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HOUSE BILL NO. 71

Offered January 13, 2016

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A BILL to amend and reenact §§ 22.1-253.13:1, 22.1-253.13:3, and 22.1-298.1 of the Code of Virginia, relating to Standards of Learning assessments; receipt and administration date.

Patron—Farrell (By Request)

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1, 22.1-253.13:3, and 22.1-298.1 of the Code of Virginia are amended and reenacted as follows:

§ 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 the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, 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.

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HB71

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

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

66 The Board of Education shall include in the Standards of Learning for health instruction in
67 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
68 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
69 instruction shall be based on the current national evidence-based emergency cardiovascular care
70 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
71 program developed by the American Heart Association or the American Red Cross. No teacher who is
72 in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of
73 cardiopulmonary resuscitation to provide instruction for non-certification.

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

79 C. Local school boards shall develop and implement a program of instruction for grades K through
80 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
81 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
82 and computations, proficiency in the use of computers and related technology, and scientific concepts
83 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
84 world and United States history, economics, government, foreign languages, international cultures, health
85 and physical education, environmental issues, and geography necessary for responsible participation in
86 American society and in the international community; fine arts, which may include, but need not be
87 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
88 education, gainful employment, or training in a career or technical field; and development of the ability
89 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
90 achieve economic self-sufficiency.

91 Local school boards shall also develop and implement programs of prevention, intervention, or
92 remediation for students who are educationally at risk including, but not limited to, those who fail to
93 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
94 fail an ~~end-of-course~~ a test required for the award of a verified unit of credit. Such programs shall
95 include components that are research-based.

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

99 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
100 the relevant grade level in grades three through eight or who fails an ~~end-of-course~~ a test required for
101 the award of a verified unit of credit shall be required to attend a remediation program or to participate
102 in another form of remediation. Division superintendents shall require such students to take special
103 programs of prevention, intervention, or remediation, which may include attendance in public summer
104 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

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

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

120 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. Such programs shall include components that are research-based.

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;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall 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 developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

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

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

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

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

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

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of

Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I ~~end-of-course~~ *Standards of Learning* test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

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

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

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

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

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

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

§ 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 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. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

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.

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, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later. *Each local school board shall administer Standards of Learning assessments on the date after receipt of such assessments that the board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being*

305 *assessed.*

306 The Board shall also provide the option of industry certification and state licensure examinations as a
307 student-selected verified credit.

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

313 The Board shall include in the student outcome measures that are required by the Standards for
314 Accreditation ~~end-of-course or end-of-grade~~ assessments for various grade levels and classes, including
315 the completion of the alternative assessments implemented by each local school board, in accordance
316 with the Standards of Learning. These assessments shall include ~~end-of-course or end-of-grade~~ tests for
317 English, mathematics, science, and history and social science and may be integrated to include multiple
318 subject areas.

319 The Standards of Learning assessments administered to students in grades three through eight shall
320 not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science
321 in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and
322 mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life
323 science, and physical science Standards of Learning and before the student completes grade eight; and
324 (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each
325 local school board.

326 Each school board shall annually certify that it has provided instruction and administered an
327 alternative assessment, consistent with Board guidelines, to students in grades three through eight in
328 each Standards of Learning subject area in which a Standards of Learning assessment was not
329 administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate,
330 authentic performance assessments and portfolios with rubrics and other methodologies designed to
331 ensure that students are making adequate academic progress in the subject area and that the Standards of
332 Learning content is being taught; (2) permit and encourage integrated assessments that include multiple
333 subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the
334 assessments and the professional development of teachers to enable them to make the best use of
335 alternative assessments.

336 Local school divisions shall provide targeted mathematics remediation and intervention to students in
337 grades six through eight who show computational deficiencies as demonstrated by their individual
338 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures
339 non-calculator computational skills.

340 In addition, to assess the educational progress of students, the Board of Education shall (A) develop
341 appropriate assessments, which may include criterion-referenced tests and other assessment instruments
342 that may be used by classroom teachers; (B) select appropriate industry certification and state licensure
343 examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be
344 used to identify students who score in the bottom quartile at selected grade levels. An annual
345 justification that includes evidence that the student meets the participation criteria defined by the
346 Virginia Department of Education shall be provided for each student considered for the Virginia Grade
347 Level Alternative. Each Individual Education Program team shall review such justification and make the
348 final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the
349 student. The superintendent and the school board chairman shall certify to the Board of Education, as a
350 part of certifying compliance with the Standards of Quality, that there is a justification in the Individual
351 Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with
352 this requirement shall be monitored as a part of the special education monitoring process conducted by
353 the Department of Education. The Board shall report to the Governor and General Assembly in its
354 annual reports pursuant to § 22.1-18 any school division that is not in compliance with this
355 requirement.

356 The Standards of Learning requirements, including all related assessments, shall be waived for any
357 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
358 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination
359 approved by the Board of Education or in an adult basic education program or an adult secondary
360 education program to obtain the high school diploma or a high school equivalency certificate.

361 The Department of Education shall develop processes for informing school divisions of changes in
362 the Standards of Learning.

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

367 school boards regarding such special provisions.

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

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

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

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

389 E. With such funds as may be appropriated, the Board of Education may provide, through an
390 agreement with vendors having the technical capacity and expertise to provide computerized tests and
391 assessments, and test construction, analysis, and security, for (i) web-based computerized tests and
392 assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of
393 student progress during and after remediation and (ii) the development of a remediation item bank
394 directly related to the Standards of Learning.

395 F. To assess the educational progress of students as individuals and as groups, each local school
396 board shall require the use of Standards of Learning assessments, alternative assessments, and other
397 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
398 and to determine educational performance. Each local school shall require the administration of
399 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
400 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
401 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall
402 analyze and report annually, in compliance with any criteria that may be established by the Board of
403 Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine)
404 assessment, if administered, industry certification examinations, and the Standards of Learning
405 Assessments to the public.

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

409 The Board shall include requirements for the reporting of the Standards of Learning assessment
410 scores and averages for each year, regardless of accreditation frequency, as part of the Board's
411 requirements relating to the School Performance Report Card. Such scores shall be disaggregated for
412 each school by student subgroups on the Virginia assessment program as appropriate and shall be
413 reported to the public within three months of their receipt. These reports (i) shall be posted on the
414 portion of the Department of Education's website relating to the School Performance Report Card, in a
415 format and in a manner that allows year-to-year comparisons, and (ii) may include the National
416 Assessment of Educational Progress state-by-state assessment.

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

423 H. Any school board may request the Board of Education for release from state regulations or, on
424 behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the
425 evaluation of the performance of one or more of its schools as authorized for certain other schools by
426 the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.
427 Waivers of regulatory requirements may be granted by the Board of Education based on submission of a

request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

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

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning ~~end-of-course and end-of-grade~~ assessments;

4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille; and

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.