such justification and
115 make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for
116 the student. The superintendent and the school board chairman shall certify to the Board of Education,
117 as a part of certifying compliance with the Standards of Quality, that there is a justification in the
118 Individual Education Program for every student who takes the Virginia Grade Level Alternative.
119 Compliance with this requirement shall be monitored as a part of the special education monitoring
120 process conducted by the Department of Education. The Board shall report to the Governor and General

121 Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with
122 this requirement.

123 The Standards of Learning requirements, including all related assessments, shall be waived for any
124 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
125 § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED)
126 certificate or in an adult basic education program to obtain the high school diploma.

127 The Board of Education may adopt special provisions related to the administration and use of any
128 ~~SOE~~ *Standards of Learning* test or tests in a content area as applied to accreditation ratings for any
129 period during which the ~~SOE~~ *Standards of Learning* content or assessments in that area are being
130 revised and phased in. Prior to statewide administration of such tests, the Board of Education shall
131 provide notice to local school boards regarding such special provisions.

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

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

139 Records and other information furnished to or prepared by the Board during the conduct of a review
140 or investigation may be withheld pursuant to subdivision 12 of § 2.2-3705.3. However, this section shall
141 not prohibit the disclosure of records to (i) a local school board or division superintendent for the
142 purpose of permitting such board or superintendent to consider or to take personnel action with regard to
143 an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a)
144 does not reveal the identity of any person making a complaint or supplying information to the Board on
145 a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any
146 local school board or division superintendent receiving such records or other information shall, upon
147 taking personnel action against a relevant employee, place copies of such records or information relating
148 to the specific employee in such person's personnel file.

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

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

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

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

172 The Board shall include requirements for the reporting of the Standards of Learning assessment
173 scores and averages for each year as part of the Board's requirements relating to the School Performance
174 Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia
175 assessment program as appropriate and shall be reported to the public within three months of their
176 receipt. These reports (i) shall be posted on the portion of the Department of Education's website
177 relating to the School Performance Report Card, in a format and in a manner that allows year-to-year
178 comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state
179 assessment.

180 G. Each local school division superintendent shall regularly review the division's submission of data
181 and reports required by state and federal law and regulations to ensure that all information is accurate

182 and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the
183 required reports and data to division superintendents annually. The status of compliance with this
184 requirement shall be included in the Board of Education's annual report to the Governor and the General
185 Assembly as required by § 22.1-18.

186 H. Any school board, on behalf of one or more of its schools, may request the Board of Education
187 for releases from state regulations and for approval of an Individual School Accreditation Plan for the
188 evaluation of the performance of one or more of its schools as authorized for certain other schools by
189 the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.