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**HOUSE BILL NO. 537**

Offered January 10, 2018

Prefiled January 8, 2018

*A BILL to amend and reenact §§ 22.1-20.4, 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; administration; testing periods.*

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Referred to Committee on Education

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

**1. That §§ 22.1-20.4, 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:**

**§ 22.1-20.4. Alternative assessments for students who are English language learners.**

The Board of Education shall consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning ~~end-of-course~~ English reading assessments.

**§ 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; computer science and computational thinking, including computer coding; 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.

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59 In addition, the Department of Education shall make available and maintain a website, either  
60 separately or through an existing website utilized by the Department of Education, enabling public  
61 elementary, middle, and high school educators to submit recommendations for improvements relating to  
62 the Standards of Learning, when under review by the Board according to its established schedule, and  
63 related assessments required by the Standards of Quality pursuant to this chapter. Such website shall  
64 facilitate the submission of recommendations by educators.

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

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

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

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

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

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

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

105 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for  
106 the relevant grade level in grades three through eight or who fails an ~~end-of-course test~~ *assessment*  
107 required for the award of a verified unit of credit shall be required to attend a remediation program or to  
108 participate in another form of remediation. Division superintendents shall require such students to take  
109 special programs of prevention, intervention, or remediation, which may include attendance in public  
110 summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and  
111 § 22.1-254.01.

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

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

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 comprehensive 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 (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.

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 comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive 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, career and technical education programs, 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

182 students and parents of the agreement with a comprehensive community college in the Commonwealth  
183 to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies  
184 concurrent with a high school diploma.

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

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

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

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

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

215 15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness  
216 available to all students with a goal of at least 150 minutes per week on average during the regular  
217 school year. Such program may include any combination of (i) physical education classes, (ii)  
218 extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local  
219 school board. Each local school board shall incorporate into its local wellness policy a goal for the  
220 implementation of such program during the regular school year.

221 15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available  
222 to all students in grades kindergarten through five consisting of at least 20 minutes per day or an  
223 average of 100 minutes per week during the regular school year and available to all students in grades  
224 six through 12 with a goal of at least 150 minutes per week on average during the regular school year.  
225 Such program may include any combination of (i) physical education classes, (ii) extracurricular  
226 athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local  
227 school board. Each local school board shall implement such program during the regular school year.

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

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

232 18. A program of instruction in the high school Virginia and U.S. Government course on all  
233 information and concepts contained in the civics portion of the U.S. Naturalization Test.

234 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be  
235 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the  
236 resources and technical assistance to increase the capacity for school divisions to deliver quality  
237 instruction; and (iii) assist school divisions in implementing those programs and practices that will  
238 enhance pupil academic performance and improve family and community involvement in the public  
239 schools. Such unit shall identify and analyze effective instructional programs and practices and  
240 professional development initiatives; evaluate the success of programs encouraging parental and family  
241 involvement; assess changes in student outcomes prompted by family involvement; and collect and  
242 disseminate among school divisions information regarding effective instructional programs and practices,  
243 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 comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 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 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, 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's regulations establishing standards for accreditation shall ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board.

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall 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 shall accredit the school for another three years. The Board may review the accreditation status of any other school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

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 report 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 determines 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 or other division-level action or inaction, 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 to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. 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 report to the Board on the accreditation status of all school divisions and schools. Such report 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 4 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later in advance of each school year. *Each local school board shall administer such assessments (i) on the date during the first quarter of the school year that the local school board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standard of Learning being assessed and (ii) on the date during the final quarter of the school year that the local school board deems most appropriate to evaluate each student's progress toward demonstrating the knowledge, application of knowledge, critical thinking, and skills related to the Standard of Learning being assessed and may administer such assessments on any other date that it deems appropriate.*

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

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

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

The Board shall prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

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

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of

Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

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.

The Department of Education shall award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

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 other assessment instruments that may be used by classroom teachers; (B) 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 a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

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

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.

The Board of Education shall not include in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

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 10 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.

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

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

438 F. To assess the educational progress of students as individuals and as groups, each local school  
439 board shall require the use of Standards of Learning assessments, alternative assessments, and other  
440 relevant data, such as industry certification and state licensure examinations, to evaluate student progress  
441 and to determine educational performance. Each local school shall require the administration of  
442 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests  
443 and shall include the Standards of Learning assessments, the local school board's alternative assessments,  
444 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall  
445 analyze and report annually, in compliance with any criteria that may be established by the Board of  
446 Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine)  
447 assessment, if administered, industry certification examinations, and the Standards of Learning  
448 Assessments to the public.

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

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

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

466 H. Any school board may request the Board of Education for release from state regulations or, on  
467 behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the  
468 evaluation of the performance of one or more of its schools as authorized for certain other schools by  
469 the Standards of Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code.  
470 Waivers of regulatory requirements may be granted by the Board of Education based on submission of a  
471 request from the division superintendent and chairman of the local school board. The Board of  
472 Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i)  
473 mandated by state or federal law or (ii) designed to promote health or safety. The school board shall  
474 provide in its waiver request a description of how the releases from state regulations are designed to  
475 increase the quality of instruction and improve the achievement of students in the affected school or  
476 schools. The Department of Education shall provide (a) guidance to any local school division that  
477 requests releases from state regulations and (b) information about opportunities to form partnerships with  
478 other agencies or entities to any local school division in which the school or schools granted releases  
479 from state regulations have demonstrated improvement in the quality of instruction and the achievement  
480 of students.

481 The Board of Education may also grant local school boards waivers of specific requirements in  
482 § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the  
483 local school board, permitting the local school board to assign instructional personnel to the schools with  
484 the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide  
485 to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size  
486 maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its  
487 request a description of how the waivers from specific Standards of Quality staffing standards are  
488 designed to increase the quality of instruction and improve the achievement of students in the affected  
489 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 and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. 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 administrative 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 (i) 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, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. 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;

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;

8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 4, 6, or 8.

F. 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.

G. 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.

H. Notwithstanding any provision of law to the contrary, the Board (i) 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 and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

I. 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. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and

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