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HOUSE BILL NO. 2494

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 2, 2011)

(Patron Prior to Substitute—Delegate Scott, E.T.)

A *BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to accreditation of certain schools.*

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

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

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

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

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

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

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

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and

60 skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the
61 chairpersons of the eight regional superintendents' study groups, establish a timetable for administering
62 the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii)
63 with the assistance of independent testing experts, conduct a regular analysis and validation process for
64 these assessments.

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

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

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

82 In addition, to assess the educational progress of students, the Board of Education shall (i) develop
83 appropriate assessments, which may include criterion-referenced tests and alternative assessment
84 instruments that may be used by classroom teachers; (ii) select appropriate industry certification and
85 state licensure examinations and (iii) prescribe and provide measures, which may include nationally
86 normed tests to be used to identify students who score in the bottom quartile at selected grade levels.
87 An annual justification that includes evidence that the student meets the participation criteria defined by
88 the Virginia Department of Education shall be provided for each student considered for the Virginia
89 Grade Level Alternative. Each Individual Education Program team shall review such justification and
90 make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for
91 the student. The superintendent and the school board chairman shall certify to the Board of Education,
92 as a part of certifying compliance with the Standards of Quality, that there is a justification in the
93 Individual Education Program for every student who takes the Virginia Grade Level Alternative.
94 Compliance with this requirement shall be monitored as a part of the special education monitoring
95 process conducted by the Department of Education. The Board shall report to the Governor and General
96 Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with
97 this requirement.

98 The Standard of Learning requirements, including all related assessments, shall be waived for any
99 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
100 § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED)
101 certificate or in an adult basic education program to obtain the high school diploma.

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

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

110 The Board may initiate or cause to be initiated a review or investigation of any alleged breach in
111 security, unauthorized alteration, or improper administration of tests by local school board employees
112 responsible for the distribution or administration of the tests.

113 Records and other information furnished to or prepared by the Board during the conduct of a review
114 or investigation may be withheld pursuant to subdivision 12 of § 2.2-3705.3. However, this section shall
115 not prohibit the disclosure of records to (i) a local school board or division superintendent for the
116 purpose of permitting such board or superintendent to consider or to take personnel action with regard to
117 an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a)
118 does not reveal the identity of any person making a complaint or supplying information to the Board on
119 a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any
120 local school board or division superintendent receiving such records or other information shall, upon
121 taking personnel action against a relevant employee, place copies of such records or information relating

122 to the specific employee in such person's personnel file.

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

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

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

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

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

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

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