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| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |

# Agenda Item: K

## Date: June 17, 2021

### Title: First Review of Proposed Changes to Accreditation Indicators

#### Presenters: Shelley Loving-Ryder, Assistant Superintendent, Department of Student Assessment, Accountability, and ESEA Programs

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## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

In March, 2020, the Superintendent of Public Instruction exercised emergency authority granted by the Virginia General Assembly to waive accreditation ratings for the 2020-2021 accreditation year. Similarly, in September 2020, the Superintendent exercised the same authority to waive accreditation for the 2021-2022 accreditation year.

The calculation of school accreditation will resume with the 2022-2023 ratings based on data from 2021-2022. To mitigate the impacts of the COVID-19 pandemic on the accreditation ratings for 2022-2023 and beyond, the Virginia Department of Education (VDOE) recommends the Board delay the implementation of the College, Career, and Civic Readiness Indicator (CCCRI) currently scheduled for full implementation with the 2022-2023 accreditation ratings until the 2023-2024 accreditation year. Additionally, with incomplete data in the 2019-2020 school year due to school closures and the potential for atypical results from the 2020-2021 school year due to the pandemic, the VDOE plans to modify a number of cross- year accreditation calculations to exclude data from the 2019-2020 and 2020-2021 school year.

In addition to changes needed as a response to the COVID pandemic, the Board is requested to modify the previously approved methodology for measuring year-to-year growth on the SOL tests. During the 2021 session, the Virginia General Assembly passed [House Bill 2027](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2027) that requires the implementation of “through year” growth assessments in reading and mathematics for grades 3-8. These assessments will be administered beginning in fall 2021 with a winter assessment added to the fall assessment in 2022-2023. This legislation also modifies how growth on the SOL test is determined by allowing for the calculation of growth within a school year. Growth is a component of the combined rate used in the Academic Achievement Indicators for mathematics and English as well as the Academic Achievement Gap Indicators.

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

## The Board will be asked to approve the proposed changes at the July 22, 2021, meeting.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept for first review the proposed changes to the indicators used for school accreditation.

## Previous Review or Action:

No previous review or action.

## Background Information and Statutory Authority:

In March, 2020, the Superintendent of Public Instruction exercised emergency authority granted by the Virginia General Assembly to waive accreditation ratings for the 2020-2021 accreditation year. Similarly, in September 2020, the Superintendent exercised the same authority to waive accreditation for the 2021-2022 accreditation year. The calculation of school accreditation will resume with the 2022-2023 ratings based on data from 2021-2022.

Delay the Implementation of the College, Career, and Civic Readiness Indicator until the 2023-2024 accreditation year.

To mitigate the impacts of the COVID-19 pandemic on the accreditation ratings for 2022-2023 and beyond, the Virginia Department of Education (VDOE) recommends the Board delay the implementation of the College, Career, and Civic Readiness Indicator (CCCRI) currently scheduled for full implementation with the 2022-2023 accreditation ratings until the 2023-2024 accreditation year.

The CCCRI measures successful opportunities provided by a school to their students throughout the student’s time in high school. Students are provided various opportunities throughout their high school career that, if the student is successful, are counted as meeting the requirements for the indicator. At the conclusion of the student’s cohort year (expected graduation year), a student’s high school history is reviewed to determine if they met any of the following components:

* + 1. Successful completion of advanced coursework to include Advanced Placement, International Baccalaureate, Cambridge, or Dual Enrollment courses
		2. Earn credits to be considered a Career and Technical Education (CTE) completer who also earn a CTE credential
		3. Successful completion of a work-based learning experience
		4. Successful completion of a service learning experience

Currently, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) 8VAC20-121-380.F.1.i state that the

*Application of the CCCRI to performance levels for accreditation purposes shall occur no later than the 2021-2022 school year.*

If this timeline is maintained, the first cohort of students used for accreditation would have been in their 2nd year of high school during the 2019-2020 school year and their 3rd year of high school during the 2020-2021 school year. Because students often engage in experiences that are measured in the CCCRI during their sophomore and junior years, these years are vital for appropriate measurement of the CCCRI as an accreditation indicator. However, the school closures in spring 2020 and the continued interruptions to opportunities throughout the 2020-2021 school year this impacted a school’s ability to offer some of these experiences to students. Therefore, the Board is asked to delay the first year of implementation to the 2022-2023 school year (2023-2024 accreditation year).

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) at 8VAC20-121-380.E provide the Board with the authority to adjust the use of school quality indicators:

 *3.* *The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards.*

Information for Additional Adjustments to Indicators Using Multiple Years of Data

In addition to the request to delay the implementation of the CCCRI until the 2023-2024 accreditation year, the VDOE plans to modify a number of cross-year accreditation calculations to exclude data from the 2019-2020 and 2020-2021 school year.

1. When determining performance levels for each indicator, the SOA allows the performance level to be determined from either a current year rate or a 3-year rate. Without any modifications to this calculation, the 2022-2023 3-year rates would combine the data from the 2019-2020, 2020-2021, and 2021-2022 school years. However, with incomplete data in the 2019-2020 school year due to school closures and the potential for atypical results from the 2020-2021 school year due to the pandemic, the VDOE plans to combine data from the 2017-2018, 2018-2019, and 2021-2022 school years to calculate the 3-year rates used to determine accreditation indicator performance levels in the 2022-2023 accreditation year.
2. Schools can receive a higher performance level for indicators if the data demonstrates a specified improvement within that indicator from the previous year. Improvement criteria for performance level increases will compare data from the 2018-2019 school year to that of the 2021-2022 school year.
3. Finally, if an indicator remains at a Level 2 or Level 3 for more than four consecutive years, the indicator receives a Level 3 rating. The accreditation years used for this designation will not include the waived 2020-2021 and 2021-2022 accreditation years**.**

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Reconsider how growth is calculated for the inclusion of the combined rate to comport to legislation passed in the 2021 General Assembly session.

In addition to changes needed as a response to the COVID pandemic, the Board is asked to modify the previously approved methodology for measuring year-to-year growth on the SOL tests. The SOA at 8VAC20-121-380.F details the inclusion of growth measures in the Academic Indicator and Academic Gap indicators calculations:

*1.a requires the Academic Achievement Indicators for all students for English (reading and writing) to be calculated based on a rate of (i) students who passed board-approved assessments, (ii) any additional students who showed growth using board-approved measures, and (iii) any additional students who are English learners who showed growth toward English proficiency using board-approved measures.*

*1.b requires the Academic Achievement Indicators for all students for Mathematics to be calculated based on the rate of (i) students who passed board-approved assessments and (ii) any additional students who showed growth using board-approved measures.*

*1.d/e requires that the Academic Achievement Gap Indicators are based upon the composite of performance levels calculated individually for each reporting group using the same methodology and benchmarks as provided for in the academic achievement indicators for all students….*

This rate is typically referred to as the combined rate. As described, the growth component of the combined rate must be board approved. The SOA provides a provision for this growth measure to be modified outside of a revision to the SOA. That provision is found in 8VAC20-121-380.E

*5. The board may adopt valid and reliable measures of student growth to be used in calculating the Academic Achievement Indicators for English and mathematics….*

During the 2021 session, the General Assembly passed [House Bill 2027](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2027) that requires the implementation of “through year” growth assessments in reading and mathematics for grades 3-8. These assessments will be administered beginning in fall 2021 with a winter assessment added to the fall assessment in 2022-2023. This legislation also modifies how growth on the SOL test is determined by allowing for the calculation of growth within a school year.

In 2021-2022, students in grades 3-8 will be administered a reading and mathematics assessment at the beginning of the school year. The result of this assessment will be compared to the student’s spring 2022 SOL assessment score to determine growth. In this initial transition year, the VDOE plans to also compare a student’s spring 2021 SOL assessment in these subjects to their spring 2022 SOL score. The school will be given the best result between these two growth determinations to be included in the combined rate for 2022-2023 accreditation ratings.

Decisions regarding the measurement of growth for the 2023-2024 accreditation ratings based on data from the 2022-2023 school year have not yet been made.

**CHAPTER 443 (House Bill 2027)**

*An Act to amend and reenact §* [***22.1-253.13:3***](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3) *of the Code of Virginia, relating to Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth.*

[H 2027]

Approved March 30, 2021

Be it enacted by the General Assembly of Virginia:

1. That § [**22.1-253.13:3**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3) of the Code of Virginia is amended and reenacted as follows:

§ [**22.1-253.13:3**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3). 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**](http://law.lis.virginia.gov/vacode/2.2-4000) et seq.), which shall include *(i)* student outcome *and growth* measures, *(ii)* requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, *(iii)* administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, *(iv)* student services, *(v)* auxiliary education programs such as library and media services, *(vi)* requirements for graduation from high school, *(vii)* community relations, and *(viii)* the philosophy, goals, and objectives of public education in ~~Virginia~~ *the Commonwealth*.

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.

The Board shall establish a review process to assist any school that does not meet the standards established by the Board. The relevant school board shall report the results of such review and any annual progress reports in public session and shall implement any actions identified through such review and utilize them for improvement planning.

The Board shall establish a corrective action plan process for any school that does not meet the standards established by the Board. Such process shall require ~~(i)~~ *(a)* each school board to submit a corrective action plan for any school in the local school division that does not meet the standards established by the Board and ~~(ii)~~ *(b)* any school board that fails to demonstrate progress in developing or implementing any such corrective action plan to enter into a memorandum of understanding with the Board.

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board 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 enter into a memorandum of understanding with the Board and shall subsequently 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 meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, 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**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A6).

B. The Superintendent of Public Instruction shall develop ~~and the~~*, subject to revision by the* Board ~~of Education shall approve~~*,* criteria for determining and recognizing educational performance in the Commonwealth's ~~public~~ *local* school divisions and *public* schools. ~~Such~~ *The portion of such* criteria~~, when approved,~~ *that measures individual student growth* shall become an integral part of the accreditation process ~~and shall include student outcome measurements~~ *for schools in which any grade level in the grade three through eight range is taught*. The Superintendent of Public Instruction shall annually report to the Board on the accreditation status of all school divisions and schools. Such report 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 *and individual student growth* 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 *and individual student growth* 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 skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. ~~The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later~~ *In lieu of a one-time end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year*.

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

*The Department shall make available to school divisions Standards of Learning assessments typically administered by high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.*

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 prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in §* [***22.1-213***](http://law.lis.virginia.gov/vacode/22.1-213)*, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.*

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

~~The Board shall prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in §~~ [**22.1-213**](http://law.lis.virginia.gov/vacode/22.1-213)~~, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.~~

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

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall ~~(1)~~ *(a)* 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)~~ *(b)* permit and encourage integrated assessments that include multiple subject areas; and ~~(3)~~ *(c)* 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.

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~~ *performs below grade level on* a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and ~~passes~~ *performs at or above grade level on* 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)~~ *(1)* develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; ~~(B)~~ *(2)* select appropriate industry certification and state licensure examinations; and ~~(C)~~ *(3)* 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**](http://law.lis.virginia.gov/vacode/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**](http://law.lis.virginia.gov/vacode/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~~ *for* a Standards of Learning assessment *or the level of achievement of the Standards of Learning objectives for an individual student growth 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**](http://law.lis.virginia.gov/vacode/22.1-19.1) or administrative action pursuant to § [**22.1-292.1**](http://law.lis.virginia.gov/vacode/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**](http://law.lis.virginia.gov/vacode/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) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

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

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

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. 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, if administered, industry certification examinations, and the Standards of Learning 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 to facilitate compliance with the requirements for home instruction pursuant to § [**22.1-254.1**](http://law.lis.virginia.gov/vacode/22.1-254.1).

The Board shall include requirements for the reporting of the Standards of Learning assessment ~~scores and averages for each year~~ *data*, regardless of accreditation frequency, 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. These reports (i) shall be posted on the portion of the ~~Department of Education's~~ *Department'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.

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~~ *Board's* annual report to the Governor and the General Assembly as required by § [**22.1-18**](http://law.lis.virginia.gov/vacode/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 for Accreditation pursuant to 8VAC[**20-131-280**](http://law.lis.virginia.gov/vacode/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**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A2), 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**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A2) and all pupil/teacher ratios and class size maximums set forth in subsection C of § [**22.1-253.13:2**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A2) 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.

2. That the provisions of subsection C of § [**22.1-253.13:3**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3) of the Code of Virginia, as amended by this act, shall be fully implemented in each local school division in the Commonwealth no later than the 2022–2023 school year. The provisions of subsection C of § [**22.1-253.13:3**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3) of the Code of Virginia, as amended by this act, shall be implemented in each local school division in the Commonwealth during the 2021–2022 school year with the following exception: the through-year growth assessment system shall include one beginning-of-year and one end-of-year assessment but shall not include any mid-year assessment.

3. That with such funds and content as are available for such purpose, the through-year growth assessment system set forth in subsection C of § [**22.1-253.13:3**](http://law.lis.virginia.gov/vacode/22.1-253.13%3A3) of the Code of Virginia, as amended by this act, shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary.

## Timetable for Further Review/Action:

It is anticipated that this item will come before the Board for final review at the July 22, 2021, meeting.

## Impact on Fiscal and Human Resources:

## Costs associated with these changes will be covered by state and federal appropriations.