



VIRGINIA DEPARTMENT OF EDUCATION

BRIEFING

Summary of the Standards of Quality

Title 22.1, Chapter 13.2 of the *Code of Virginia*

JANUARY 2016

OFFICE OF POLICY
DIVISION OF POLICY AND COMMUNICATIONS

BACKGROUND

ESTABLISHMENT OF THE STANDARDS OF QUALITY

Article VIII, § 2 of the *Constitution of Virginia* requires the Board of Education to determine and prescribe standards of quality for the public schools in Virginia. The *Constitution* states:

Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly. The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.

On August 7, 1971, the Board of Education adopted the first Standards of Quality (SOQ). They were revised by the General Assembly in 1972 and adopted as uncodified Acts of Assembly. In 1974, they were revised into eight standards, and codified into the *Code of Virginia* in 1984. The most recent major reorganization of the SOQs occurred in 2004, and the General Assembly has subsequently made significant amendments.

SOQ COMMITTEE AND PERIODIC REVIEWS

The Board revised its bylaws in October 2001 to require the Board to periodically review the SOQ. Article 15 of the bylaws state:

The Board and its respective standing committee shall determine the need for a review of the Standards of Quality from time to time but no less than once every two years. The Board shall establish, by resolution, the process for such review. The Board shall consider making changes, if any, to the Standards of Quality based upon that review.

The results of the Board's review and any recommended changes shall be communicated to the Governor and also to the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance.

In November 2001, the Board by resolution established the Standing Committee of the Standards of Quality, which is tasked “with determining the information to be reviewed to determine the condition and needs of public education; determining the process to be used to

complete this comprehensive review; establishing a time line that anticipates a report to the full Board followed by a review and revision of the Standards of Quality, if appropriate; and developing the format to be utilized for the annual report.” See Appendix A for the complete text of this resolution.

In 2002, the General Assembly passed legislation requiring the Board to periodically review the SOQ, which is codified at § 22.1-18.01 in the *Code of Virginia*, and states:

A. To ensure the integrity of the standards of quality, the Board of Education shall, in even-numbered years, exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by reviewing the standards and either (i) proposing amendments to the standards or (ii) making a determination that no changes are necessary.

B. In any odd-numbered year following the year in which the Board proposes changes to the standards of quality, the budget estimates that are required to be reported pursuant to § 2.2-1504 shall take into consideration the Board's proposed standards of quality.

Also in 2002, the legislature amended § 22.1-18 of the *Code* to require the Board to include in its annual report to the General Assembly “a complete listing of the current standards of quality for the Commonwealth’s public schools together with a justification for each particular standard, how long each such standard has been in its current form, and whether the Board recommends any change or addition to the standards of quality.”

The complete text of the Standards of Quality, as set out in Title 22.1, Chapter 13.2 of the *Code of Virginia*, are included in Appendix B.

THE STANDARDS OF QUALITY**§ 22.1-253.13:1 STANDARD 1. INSTRUCTIONAL PROGRAMS SUPPORTING THE STANDARDS OF LEARNING AND OTHER EDUCATIONAL OBJECTIVES**

- Requires the Board to establish the Standards of Learning (SOL) and other educational objectives to ensure the development of skills necessary for success in school and preparation for life in the years beyond.¹
- Requires the Board, at a minimum, to establish SOL for English, mathematics, science, and history and social science, including:
 - English SOL for reading in grades K-3 based on components of effective reading instruction, including at a minimum, phonetic awareness, phonics, fluency, vocabulary development, and text comprehension;
 - history and social science SOL shall include the study of contributions to society of diverse people;
 - health instruction SOL must include instruction in emergency first aid, CPR, and the use of an automated external defibrillator (AED); and
 - career and technical education programs must fully integrate the English, mathematics, science, and history and social science SOL, and such programs must align with industry and professional certifications, where they exist.²
- Requires the SOL to include, but not be limited to:
 - basic forms 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
 - skills to manage personal finances and to make sound financial decisions.³
- Requires the SOL to be reviewed and revised on a cycle of at least once every seven years, and establishes a process for public involvement for such review, to include

¹ § 22.1-253.13:1(B).

² Ibid.

³ Ibid.

- public hearings and the establishment of a website to allow public school educators to submit recommendations.⁴
- Requires local school boards to develop and implement a program of instruction for grades K-12 that is aligned to the SOL, requires students to meet educational objectives at appropriate age or grade levels, meets or exceeds the requirements of the Board of Education, and emphasizes:
 - reading, writing, speaking;
 - mathematical concepts and computations;
 - proficiency in the use of computers and related technology;
 - scientific concepts and processes;
 - essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community;
 - fine and practical arts; and
 - knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.⁵
 - Requires school divisions to provide research-based programs of prevention, intervention, or remediation for students who are educationally at risk including:
 - Remediation, free of charge, for students who fail to pass all SOL assessments for their grade level in grades 3-8 or for students who fail to pass an end-of-grade test required for a verified unit of credit; and
 - Full funding from the Commonwealth for the per-pupil cost of summer and other remediation programs as set forth in the Appropriation Act.⁶
 - Requires school boards to implement:
 - programs in grades K-3 emphasizing developmentally appropriate learning to enhance success;
 - dropout prevention programs;

⁴ Ibid.

⁵ § 22.1-253.13:1(C).

⁶ § 22.1-253.13:1(D).

- career and technical education programs incorporated throughout the K-12 curricula, which includes knowledge of employment opportunities and career exploration;
- economic and financial literacy education objectives in middle and high school;
- early identification of students with disabilities and enrollment into appropriate instructional programs;
- early identification of gifted students and enrollment into appropriately differentiated instructional programs;
- educational alternatives for students whose needs are not met in other SOQ-prescribed programs;
- adult education programs for those functioning below the high school completion level;
- a plan to make achievements for educationally at-risk students a divisionwide priority, including measures of progress for such students;
- an agreement for postsecondary degree attainment with a community college concurrent with a high school diploma;
- a plan to notify students and parents of the availability of dual enrollment, AP classes, IB programs, Governor's School programs, and financial assistance available for AP and IB exams;
- identification of limited English proficiency students and enrollment into appropriate instructional programs;
- early identification, diagnosis, and assistance for students with reading and mathematics problems, to include:
 - reading intervention services to students in grades K-3 who demonstrate reading deficiencies; and
 - algebra readiness intervention services to students in grades 6-9 who are at risk of failing the Algebra I end-of-course test; and
- incorporation of art, music, and physical education as part of the elementary school instructional program;
- a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year;
- student services programs for grades K-12 to aid in educational, social, and career development; and
- collection and analysis of data and use of results to evaluate and make decisions about the instructional program.⁷

⁷ Ibid.

- Upon allocation or receipt of designated funds, the Department would be required establish a unit to conduct evaluative studies, provide resources and assistance to school divisions, giving priority to those divisions demonstrating a less than 70 percent passing rate on the SOL assessments. *Note: Such funds have not been allocated, therefore this unit has not been established.*⁸
- Allows school boards to enter into agreements for postsecondary credential certification or license attainment with public postsecondary institutions.⁹

⁸ § 22.1-253.13:1(E).

⁹ § 22.1-253.13:1(F).

§22.1-253.13:2 STANDARD 2. INSTRUCTIONAL, ADMINISTRATIVE, AND SUPPORT PERSONNEL

This standard requires the Board to establish requirements for the licensure of teachers, principals, superintendents, and other professional personnel, and requires school boards to employ licensed instructional personnel qualified in the relevant subject areas.¹⁰ A major focus of Standard Two is the codification of minimum staffing requirements for school divisions. Because the Appropriation Act and the Board of Education’s regulations also impact Standards of Quality funding, in order to understand how staffing standards are implemented, all three documents must be considered together. The requirements establish absolute minimum staffing requirements and division-wide and school-wide staffing ratios. Flexibility provisions are also established to aid school divisions with the implementation of these requirements, which are noted throughout the explanation below.

- **Absolute minimum staffing requirements.** The Standards of Quality ensure a minimum, or “floor” number of full-time equivalent instructional personnel are provided for separate categories based upon staff to student ratios that are specified in the Appropriation Act.
 - “Instructional personnel” includes teachers, guidance counselors, librarians, assistant principals, principals, and instructional aides.
 - *Example: Standard 2, Paragraph D, requires each local school board to employ a minimum number of full-time equivalent instructional personnel, using gifted funds, for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.”*
The 2015 Appropriation Act, in Item 136 (B)(7)(A) specifies that the minimum ratio for gifted-funded positions is one professional instructional positions per 1,000 pupils in March 31 ADM.
 - These absolute minimum staffing requirements are superseded by the division-wide and school-wide staffing ratios, also a part of Standard Two, when those ratios require more personnel.

¹⁰ § 22.1-253.13:2(A) and (B).

ABSOLUTE MINIMUM STAFFING REQUIREMENTS:	
Basic Aid Positions	At least 51 professional instructional and aide positions per 1,000 students in March 31 ADM. ¹¹
Gifted Positions	At least 1 instructional position per 1,000 students in March 31 ADM. ¹² <i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.¹³</i>
Special Education and Vocational Education Positions	At least 6 professional instructional and aide positions per 1,000 students in March 31 ADM. ¹⁴
Prevention, Intervention and Remediation Positions	School divisions must provide additional full-time equivalent instructional positions to provide one hour of additional instruction per day for students identified at risk of educational failure using a pupil to teacher ratio of 10:1 to 18:1 based on the division-level failure rate on the SOL English and mathematics tests. For funding purposes, the three year average free lunch eligibility data is used as a proxy for at risk students. ¹⁵ <i>Flexibility: School divisions may use SOL Algebra Readiness funding to employ licensed mathematics specialists to fulfill required algebra readiness intervention services.¹⁶</i> <i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.¹⁷</i>
English as a Second Language Positions	School divisions must provide additional instructional positions to provide 17 instructional positions per each 1,000 students identified as having limited English proficiency. ¹⁸ <i>Flexibility: School divisions may use SOQ Prevention, Intervention, and Remediation funds to employ additional licensed English language learner teacher positions to supplement these positions.¹⁹</i> <i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.²⁰</i>

¹¹ § 22.1-253.13:2(D); and 2015 Appropriation Act, Item 136, (B)(7)(A).

¹² Ibid.; and 2015 Appropriation Act, Item 136 (C)(6).

¹³ 2015 Appropriation Act, Item 136 (A)(16).

¹⁴ Ibid.

¹⁵ § 22.1-253.13:2(E); and 2015 Appropriation Act, Item 136, (B)(7)(A) and (C)(9).

¹⁶ Ibid.

¹⁷ 2015 Appropriation Act, Item 136 (A)(16).

¹⁸ § 22.1-253.13:2(F); and 2015 Appropriation Act, Item 136, (C)(18).

¹⁹ § 22.1-253.13:2(F).

²⁰ 2015 Appropriation Act, Item 136 (A)(16).

- **Division-wide and School-wide staffing ratios.** In addition to the above absolute minimum staffing ratios, school divisions are required to assign personnel as follows:

DIVISIONWIDE MAXIMUM STUDENT:TEACHER RATIOS & CLASS SIZES²¹ (excludes special education teachers, principals, assistant principals, counselors and librarians)		
	MAXIMUM RATIO	MAXIMUM CLASS SIZE
Kindergarten	24:1	No larger than 29; a full-time teachers aide is required in classes with ADM exceeding 24 pupils.
Grades 1-3	24:1	No larger than 30
Grades 4-6	25:1	No larger than 35
Grades 6-12 English classes	24:1	Not specified
<i>Flexibility: Notwithstanding the ratios above, recent Appropriation Acts have permitted school divisions to increase the maximum ratios above by one student, without affecting SOQ funding.²²</i>		
SCHOOLWIDE MAXIMUM STUDENT:TEACHER RATIOS²³		
Middle & High Schools	21:1	All middle & high school teachers must be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.
PRINCIPALS²⁴		
Elementary Schools	0-299 students: one half-time 300 or more students: one full time	
Middle School	One full-time, 12-month employee	
High School	One full-time, 12-month employee	
ASSISTANT PRINCIPALS²⁵		
Elementary School	600-899 students: half-time 900 or more students: one full-time	
Middle School	1 full-time per 600 students	
High School	1 full-time per 600 students	
<i>Flexibility: School divisions that employ a sufficient number of assistant principals to meet this requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such school is elementary, middle, or secondary.</i>		

²¹ § 22.1-253.13:2(C).

²² 2015 Appropriation Act, Item 136 (A)(16).

²³ § 22.1-253.13:2(C).

²⁴ § 22.1-253.13:2(H)(1).

²⁵ § 22.1-253.13:2(H)(2).

LIBRARIANS ²⁶	
Elementary School	0-299 students: one part-time 300 or more students: one full-time
Middle School	0-299 students: one half-time 300-999 students: one full-time 1,000 or more students: two full-time
High School	0-299 students: one half-time 300-999 students: one full-time 1,000 or more students: two full-time
<p><i>Flexibility: School divisions that employ a sufficient number of librarians to meet this requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such school is elementary, middle, or secondary.</i></p> <p><i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.²⁷</i></p>	
GUIDANCE COUNSELORS ²⁸	
Elementary School	one hour per day per 100 students one full-time at 500 students one hour per day additional time per 100 students or major fraction thereof
Middle School	one period per 80 students one full-time at 400 students one additional period per 80 students or major fraction thereof
High School	one period per 70 students one full-time at 350 students one additional period per 70 students or major fraction thereof
<p><i>Flexibility: School divisions that employ a sufficient number of guidance counselors to meet the staffing requirements may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.</i></p> <p><i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.²⁹</i></p>	

²⁶ § 22.1-253.13:2(H)(3).

²⁷ 2015 Appropriation Act, Item 136 (A)(16)

²⁸ § 22.1-253.13:2(H)(4)

²⁹ 2015 Appropriation Act, Item 136 (A)(16)

ELEMENTARY RESOURCE TEACHERS ³⁰	
Elementary Resource Teachers in Art, Music, and PE	Five full-time per 1,000 K-5 students, division-wide
<i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived the resource teacher staffing ratio, without affecting SOQ funding.</i> ³¹	
READING SPECIALISTS ³²	
Reading Specialists	One full-time per elementary school, at the discretion of the local school board.
<i>Flexibility: To provide the reading intervention services required by Standard 1, school divisions may utilize reading specialists using Early Reading Intervention funds.</i>	
TECHNOLOGY SUPPORT AND INSTRUCTION ³³	
Technology support and Instruction	2 full-time equivalent positions per 1,000 students in grades K-12. One is to provide technology support, one is to serve as an instructional technology resource teacher.
<i>Flexibility: School divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments.</i>	
<i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived these staffing ratios, without affecting SOQ funding.</i> ³⁴	

³⁰ § 22.1-253.13:2(H)(5)

³¹ 2015 Appropriation Act, Item 136 (A)(16)

³² § 22.1-253.13:2(G)

³³ § 22.1-253.13:2(J)

³⁴ 2015 Appropriation Act, Item 136 (A)(16)

SUPPORT SERVICES POSITIONS³⁵

Requires school divisions to provide support services, at the discretion of the school board, to include the following categories:

- Executive policy and leadership positions, including school board members, superintendents and assistant superintendents
- Fiscal and human resources positions, including fiscal and audit operations
- Student support positions, including:
 - Social workers and social work administrative positions
 - Guidance administrative positions
 - Homebound administrative positions supporting instruction
 - Attendance support positions related to truancy and dropout prevention
 - Health and behavioral positions, including school nurses and school psychologists
- Instructional personnel support, including:
 - Professional development positions
 - Library and media positions
- Technology professional positions , in addition to those required under ‘Technology Support and Instruction’ above
- Operation and maintenance positions, including:
 - Facilities, operation and maintenance professional and service positions
 - Trade and laborer positions
 - Security service positions
 - Pupil transportation positions
- Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology

Flexibility: School divisions may use support services funds to provide additional instructional services.

³⁵ § 22.1-253.13:2(O)

SCHOOL-BASED CLERICAL PERSONNEL ³⁶	
Elementary School	0-299 students: one part-time 300 or more students: one full-time
Middle School	One full-time One additional full-time for each 600 students beyond 200 students One full-time for the library at 750 students
High School	One full-time One additional full-time for each 600 students beyond 200 students One full-time for the library at 750 students
<p><i>Flexibility: School divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.</i></p> <p><i>School-based clerical personnel are considered a component of the ‘support services positions’ category above, but are the only positions therein with minimum staffing requirements.</i></p>	
SPECIAL EDUCATION ³⁷	
<p>Minimum staffing requirements are set out at: 8 VAC 20-81-340 in the <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i>.</p> <p>In addition, the Appropriation Act sets a maximum caseload of 68 for speech pathologists.</p>	
CAREER AND TECHNICAL EDUCATION	
<p>Minimum staffing requirements are set out at: 8 VAC 20-120-150 in the <i>Regulations Governing Career and Technical Education</i>.</p> <p><i>Flexibility: Notwithstanding the above, recent Appropriation Acts have waived staffing ratios for career and technical funded programs (except for courses with maximum class sizes based on OSHA safety requirements), without affecting SOQ funding.</i>³⁸</p>	

- Additional provisions of Standard Two:
 - School boards may employ additional positions that exceed the minimum staffing requirements.³⁹

³⁶ § 22.1-253.13:2(O)(8).

³⁷ § 22.1-253.13:2(C); 8 VAC 20-81-340; 2015 Appropriation Act, Item 136 (B)(7)(A) and (C)(8)(B).

³⁸ 2015 Appropriation Act, Item 136 (A)(16).

³⁹ § 22.1-253.13:2(K).

- Combined schools, such as a K-12 school, must meet the staffing requirements for the highest grade level in that school in all grade levels; however, guidance counselor staffing requirements shall be based upon elementary, middle, and high schools separately. The Board may grant waivers from these staffing levels.⁴⁰
- School boards must annually provide a report to the public containing certain information on actual pupil/teacher ratios in elementary schools.⁴¹
- Less than full time students (those enrolled in a non-public school or homeschooled) enrolled in specified courses are counted as 0.25 to 0.5 toward average daily membership.⁴²
- Full-time students of approved virtual programs are not to be counted when determining the minimum staffing requirements for instructional and other licensed personnel.⁴³

⁴⁰ § 22.1-253.13:2(L).

⁴¹ § 22.1-253.13:2(M).

⁴² § 22.1-253.13:2(N).

⁴³ § 22.1-253.13:2(P).

§ 22.1-253.13:3 STANDARD THREE. ACCREDITATION, OTHER STANDARDS, AND RELEASES FROM STATE REGULATIONS

- Standard Three's accreditation provisions:
 - Require the Board to establish Standards of Accreditation and provide its minimum components 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;
 - Require the Board to promulgate regulations establishing standards for accreditation of public virtual schools;
 - Require the Board to annually or triennially review the accreditation status of all schools in the Commonwealth;
 - Require school boards to maintain schools that are fully accredited and to submit corrective action plans for those that have been designated as not meeting the standards as approved by the Board;
 - Require local school boards to review the accreditation status of all schools annually in public session;
 - Permit the Board to conduct reviews of the accreditation status of a school once every three years, according to certain criteria;
 - Establish a school academic review process to assist schools accredited with warning and set requirements for corrective action plans to include implementation of actions identified through the academic review;
 - Require division level academic reviews when school failure to achieve full accreditation is related to division failure to implement the SOQ, and set requirements for division-wide corrective action plans; and

- Require that the Superintendent of Public Instruction assist local school boards in implementation of action plans for increasing educational performance in those school divisions and schools identified as not meeting approved criteria and monitor the implementation of and report to the Board on the effectiveness of the corrective actions taken.⁴⁴
- Standard Three's assessment provisions:
 - Require the Board to prescribe SOL assessments for English, mathematics, science, and history and social science, and establishes that industry certification and state licensure examinations to be acceptable assessments;
 - Require assessments to evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed;
 - Require the Board to include in the student outcome measures required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board. These assessments may be integrated to include multiple subject areas;
 - Limit SOL assessments in grades 3-8 to:
 - reading and mathematics (grades 3-8),
 - science (grade 5 and once between grades 6-8),
 - writing (grade 8), and
 - Virginia Studies and Civics and Economics once each at grade level, as determined by the local school board,
 - Require local school boards to certify that they have provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in Grades 3-8 in the subject areas which a Standards of Learning assessment is not administered. Board guidelines shall incorporate options for performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress and the SOL content is being taught and permit and encourage integrated assessments that include multiple subject areas;

⁴⁴ § 22.1-253.13:3(A) and (B).

- Require local school divisions to provide targeted mathematics remediation and intervention in grades 6-8 to students who demonstrate computational deficiencies;
 - Require annual justification to be provided for each student considered for the Virginia Grade Level Alternative assessment;
 - Waive SOL assessments for Brown v. Board of Education Scholarship recipients;
 - Authorize the Board to pursue investigations and all available civil remedies for alleged breaches in test security and unauthorized alteration of test materials or test results;
 - Require the use of SOL assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress (both individually, and as groups) and to determine educational performance;
 - Require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the SOL assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment;
 - Require school boards to analyze and report annually to the public, results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the SOL Assessments;
 - Prohibit the Board of Education from requiring the Stanford Nine assessment, except as may be accepted in the assessment of home instruction students; and
 - Prescribe specific components of the School Performance Report Card.⁴⁵
- Additional provisions in Standard Three:
 - Require superintendents to ensure all required federal and state reports are submitted accurately and on time, and require the Department of Education to produce a calendar of the required reports; and
 - Provide that the Board may grant waivers to local school boards, for a period of five years, upon request:
 - to Board regulations for approval of an Individual School Accreditation Plan, and

⁴⁵ § 22.1-253.13:3(C), (D) and (F).

- to certain minimum staffing requirements in Standard Two, to allow the assignment of instructional personnel to schools with the greatest needs.⁴⁶

⁴⁶ § 22.1-253.13:3(G) and (H).

§ 22.1-253.13:4 STANDARD FOUR. STUDENT ACHIEVEMENT AND GRADUATION REQUIREMENTS

- School boards must award diplomas to students who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education.⁴⁷
- Requires the Standards of Accreditation to provide for students who transfer between secondary schools, from nonpublic schools, from home instruction, or from the Virtual Virginia program.⁴⁸
- Requires reasonable accommodations for students with disabilities to meet the requirements for a diploma.⁴⁹
- Specifies that the Board of Education establishes graduation requirements, as follows:
 - Standard diploma requirements must include:
 - one credit in United States and Virginia history;
 - one credit in fine or performing arts or career and technical education;
 - at least two sequential electives;
 - a career and technical education credential except if a credential is not available or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements (starting with 2013-14 9th graders);
 - training in first aid, CPR, and the use of AEDs (starting with 2016-17 9th graders); and
 - completion of one virtual course, which may be a noncredit bearing course.⁵⁰
 - Advanced Studies diploma requirements must include:

⁴⁷ § 22.1-253.13:4(A).

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ § 22.1-253.13:4(D).

- one credit in fine or performing arts or career and technical education;
 - one credit in United States and Virginia history;
 - training in first aid, CPR, and the use of AEDs (starting with 2016-17 9th graders); and
 - completion of one virtual course, which may be a noncredit bearing course.⁵¹
- Applied Studies diplomas are to be awarded by local school boards to disabled students who complete the requirements of their individualized education programs and Board-prescribed requirements but do not meet the requirements for any named diploma.⁵²
- General Achievement Adult High School diploma requirements must include:
 - a passing score on a high school equivalency examination approved by the Board;
 - completion of an education and training program designated by the Board; and
 - a Board-approved career and technical education credential.⁵³
- Certificates of Program Completion are to be awarded to students who complete a prescribed course of study as defined by local school boards if they do not meet the requirements for a diploma.⁵⁴
- Provides for waiver of the 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with proof of student mastery of content and skills.⁵⁵
- Provides for the award of verified credits, after passing the appropriate assessment, in situations where:
 - Standards of Learning for required courses are integrated into an elective class;

⁵¹ Ibid.

⁵² § 22.1-253.13:4(B).

⁵³ § 22.1-253.13:4(F).

⁵⁴ § 22.1-253.13:4(C).

⁵⁵ § 22.1-253.13:4(D)(9).

- Qualified students demonstrate mastery of the course content without completing the 140 hour course; and
- Students take Board-approved industry certifications, state licensure examinations, and national occupational competency assessments.⁵⁶
- Establishes diploma seals for Career and Technical Education, Advanced Mathematics and Technology, Civics and Biliteracy.⁵⁷
- Requires school boards to notify parents:
 - of the outstanding credits needed for the student to graduate, for rising eleventh and twelfth graders; and
 - of their right to a free education through the student's applicable age, for students who fail to graduate.⁵⁸
- Requires school boards to report annually the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, the number of career and technical education completers who graduated, and to include this information on the School Performance Report Card.⁵⁹
- Requires the Board to establish a formula and report on the uniform assessment of high school graduation rates, effective until July 1, 2016.⁶⁰

⁵⁶ § 22.1-253.13:4(D)(4),(D)(5) and (D)(6).

⁵⁷ § 22.1-253.13:4(E).

⁵⁸ § 22.1-253.13:4(A) through (C).

⁵⁹ § 22.1-253.13:4(D)(6).

⁶⁰ § 22.1-253.13:4(G).

**§ 22.1-253.13:5 STANDARD 5. QUALITY OF CLASSROOM INSTRUCTION
AND EDUCATIONAL LEADERSHIP**

- Sets requirements for the evaluation of teachers, principals and superintendents.⁶¹
- Requires Board of Education members to participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of service on the Board.⁶²
- Requires school board members, superintendents, principals, and teachers to participate in high-quality professional development in specified content areas. For local school board members these content areas are current issues in education and governance, including personnel policies and practices; evaluation of personnel, curriculum, and instruction; and use of data in planning and decision making.⁶³
- Requires school boards to provide a program of high-quality professional development and prescribes the minimum components of such program.⁶⁴
- Requires the Board of Education to provide guidance and technical assistance for high-quality professional development, including personnel, evaluation, curriculum, and current issues, programs in Braille for teachers of the blind and visually impaired, and the use of educational technology.⁶⁵
- Requires school divisions' comprehensive plans to address high-quality professional development programs in schools.⁶⁶
- Requires school boards to annually review their professional development programs.⁶⁷

⁶¹ § 22.1-253.13:5(B).

⁶² § 22.1-253.13:5(A).

⁶³ § 22.1-253.13:5(A), (D) and (E).

⁶⁴ § 22.1-253.13:5(E).

⁶⁵ § 22.1-253.13:5(C).

⁶⁶ § 22.1-253.13:5(F).

⁶⁷ § 22.1-253.13:5(G).

§ 22.1-253.13:6 STANDARD SIX. PLANNING AND PUBLIC INVOLVEMENT

- Sets standards and content for the statewide comprehensive, unified, long-range plan to be adopted by the Board of Education based on data collection and analysis and reviewed and revised if appropriate biennially.⁶⁸
- Requires the analysis of the extent to which the Standards of Quality have been achieved and the objectives of the comprehensive plan met in the Board's annual report.⁶⁹
- Requires school boards to develop a divisionwide comprehensive plan and prescribes the plan development process and required components.⁷⁰
- Requires biennial review of the divisionwide comprehensive plan, and a biennial progress report be provided to the public.⁷¹
- Requires each public school to prepare a comprehensive plan.⁷²

⁶⁸ § 22.1-253.13:6(A).

⁶⁹ Ibid.

⁷⁰ § 22.1-253.13:6(B).

⁷¹ Ibid.

⁷² § 22.1-253.13:6(C).

§ 22.1-253.13:7 STANDARD SEVEN. SCHOOL BOARD POLICIES

- Requires each school board to maintain and follow an up-to date policy manual, which has been reviewed at least every five years and revised as necessary.⁷³
- Prescribes the components of the policy manual and requires that it be developed giving the consideration to the views of teachers, parents, and other concerned citizens.⁷⁴
- Requires a current copy of all school division policies and regulations, including the Student Conduct Policy, to be available on the division's Web site, and in print form.⁷⁵
- Requires an annual announcement to be made at the beginning of the school year, for parents of students enrolling later in the academic year, at the time of enrollment, advising where copies of the policies are maintained.⁷⁶

⁷³ § 22.1-253.13:7(B)

⁷⁴ § 22.1-253.13:7(A) and (C).

⁷⁵ § 22.1-253.13:7(D)

⁷⁶ § 22.1-253.13:7(E)

§ 22.1-253.13:8 COMPLIANCE

- Requires local school boards to:
 - Provide, as a minimum, the programs and services, set forth in the SOQ, with state and local finds as apportioned by the General Assembly; and
 - Annually report on its compliance with the SOQ.⁷⁷
- Requires the Board to identify, in its annual report to the Governor and General Assembly, any school divisions that failed to meet the SOQ.⁷⁸
- Authorizes the Board to seek compliance with the SOQ. When the Board determines that a school division has failed or refused, and continues to fail or refuses to comply with any standard in the SOQ, the Board may petition the circuit court having jurisdiction to mandate or otherwise enforce compliance with any such standard, including the timely development or implementation of any required corrective action plan.⁷⁹

⁷⁷ § 22.1-253.13:8

⁷⁸ Ibid.

⁷⁹ Ibid.

§ 22.1-253.13:9 VIRGINIA INDEX OF PERFORMANCE INCENTIVE PROGRAM

- Establishes the Virginia Index of Performance Program, which:
 - Provides for schools and school divisions to be recognized and rewarded for being fully accredited and making significant progress in achieving advanced proficiency levels in reading, mathematics, science and history and social science;
 - Requires school boards to adopt policies to recognize individual schools for accreditation and achievement; and
 - Encourages school divisions to promote student achievement in science, technology, engineering and mathematics.⁸⁰
- Permits a school that maintains a passing rate on Virginia assessment program tests of 95 percent or above in each of the four core academic areas for two consecutive years to receive a waiver from annual accreditation.⁸¹
- Establishes the Governor’s Award for Outstanding Achievement for accredited schools that increase achievement of student subgroups.⁸²

§ 22.1-253.13:10 STANDARDS OF LEARNING INNOVATION COMMITTEE

Establishes the Standards of Learning Innovation Committee, under the direction of the Secretary of Education, to make recommendations to the Board on:

- Standards of Learning assessments;
- authentic individual growth measures;
- alignment between the Standards of Learning, the assessments, and the School Performance Report Card; and
- ideas about innovative teaching in the classroom.⁸³

⁸⁰ § 22.1-253.13:9(A)

⁸¹ § 22.1-253.13:9(B)

⁸² § 22.1-253.13:9(C)

⁸³ § 22.1-253.13:10

Appendix A: Resolution Establishing the Standing Committee on Standards of Quality

Resolution Number 2001-40

November 27, 2001

Whereas, Article VIII, Section 2, Constitution of Virginia, states in part,

"Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly."

Whereas, the Standards of Quality prescribe broad policies to ensure that each public school in the Commonwealth is a school of quality and that each child in the Commonwealth has access to a school that will offer a quality education.

Whereas, the Virginia Constitution, requires that the Board of Education make annual reports to the Governor and the General Assembly concerning the condition and needs of public education in the Commonwealth.

Whereas, the Board of Education is to identify in that annual report, any school divisions, as well as the specific schools which have failed to establish and maintain schools meeting the prescribed standards of quality.

Whereas, the Board may determine based on the evaluation of the condition and needs of public education performed for the annual report, that revisions to the Standards of Quality are necessary.

Whereas, the annual report must, in any year in which the Board is proposing amendments to the Standards of Quality, contain the standards prescribed by the Board.

Whereas, the Board of Education should have in place a process for carrying out its constitutional responsibility of completing the analysis of the condition and needs of public education and then utilize that analysis to form the basis of determining whether a review of the Standards of Quality, with the intent to revise, is necessary.

Now, Therefore, Be It Resolved that a Standing Committee comprised solely of members of the Board of Education, to be called the Standards of Quality Standing Committee is established and the Committee is charged with determining the information to be reviewed to determine the condition and needs of public education; determining the process to be used to complete this comprehensive review; establishing a time line that anticipates a report to the full Board followed by a review and revision of the Standards of Quality, if appropriate; and developing the format to be utilized for the annual report.

Be It Further Resolved that The President of the Board of Education shall appoint the members of the Board of Education to serve on the Standards of Quality Standing Committee.

Adopted in Richmond, Virginia, this twenty-seventh day of November 2001.

Signed:

Kirk T. Schroder, President

Board of Education

Adopted in the Minutes of the Virginia Board of Education
November 27, 2001

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality

Chapter 13.2. Standards of Quality.

§ 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.

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

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

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

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

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

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

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

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

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

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

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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;
 - 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. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.
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.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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

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

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

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

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

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

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

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;
2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;
3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and
4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;
2. Fiscal and human resources positions, including fiscal and audit operations;
3. Student support positions, including (i) social workers and social work administrative positions; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;
7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and
8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

§ 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.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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

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

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

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

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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

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) 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) permit and encourage integrated assessments that include multiple subject areas; and (3) 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.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) 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 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, 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.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 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 11 of § 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.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, 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 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 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

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed by the Board of Education, pass the prescribed tests, and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the number and subject area requirements of standard and verified units of credit required for graduation pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements of such units of credit the individual student requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the requirements for a standard or advanced studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation. If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing course and credit requirements for a high school diploma, the Board shall:

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements, which shall include Standards of Learning testing, as necessary.
2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.

Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.
4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.
5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.
6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

- a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

9. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. (Effective until July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

G. (Effective July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

H. (Effective July 1, 2016) The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. (Effective July 1, 2016) The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 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 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.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

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.

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

§ 22.1-253.13:7. Standard 7. School board policies.

A. Each local school board shall develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee.

B. Each local school board shall maintain and follow up-to-date policies. All school board policies shall be reviewed at least every five years and revised as needed.

C. Each local school board shall ensure that policies are developed giving consideration to the views of teachers, parents, and other concerned citizens and addressing the following:

1. A system of two-way communication between employees and the local school board and its administrative staff whereby matters of concern can be discussed in an orderly and constructive manner;
2. The selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling challenged controversial materials;
3. The standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights;
4. School-community communications and community involvement;
5. Guidelines to encourage parents to provide instructional assistance to their children in the home, which may include voluntary training for the parents of children in grades K through three;
6. Information about procedures for addressing concerns with the school division and recourse available to parents pursuant to § 22.1-87;
7. A cooperatively developed procedure for personnel evaluation appropriate to tasks performed by those being evaluated; and
8. Grievances, dismissals, etc., of teachers, and the implementation procedure prescribed by the General Assembly and the Board of Education, as provided in Article 3 (§ 22.1-306 et seq.) of Chapter 15, and the maintenance of copies of such procedures.

D. A current copy of all school division policies and regulations approved by the local school board, including the Student Conduct Policy, shall be posted on the division's website and shall be available to employees and to the public. School boards shall ensure that printed copies of such policies and regulations are available as needed to citizens who do not have online access.

E. An annual announcement shall be made in each division at the beginning of the school year and, for parents of students enrolling later in the academic year, at the time of enrollment, advising the public that the policies are available in such places.

§ 22.1-253.13:8. Compliance.

The Standards of Quality prescribed in this chapter shall be the only standards of quality required by Article VIII, Section 2 of the Constitution of Virginia.

Each local school board shall provide, as a minimum, the programs and services, as provided in the Standards of Quality prescribed above, with state and local funds as apportioned by the General Assembly in the appropriation act and to the extent funding is provided by the General Assembly.

Each local school board shall report its compliance with the Standards of Quality to the Board of Education annually. The report of compliance shall be submitted to the Board of Education by the chairman of the local school board and the division superintendent.

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

Noncompliance with the Standards of Quality shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

As required by § 22.1-18, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed Standards of Quality.

The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

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

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

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

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

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

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

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

D. In its guidelines for calculating an award under the Virginia Index of Performance incentive program pursuant to this section, the Department of Education shall take into account the number of high school students who earn the one-year Uniform Certificate of General Studies or an associate's degree from a community college in the Commonwealth concurrent with a high school diploma.

§ 22.1-253.13:10. Standards of Learning Innovation Committee.

The Secretary of Education, upon receiving recommendations for appointments from the Virginia Parent Teacher Association, Virginia Education Association, Virginia School Boards Association, Virginia Association of Secondary School Principals, Virginia Association of Elementary School Principals, Virginia Association of School Superintendents,

Appendix B: Code of Virginia, Title 22.1, Education, Chapter 13.2, Standards of Quality (continued)

Virginia State Reading Association, Virginia School Counselor Association, and Virginia Association for Supervision and Curriculum Development, shall establish and appoint members from each of the specified groups to the Standards of Learning Innovation Committee (Committee). The Committee shall also include (i) four members of the Virginia House of Delegates, appointed by the Speaker of the House of Delegates; (ii) two members of the Virginia Senate, appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; at least one (iii) parent of a currently enrolled public school student, (iv) public elementary school teacher, (v) public secondary school teacher, (vi) public secondary school guidance counselor, (vii) school board member, (viii) public school principal, (ix) division superintendent, (x) curriculum and instruction specialist, (xi) higher education faculty member, (xii) business representative, and such other stakeholders as the Secretary deems appropriate. Members of the Committee should reflect geographic diversity and rural and urban school systems as far as practicable. The Superintendent of Public Instruction, the President of the Board of Education or his designee, and the Secretary of Education or his designee shall serve *ex officio*. All other members shall be appointed for terms of two years. The Committee, under the direction of the Secretary, shall periodically make recommendations to the Board of Education and the General Assembly on (a) the Standards of Learning assessments, (b) authentic individual student growth measures, (c) alignment between the Standards of Learning and assessments and the School Performance Report Card, and (d) ideas on innovative teaching in the classroom.