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**HOUSE BILL NO. 1066**

Offered January 8, 2014

*A BILL to amend and reenact §§ 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia, relating to industry certification and state licensure examinations; substitution for Standards of Learning assessments.*

Patrons—Webert, Head and LaRock

Referred to Committee on Education

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

**1. That §§ 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-227.1. Career and technical education.**

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board ~~may~~ shall also authorize, in its regulations for accrediting public schools in Virginia, ~~the substitution of local school boards to select and substitute~~ industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding verified units of credit for career and technical education courses; ~~where appropriate.~~

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for students who may not seek further education after high school to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may encourage the local school division's career and technical education administrator or his designee to collaborate with the guidance counselor office of each public high school in the Commonwealth to establish Partnerships and to educate the student body about available opportunities.

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

**§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

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

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59 public virtual schools under the authority of the local school board that enroll students full time.

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

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

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

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

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

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

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

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

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

118 The Board shall include in the student outcome measures that are required by the Standards for  
119 Accreditation end-of-course or end-of-grade tests for various grade levels and classes, as determined by  
120 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. Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (a) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments that may be used by classroom teachers; (b) *permit local school boards to* select appropriate industry certification and state licensure examinations; and (c) 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. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

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

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

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

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

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

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 Standards of Learning assessments and other relevant data, such as industry certification and state licensure examinations, 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

182 criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the  
183 Standards of Learning Assessments and the National Assessment of Educational Progress state-by-state  
184 assessment. Each school board shall analyze and report annually, in compliance with any criteria that  
185 may be established by the Board of Education, the results from the Stanford Achievement Test Series,  
186 Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the  
187 Standards of Learning Assessments to the public.

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

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

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

205 H. Any school board may request the Board of Education for release from state regulations or, on  
206 behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the  
207 evaluation of the performance of one or more of its schools as authorized for certain other schools by  
208 the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.  
209 Waivers of regulatory requirements may be granted by the Board of Education based on submission of a  
210 request from the division superintendent and chairman of the local school board. The Board of  
211 Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i)  
212 mandated by state or federal law or (ii) designed to promote health or safety. The school board shall  
213 provide in its waiver request a description of how the releases from state regulations are designed to  
214 increase the quality of instruction and improve the achievement of students in the affected school or  
215 schools. The Department of Education shall provide (a) guidance to any local school division that  
216 requests releases from state regulations and (b) information about opportunities to form partnerships with  
217 other agencies or entities to any local school division in which the school or schools granted releases  
218 from state regulations have demonstrated improvement in the quality of instruction and the achievement  
219 of students.

220 The Board of Education may also grant local school boards waivers of specific requirements in  
221 § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the  
222 local school board, permitting the local school board to assign instructional personnel to the schools with  
223 the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide  
224 to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size  
225 maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its  
226 request a description of how the waivers from specific Standards of Quality staffing standards are  
227 designed to increase the quality of instruction and improve the achievement of students in the affected  
228 school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on  
229 student achievement results in the affected school or schools.

230 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

231 A. Each local school board shall award diplomas to all secondary school students, including students  
232 who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed  
233 by the Board of Education, pass the prescribed tests, and meet such other requirements as may be  
234 prescribed by the local school board and approved by the Board of Education. Provisions shall be made  
235 to facilitate the transfer and appropriate grade placement of students from other public secondary  
236 schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation.  
237 Course credits earned for online courses taken in the Department of Education's Virtual Virginia  
238 program shall transfer to Virginia public schools in accordance with provisions of the standards for  
239 accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be  
240 provided for otherwise qualified students with disabilities as needed.

241 In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school  
242 students, a mechanism for calculating class rankings that takes into consideration whether the student has  
243 taken a required class more than one time and has had any prior earned grade for such required class

expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential ~~that has been approved by the Board, that could include, but not be limited to,~~ the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state

305 licensure examinations, and national occupational competency assessments approved by the Board of  
306 Education.

307 School boards shall report annually to the Board of Education the number of ~~Board-approved~~  
308 industry certifications obtained, state licensure examinations passed, national occupational competency  
309 assessments passed, Virginia workplace readiness skills assessments passed, and the number of career  
310 and technical education completers who graduated. These numbers shall be reported as separate  
311 categories on the School Performance Report Card.

312 For the purposes of this subdivision, "career and technical education completer" means a student who  
313 has met the requirements for a career and technical concentration or specialization and all requirements  
314 for high school graduation or an approved alternative education program.

315 In addition, the Board may:

316 a. For the purpose of awarding verified units of credit, approve the use of additional or substitute  
317 tests for the correlated Standards of Learning assessment, such as academic achievement tests; ~~industry~~  
318 ~~certifications or state licensure examinations~~; and

319 b. Permit students completing career and technical education programs designed to enable such  
320 students to pass such industry certification examinations or state licensure examinations to be awarded,  
321 upon obtaining satisfactory scores on such industry certification or licensure examinations, the  
322 appropriate verified units of credit for one or more career and technical education classes into which  
323 relevant Standards of Learning for various classes taught at the same level have been integrated. Such  
324 industry certification and state licensure examinations may cover relevant Standards of Learning for  
325 various required classes and may, ~~at the discretion of the Board~~, address some Standards of Learning for  
326 several required classes.

327 7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at  
328 the request of a local school board. Such waivers shall be granted only for good cause and shall be  
329 considered on a case-by-case basis.

330 E. In the exercise of its authority to recognize exemplary academic performance by providing for  
331 diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in  
332 career and technical education programs by students who have completed the requirements for a Board  
333 of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

334 In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics  
335 and technology for the Board of Education-approved diplomas. The Board shall consider including  
336 criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii)  
337 technology-related training; and (iv) industry, professional, and trade association national certifications.

338 The Board shall also establish criteria for awarding a diploma seal for excellence in civics education  
339 and understanding of our state and federal constitutions and the democratic model of government for the  
340 Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful  
341 completion of history, government, and civics courses, including courses that incorporate character  
342 education; (ii) voluntary participation in community service or extracurricular activities that includes the  
343 types of activities that shall qualify as community service and the number of hours required; and (iii)  
344 related requirements as it deems appropriate.

345 F. The Board shall establish, by regulation, requirements for the award of a general achievement  
346 adult high school diploma for those persons who are not subject to the compulsory school attendance  
347 requirements of § 22.1-254 and have (i) achieved a passing score on the GED examination; (ii)  
348 successfully completed an education and training program designated by the Board of Education; (iii)  
349 earned a ~~Board of Education-approved~~ career and technical education credential such as the successful  
350 completion of an industry certification, a state licensure examination, a national occupational competency  
351 assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements  
352 as may be established by the Board for the award of such diploma.

353 G. To ensure the uniform assessment of high school graduation rates, the Board shall collect,  
354 analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

355 The Board may promulgate such regulations as may be necessary and appropriate for the collection,  
356 analysis, and reporting of such data.