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**HOUSE BILL NO. 447**

Offered January 8, 2014

Prefiled January 5, 2014

*A BILL to amend and reenact §§ 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:5, and 22.1-254.01 of the Code of Virginia, relating to school accountability; Standards of Learning assessments.*

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 Referred to Committee on Education
 

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

**1. That §§ 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:5, and 22.1-254.01 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

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

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

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

66 The Board of Education shall include in the Standards of Learning for health instruction in  
67 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,  
68 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such  
69 instruction shall be based on the current national evidence-based emergency cardiovascular care  
70 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a  
71 program developed by the American Heart Association or the American Red Cross. No teacher who is  
72 in compliance with subdivision D 4 of § 22.1-298.1 shall be required to be certified as a trainer of  
73 cardiopulmonary resuscitation to provide instruction for non-certification.

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

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

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

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

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

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

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

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. *Pathways to industry certification that students may use to fulfill standard diploma requirements and school boards shall use for school accountability purposes.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

228 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state**  
229 **regulations.**

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

238 The Board of Education shall promulgate regulations establishing standards for accreditation of  
239 public virtual schools under the authority of the local school board that enroll students full time.

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

241 Each local school board shall maintain schools that are fully accredited pursuant to the standards for  
242 accreditation as prescribed by the Board of Education. Each local school board shall review the  
243 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. *The number and type of assessments shall meet but not exceed the minimal requirements established by the federal Elementary and Secondary Education Act of 1965, as amended, except that the Board may administer additional assessments in science and social sciences in grades five and eight.* Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii) with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments.

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

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the 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 tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics,

305 science, and history and social science. Local school divisions shall provide targeted mathematics  
306 remediation and intervention to students in grades six through eight who show computational  
307 deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level  
308 Standards of Learning mathematics test that measures non-calculator computational skills.

309 In addition, to assess the educational progress of students, the Board of Education shall (a) develop  
310 appropriate assessments, which may include criterion-referenced *and norm-referenced* tests and  
311 ~~alternative alternate~~ assessment instruments that may be used ~~by classroom teachers to assess student~~  
312 *performance, student progress, or both*; (b) select appropriate industry certification and state licensure  
313 examinations; and (c) prescribe and provide measures, which may include nationally normed tests to be  
314 used to identify students who score in the bottom quartile at selected grade levels. ~~An annual~~  
315 ~~justification that includes evidence that the student meets the participation criteria defined by the~~  
316 ~~Virginia Department of Education shall be provided for each student considered for the Virginia Grade~~  
317 ~~Level Alternative. Each Individual Education Program team shall review such justification and make the~~  
318 ~~final determination as to whether or not the Virginia Grade Level Alternative is~~ *Standards of Learning*  
319 *assessments are* appropriate for the student. ~~The superintendent and the school board chairman shall~~  
320 ~~certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that~~  
321 ~~there is a justification in the Individual Education Program for every student who takes the Virginia~~  
322 ~~Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special~~  
323 ~~education monitoring process conducted by the Department of Education. The Board shall report to the~~  
324 ~~Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is~~  
325 ~~not in compliance with this requirement.~~

326 The Standards of Learning requirements, including all related assessments, shall be waived for any  
327 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
328 § 30-231.2, who is enrolled in a preparation program for the General Education Development (GED)  
329 certificate or in an adult basic education program to obtain the high school diploma.

330 The Board of Education may adopt special provisions related to the administration and use of any  
331 Standards of Learning test or tests in a content area as applied to accreditation ratings for any period  
332 during which the Standards of Learning content or assessments in that area are being revised and phased  
333 in. ~~Prior to statewide administration of such tests, the~~ The Board of Education shall provide notice to  
334 local school boards regarding such special provisions *after it reviews field testing data, preliminary*  
335 *assessment results, or both.*

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

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

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

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

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

362 F. To assess the educational progress of students as individuals and as groups, each local school  
363 board shall require the use of Standards of Learning assessments and other relevant data, such as  
364 industry certification and state licensure examinations, to evaluate student progress and to determine  
365 educational performance. Each local school shall require the administration of appropriate assessments to  
366 all students for grade levels and courses identified by the Board of Education, which may include

criterion-referenced *and norm-referenced* tests, teacher-made tests ~~and alternative, alternate~~ assessment instruments ~~and shall include~~, the Standards of Learning Assessments ~~and the National Assessment of Educational Progress state-by-state assessment assessments, and national or international assessments of student performance or progress.~~ Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results ~~from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment of norm-referenced assessments,~~ if administered, industry certification examinations, and the Standards of Learning Assessments ~~assessments~~ to the public.

The Board of Education shall ~~not~~ require administration of the ~~Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment,~~ *except as may be selected norm-referenced assessments of the most recent edition* to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated ~~for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt as required by federal law.~~ These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include ~~the National Assessment of Educational Progress state-by-state assessment~~ *national or international assessments of student performance or progress.*

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

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

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

**§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.**

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for

appropriate professional activities.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall also provide teachers and principals with high-quality professional development programs each year in (a) instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced *and norm-referenced* tests that match locally developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and history and social science; (e) interpreting test data for instructional purposes; (f) technology applications to implement the Standards of Learning; and (g) effective classroom management.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

**§ 22.1-254.01. Certain students required to attend summer school or after-school sessions.**

The division superintendent may seek immediate compliance with the compulsory school attendance law as set forth in § 22.1-254 after a reasonable effort to seek the student's attendance in the summer school program or after-school session has failed, including direct notification of the parents of such student of the attendance requirement and failure of the parents to secure the student's attendance, when:

1. A student is required to take a special program of prevention, intervention, or remediation in a public summer school program or to participate in another form of remediation as provided in subsection C of § 22.1-253.13:1 and in accordance with clause (ii) of subsection A of § 22.1-254; and

2. The division superintendent determines that remediation of the student's poor academic performance, passage of the Standards of Learning ~~Assessment~~ *assessments* in grades ~~three through five~~ *and eight*, or promotion is related directly to the student's attendance in the summer school program or participation in another form of remediation.