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HOUSE BILL NO. 1820

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 16, 2023)

(Patron Prior to Substitute—Delegate Avoli)

A *BILL to require the virtual administration of certain through-year growth assessments for students enrolled in certain virtual school programs.*

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Any student enrolled in a virtual school program, as defined in § 22.1-212.23 of the Code of Virginia, may take any beginning-of-year or mid-year growth assessment required pursuant to subsection C of § 22.1-253.13:3 of the Code of Virginia in a virtual setting that best meets the educational needs of the student, subject to the following conditions:*

1. The student takes the assessment on an assigned date and at an assigned time;

2. The student attends a synchronous assessment session initiated and managed by virtual school program personnel;

3. If the assessment platform does not allow integrated camera proctoring, the student shall use two devices for the duration of the assessment administration: one device on which the student takes the assessment and a second device on which an assessment proctor monitors for the duration of the assessment administration via the camera on the second device. However, if the assessment platform allows for the proctor to view the student and background, then a second device shall not be required;

4. The device on which the student takes the assessment meets the technical requirements of the assessment platform that ensure functionality and test security and has no other applications in operation for the duration of the assessment administration except for browser lockdown software to eliminate the possibility of Internet browser usage on such device for the duration of the assessment administration;

5. The device on which the student is being monitored has audio capabilities accessible by the assessment administrator;

6. An adult approved in accordance with the terms of the virtual school program, such as the student's parent, is physically present with the student for the duration of the assessment administration. Adults who are present with the student during such assessment administration must sign the Department of Education's current test security agreement;

7. The virtual school program maintains a student assessment taker to assessment proctor ratio not to exceed 10 to one;

8. The student does not exit the assessment administration until instructed to do so by the assigned assessment proctor;

9. The assessment submission is verified by the assessment administrator; and

10. The virtual school program is responsible for all costs associated with such virtual assessment administration.

2. *That the Department of Education shall develop guidance to implement the provisions of this act by January 1, 2024.*

3. *That the provisions of the first enactment of this act shall expire at such time as the Department of Education's current state assessment program contract expires, provided, however, that the vendor selected by the Department of Education for the subsequent state assessment program contract shall provide for the capability of virtual assessment administration.*

SENATE SUBSTITUTE

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