

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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*An Act to amend and reenact §§ 22.1-253.13:3 and 22.1-253.13:9 of the Code of Virginia, relating to school accreditation frequency.*

[H 1674]

Approved

**Be it enacted by the General Assembly of Virginia:**  
**1. That §§ 22.1-253.13:3 and 22.1-253.13:9 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, 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 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 shall review annually the accreditation status of all schools in the Commonwealth. *However, the Board may 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 may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.*

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

57 approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public  
58 education programs in the various school divisions in Virginia and recommendations to the General  
59 Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing  
60 educational performance in the school divisions, the Board shall include consideration of special school  
61 division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and  
62 International Baccalaureate courses, and participation in academic year Governor's Schools.

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

68 C. With such funds as are available for this purpose, the Board of Education shall prescribe  
69 assessment methods to determine the level of achievement of the Standards of Learning objectives by all  
70 students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and  
71 skills related to the Standards of Learning being assessed. The Board shall (i) in consultation with the  
72 chairpersons of the eight regional superintendents' study groups, establish a timetable for administering  
73 the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing and (ii)  
74 with the assistance of independent testing experts, conduct a regular analysis and validation process for  
75 these assessments.

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

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

83 The Board shall include in the student outcome measures that are required by the Standards for  
84 Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including  
85 the completion of the alternative assessments implemented by each local school board, in accordance  
86 with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for  
87 English, mathematics, science, and history and social science.

88 The Standards of Learning assessments administered to students in grades three through eight shall  
89 not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science  
90 in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, mathematics,  
91 and science in grade eight; and (e) Virginia Studies and Civics and Economics once each at the grade  
92 levels deemed appropriate by each local school board.

93 Each school board shall annually certify that it has provided instruction and administered an  
94 alternative assessment, consistent with Board guidelines, to students in grades three through eight in  
95 each Standards of Learning subject area in which a Standards of Learning assessment was not  
96 administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate,  
97 authentic performance assessments and portfolios with rubrics and other methodologies designed to  
98 ensure that students are making adequate academic progress in the subject area and that the Standards of  
99 Learning content is being taught; (2) permit and encourage integrated assessments that include multiple  
100 subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the  
101 assessments and the professional development of teachers to enable them to make the best use of  
102 alternative assessments.

103 Local school divisions shall provide targeted mathematics remediation and intervention to students in  
104 grades six through eight who show computational deficiencies as demonstrated by their individual  
105 performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures  
106 non-calculator computational skills.

107 In addition, to assess the educational progress of students, the Board of Education shall (A) develop  
108 appropriate assessments, which may include criterion-referenced tests and other assessment instruments  
109 that may be used by classroom teachers; (B) select appropriate industry certification and state licensure  
110 examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be  
111 used to identify students who score in the bottom quartile at selected grade levels. An annual  
112 justification that includes evidence that the student meets the participation criteria defined by the  
113 Virginia Department of Education shall be provided for each student considered for the Virginia Grade  
114 Level Alternative. Each Individual Education Program team shall review such justification and make the  
115 final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the  
116 student. The superintendent and the school board chairman shall certify to the Board of Education, as a  
117 part of certifying compliance with the Standards of Quality, that there is a justification in the Individual

118 Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with  
119 this requirement shall be monitored as a part of the special education monitoring process conducted by  
120 the Department of Education. The Board shall report to the Governor and General Assembly in its  
121 annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

122 The Standards of Learning requirements, including all related assessments, shall be waived for any  
123 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to  
124 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination  
125 approved by the Board of Education or in an adult basic education program or an adult secondary  
126 education program to obtain the high school diploma or a high school equivalency certificate.

127 The Board of Education may adopt special provisions related to the administration and use of any  
128 Standards of Learning test or tests in a content area as applied to accreditation ratings for any period  
129 during which the Standards of Learning content or assessments in that area are being revised and phased  
130 in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local  
131 school boards regarding such special provisions.

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

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

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

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

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

159 F. To assess the educational progress of students as individuals and as groups, each local school  
160 board shall require the use of Standards of Learning assessments, alternative assessments, and other  
161 relevant data, such as industry certification and state licensure examinations, to evaluate student progress  
162 and to determine educational performance. Each local school shall require the administration of  
163 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests  
164 and shall include the Standards of Learning assessments, the local school board's alternative assessments,  
165 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall  
166 analyze and report annually, in compliance with any criteria that may be established by the Board of  
167 Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine)  
168 assessment, if administered, industry certification examinations, and the Standards of Learning  
169 Assessments to the public.

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

173 The Board shall include requirements for the reporting of the Standards of Learning assessment  
174 scores and averages for each year, *regardless of accreditation frequency*, as part of the Board's  
175 requirements relating to the School Performance Report Card. Such scores shall be disaggregated for  
176 each school by student subgroups on the Virginia assessment program as appropriate and shall be  
177 reported to the public within three months of their receipt. These reports (i) shall be posted on the  
178 portion of the Department of Education's website relating to the School Performance Report Card, in a

179 format and in a manner that allows year-to-year comparisons, and (ii) may include the National  
180 Assessment of Educational Progress state-by-state assessment.

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

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

202 The Board of Education may also grant local school boards waivers of specific requirements in  
203 § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the  
204 local school board, permitting the local school board to assign instructional personnel to the schools with  
205 the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide  
206 to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size  
207 maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its  
208 request a description of how the waivers from specific Standards of Quality staffing standards are  
209 designed to increase the quality of instruction and improve the achievement of students in the affected  
210 school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on  
211 student achievement results in the affected school or schools.

212 **§ 22.1-253.13:9. Virginia Index of Performance incentive program.**

213 A. Schools and local school divisions shall be recognized by the Board of Education in accordance  
214 with guidelines it shall establish for the Virginia Index of Performance (VIP) incentive program. The  
215 VIP incentive program shall be designed to recognize and reward fully accredited schools and school  
216 divisions that make significant progress toward achieving advanced proficiency levels in reading,  
217 mathematics, science, and history and social science, and on other indicators of school and student  
218 performance that are aligned with the Commonwealth's goals for public education. Such recognition may  
219 include:

- 220 1. Public announcements recognizing individual schools and divisions;
- 221 2. Tangible rewards;
- 222 3. Waivers of certain board regulations;
- 223 4. Exemptions from certain reporting requirements; or
- 224 5. Other commendations deemed appropriate to recognize high achievement.

225 In addition to Board recognition, local school boards shall adopt policies to recognize individual  
226 schools through public announcements or media releases as well as other appropriate recognition.

227 In order to encourage school divisions to promote student achievement in science, technology,  
228 engineering, and mathematics, the Board of Education shall take into account in its guidelines a school  
229 division's increase in enrollments and elective course offerings in these areas.

230 B. A school that maintains a passing rate on Virginia assessment program tests or additional tests  
231 approved by the Board of 95 percent or above in each of the four core academic areas for two  
232 consecutive years may, upon application to the Department of Education, receive a waiver from ~~annual~~  
233 accreditation. A school receiving such a waiver shall be fully accredited for a three-year period.  
234 However, such school shall continue to annually submit documentation in compliance with the  
235 pre-accreditation eligibility requirements.

236 C. Schools may be eligible to receive the Governor's Award for Outstanding Achievement. This  
237 award will be given to schools rated fully accredited that significantly increase the achievement of  
238 students within student subgroups in accordance with guidelines prescribed by the Board of Education.

239 D. In its guidelines for calculating an award under the Virginia Index of Performance incentive

**240** program pursuant to this section, the Department of Education shall take into account the number of  
**241** high school students who earn the one-year Uniform Certificate of General Studies or an associate's  
**242** degree from a community college in the Commonwealth concurrent with a high school diploma.