

# Virginia Board of Education Agenda Item



Agenda Item: I

Date: March 26, 2015

<b>Title</b>	First Review of a Resolution Establishing Criteria for Students Eligible for “Expedited” Retakes of Standards of Learning Tests in Grades 3 through 8		
<b>Presenter</b>	Dr. Cynthia A. Cave, Assistant Superintendent for Policy and Communications		
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**Purpose of Presentation:**

Resolution 2015–01 provides that local school divisions may offer the opportunity during the 2014-2015 school year for expedited retakes of Standards of Learning tests in grades three through eight, with the exception of the writing Standards of Learning tests, to students who meet specified criteria subject to certain conditions.

**Previous Review or Action:**

The Board of Education originally established criteria for high school students eligible for “emergency” retakes of Standards of Learning tests in Resolution Number 2000-11 adopted on September 28, 2000.

**Action Requested:**

Action is requested at this meeting.

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

**Background Information and Statutory Authority:**

Section 22.1-253.13:3 of the *Code of Virginia* says, in part:

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

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation) currently provide opportunities for high school students who meet criteria adopted by the Board of Education to have an expedited retake of a Standards of Learning test to earn verified credit.

The Board of Education originally established criteria for high school students eligible for “emergency” retakes of Standards of Learning (SOL) tests in [Resolution Number 2000-11](#) adopted on September 28, 2000.

The criteria adopted by the Board of Education for “emergency” retakes of SOL tests were subsequently set forth in the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*, which was adopted by the Board of Education on October 25, 2006 and amended by the Board of Education on January 13, 2011.

On October 24, 2013, the Board of Education approved an amendment to the *Standards of Accreditation* to provide opportunities for students who meet criteria adopted by the Board for an expedited retake of a Standards of Learning test in grades three through eight; however, in November 2014, the Board subsequently withdrew the proposed *Standards of Accreditation* in favor of conducting a more comprehensive review.

### **Summary of Important Issues:**

There is currently no provision in the *Standards of Accreditation* that addresses expedited retakes for students in grades three through eight. Therefore, a resolution adopted by the Board of Education setting forth criteria for such expedited retakes is needed to permit expedited retakes in grades three through eight and to establish criteria for eligibility and conditions applicable to retakes if they are to be offered in the 2014-2015 school year.

There is bipartisan support for extending expedited re-takes.

- Governor McAuliffe proposed legislation in the 2015 General Assembly Session to expand opportunities for expedited retakes of Standards of Learning tests to students in grades three through eight.
- HB 1490 (Habeeb) and SB 874 (Cosgrove), were approved by the 2015 General Assembly, signed by Governor McAuliffe, and provide as follows: “[t]hat the Board of Education shall promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course.” This legislation will become effective on July 1, 2015.

HB 1490 and SB 874 will require the Board of Education to promulgate regulations to provide for expedited retakes for all students. However, it is not necessary for the Board of Education to wait until it promulgates regulations before expanding expedited retake opportunities to students in grades three through eight, provided that funds are available.

The Virginia Department of Education has determined that funds are available to expand SOL expedited retake opportunities to students in grades three through eight during the current 2014-2015 school year before such regulations are promulgated.

Resolution 2015–01 provides that local school divisions may offer the opportunity during the 2014-2015 school year for expedited retakes of Standards of Learning tests in grades three through eight, with the exception of the writing Standards of Learning tests, to students who meet specified criteria subject to certain conditions.

**Impact on Fiscal and Human Resources:**

There is no fiscal impact on local school divisions.

**Timetable for Further Review/Action:**

NA

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education waive first review and adopt Resolution 2015–01.

**Rationale for Action:**

Action is recommended at this meeting in order to provide maximum time for local school divisions to prepare to offer expedited retakes as described above.

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ESTABLISHING CRITERIA FOR STUDENTS ELIGIBLE FOR “EXPEDITED”  
RETAKE OF STANDARDS OF LEARNING TESTS IN GRADES 3  
THROUGH 8

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Resolution Number 2015-01

March 26, 2015

**WHEREAS**, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, commonly referred to as the *Standards of Accreditation*, provide opportunities for high school students who meet criteria adopted by the Board of Education to have expedited retakes of Standards of Learning (SOL) tests to earn verified credits;

**WHEREAS**, the Board of Education originally established criteria for students eligible for “emergency” retakes of Standards of Learning tests in [Resolution Number 2000-11](#) adopted on September 28, 2000;

**WHEREAS**, the criteria adopted by the Board of Education for “emergency” retakes of SOL tests were subsequently set forth in the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*, which was adopted by the Board of Education on October 25, 2006 and amended by the Board of Education on January 13, 2011;

**WHEREAS**, on October 24, 2013, the Board of Education approved an amendment to the *Standards of Accreditation* to provide opportunities for students who meet criteria adopted by the Board for an expedited retake of a Standards of Learning test in grades three through eight; however, the Board subsequently withdrew the proposed *Standards of Accreditation* in favor of conducting a more comprehensive review;

**WHEREAS**, Governor McAuliffe proposed legislation in the 2015 General Assembly Session to expand opportunities for expedited retakes of Standards of Learning tests to students in grades three through eight;

**WHEREAS**, HOUSE BILL 1490, introduced by Delegate Habeeb, and SENATE BILL 874, introduced by Senator Cosgrove, were approved by the 2015 General Assembly and signed by Governor McAuliffe and provide as follows: “That the Board of Education shall promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course”;

**WHEREAS**, the Virginia Department of Education has determined that funds are available to extend expedited retake opportunities to students in grades three through eight during the current 2014-2015 school year before such regulations are promulgated;

**WHEREAS**, it is the intent of the Board of Education to provide the opportunity for eligible students in grades three through eight, with affirmative parental consent (“opt-in”), to voluntarily participate in the expedited retakes of Standards of Learning tests based on certain criteria established by the Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education that local school divisions may offer the opportunity during the 2014-2015 school year for the expedited retake of Standards of Learning tests in grades three through eight, with the exception of the writing Standards of Learning tests, to students who meet the following criteria:

The student must

- 1) Have passed the course associated with the test; and
- 2) One of the following:
  - Failed the test by a narrow margin; or
  - Failed the test by any margin and have extenuating circumstances that would warrant retesting; or
  - Did not sit for the regularly scheduled test for legitimate reasons.

The “narrow margin” criteria shall be defined as a scaled score of 375-399.

In addition, the following conditions shall apply:

- 1) If a school division elects to offer expedited retakes of SOL tests, parents of eligible students shall be notified: (a) of the opportunity to retake the test(s); (b) that the decision not to retake any or all of the test(s) will not impact their child’s grade or academic record; and (c) of the opt-in requirement.
- 2) Prior to any additional testing, school divisions shall obtain and thereafter maintain documentation of affirmative parental consent and permission for their child to take an expedited retake.

Adopted in Richmond, Virginia, This Twenty-sixth Day of March 2015.

Signature:

Christian N. Braunlich, President  
Board of Education

Adopted in the Minutes of the Virginia Board of Education  
March 26, 2015