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HOUSE BILL NO. 2338

Offered January 9, 2019

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A BILL to amend and reenact §§ 22.1-253.13:3 and 22.1-253.13:4 of the Code of Virginia, relating to public high schools; Standards of Learning assessments.

Patron—Landes

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

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

§ 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

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59 academic review and the required annual progress reports in public session. The local school board shall
60 implement any actions identified through the academic review and utilize them for improvement
61 planning.

62 B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve
63 criteria for determining and recognizing educational performance in the Commonwealth's public school
64 divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation
65 process and shall include student outcome measurements. The Superintendent of Public Instruction shall
66 annually report to the Board on the accreditation status of all school divisions and schools. Such report
67 shall include an analysis of the strengths and weaknesses of public education programs in the various
68 school divisions in Virginia and recommendations to the General Assembly for further enhancing student
69 learning uniformly across the Commonwealth. In recognizing educational performance in the school
70 divisions, the Board shall include consideration of special school division accomplishments, such as
71 numbers of dual enrollments and students in Advanced Placement and International Baccalaureate
72 courses, and participation in academic year Governor's Schools.

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

78 C. With such funds as are available for this purpose, the Board of Education shall prescribe
79 assessment methods to determine the level of achievement of the Standards of Learning objectives by all
80 students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and
81 skills related to the Standards of Learning being assessed. The Board shall, with the assistance of
82 independent testing experts, conduct a regular analysis and validation process for these assessments. The
83 Department of Education shall make available to school divisions Standards of Learning assessments
84 typically administered by the middle and high schools by December 1 of the school year in which such
85 assessments are to be administered or when newly developed assessments are available, whichever is
86 later.

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

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

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

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

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

112 *The Standards of Learning assessments administered to students in grades nine through twelve shall*
113 *include reading, writing, mathematics, science, and Virginia and U.S. history. Each such Standards of*
114 *Learning assessment shall consist of a Board-developed end-of-course assessment and shall not be a*
115 *performance-based assessment.*

116 Each school board shall annually certify that it has provided instruction and administered an
117 alternative assessment, consistent with Board guidelines, to students (a) in grades three through eight in
118 each Standards of Learning subject area in which a Standards of Learning assessment was not
119 administered during the school year and (b) enrolled in a required high school course in reading,
120 *writing, mathematics, science, and history and social science.* 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; *and (4) ensure that such assessments produce quantifiable metrics and performance measures that are comparable across school divisions and years. The Department of Education shall perform reviews and performance audits on such locally administered alternative assessments for high school courses.*

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)

182 does not reveal the identity of any person making a complaint or supplying information to the Board on
183 a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any
184 local school board or division superintendent receiving such records or other information shall, upon
185 taking personnel action against a relevant employee, place copies of such records or information relating
186 to the specific employee in such person's personnel file.

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

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

197 F. To assess the educational progress of students as individuals and as groups, each local school
198 board shall require the use of Standards of Learning assessments, alternative assessments, and other
199 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
200 and to determine educational performance. Each local school shall require the administration of
201 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
202 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
203 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall
204 analyze and report annually, in compliance with any criteria that may be established by the Board of
205 Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine)
206 assessment, if administered, industry certification examinations, and the Standards of Learning
207 Assessments to the public.

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

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

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

225 H. Any school board may request the Board of Education for release from state regulations or, on
226 behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the
227 evaluation of the performance of one or more of its schools as authorized for certain other schools by
228 the Standards of Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code.
229 Waivers of regulatory requirements may be granted by the Board of Education based on submission of a
230 request from the division superintendent and chairman of the local school board. The Board of
231 Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i)
232 mandated by state or federal law or (ii) designed to promote health or safety. The school board shall
233 provide in its waiver request a description of how the releases from state regulations are designed to
234 increase the quality of instruction and improve the achievement of students in the affected school or
235 schools. The Department of Education shall provide (a) guidance to any local school division that
236 requests releases from state regulations and (b) information about opportunities to form partnerships with
237 other agencies or entities to any local school division in which the school or schools granted releases
238 from state regulations have demonstrated improvement in the quality of instruction and the achievement
239 of students.

240 The Board of Education may also grant local school boards waivers of specific requirements in
241 § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the
242 local school board, permitting the local school board to assign instructional personnel to the schools with
243 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.

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

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

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

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

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

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

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

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

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

5. *Require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. Each such verified credit shall be earned only by (i) the successful*

305 *completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a*
306 *passing score on a Board-approved standardized test administered on a statewide, multistate, or*
307 *international basis that measures content that incorporates or exceeds the Standards of Learning content*
308 *in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a*
309 *locally awarded verified credit from the local school board in accordance with criteria established in*
310 *Board guidelines when the student has not passed the corresponding Standards of Learning assessment.*
311 *No such Board-developed end-of-course Standards of Learning assessment shall be a performance-based*
312 *assessment.*

313 6. Require students to complete at least one course in fine or performing arts or career and technical
314 education; ~~one course in United States and Virginia history~~; and two sequential elective courses chosen
315 from a concentration of courses selected from a variety of options that may be planned to ensure the
316 completion of a focused sequence of elective courses that provides a foundation for further education or
317 training or preparation for employment.

318 ~~6.~~ 7. (Effective until July 1, 2019) Require that students either (i) complete an Advanced Placement,
319 honors, or International Baccalaureate course or (ii) earn a career and technical education credential that
320 has been approved by the Board, except when a career and technical education credential in a particular
321 subject area is not readily available or appropriate or does not adequately measure student competency,
322 in which case the student shall receive satisfactory competency-based instruction in the subject area to
323 earn credit. The career and technical education credential, when required, could include the successful
324 completion of an industry certification, a state licensure examination, a national occupational competency
325 assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills
326 assessment.

327 ~~6.~~ 7. (Effective July 1, 2019) Require that students either (i) complete an Advanced Placement,
328 honors, or International Baccalaureate course or (ii) earn a career and technical education credential that
329 has been approved by the Board, except when a career and technical education credential in a particular
330 subject area is not readily available or appropriate or does not adequately measure student competency,
331 in which case the student shall receive satisfactory competency-based instruction in the subject area to
332 earn credit. The career and technical education credential, when required, could include the successful
333 completion of an industry certification, a state licensure examination, a national occupational competency
334 assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills
335 assessment. The Department of Education shall develop, maintain, and make available to each local
336 school board a catalogue of the testing accommodations available to English language learners for each
337 such certification, examination, assessment, and battery. Each local school board shall develop and
338 implement policies to require each high school principal or his designee to notify each English language
339 learner of the availability of such testing accommodations prior to the student's participation in any such
340 certification, examination, assessment, or battery.

341 7. 8. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to
342 be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external
343 defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary
344 resuscitation.

345 8. 9. Make provision in its regulations for students with disabilities to earn a diploma.

346 9. 10. Require students to complete one virtual course, which may be a noncredit-bearing course.

347 ~~10.~~ 11. Provide that students who complete elective classes into which the Standards of Learning for
348 any required course have been integrated and achieve a passing score on the relevant Standards of
349 Learning test for the relevant required course receive credit for such elective class.

350 ~~11.~~ 12. Establish a procedure to facilitate the acceleration of students that allows qualified students,
351 with the recommendation of the division superintendent, without completing the 140-hour class, to
352 obtain credit for such class upon demonstrating mastery of the course content and objectives and
353 receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall
354 preclude relevant school division personnel from enforcing compulsory attendance in public schools.

355 ~~12.~~ 13. Provide for the award of credit for passing scores on industry certifications, state licensure
356 examinations, and national occupational competency assessments approved by the Board of Education.

357 School boards shall report annually to the Board of Education the number of Board-approved
358 industry certifications obtained, state licensure examinations passed, national occupational competency
359 assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia
360 workplace readiness skills assessments passed, and the number of career and technical education
361 completers who graduated. These numbers shall be reported as separate categories on the School
362 Performance Report Card.

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

366 In addition, the Board may:

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

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

~~13.~~ 14. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

~~14.~~ 15. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

~~15.~~ 16. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

~~16.~~ 17. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

~~17.~~ 18. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

~~18.~~ 19. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

~~19.~~ 20. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

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

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance

428 requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency
429 examination approved by the Board of Education; (ii) successfully completed an education and training
430 program designated by the Board of Education; (iii) earned a Board of Education-approved career and
431 technical education credential such as the successful completion of an industry certification, a state
432 licensure examination, a national occupational competency assessment, the Armed Services Vocational
433 Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other
434 requirements as may be established by the Board for the award of such diploma.

435 G. To ensure the uniform assessment of high school graduation rates, the Board shall collect,
436 analyze, report, and make available to the public high school graduation and dropout data using a
437 formula prescribed by the Board.

438 H. The Board shall also collect, analyze, report, and make available to the public high school
439 graduation and dropout data using a formula that excludes any student who fails to graduate because
440 such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or
441 local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the
442 graduation rate required by this subsection.

443 I. The Board may promulgate such regulations as may be necessary and appropriate for the
444 collection, analysis, and reporting of such data required by subsections G and H.