

SENATE BILL NO. 1329

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on February 13, 2023)

(Patrons Prior to Substitute--Senators McClellan and Petersen)

A BILL to amend and reenact §§ 22.1-1, as it is currently effective and as it shall become effective, 22.1-253.13:3, and 22.1-253.13:5, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to Board of Education; creation and maintenance of Virginia Parent Data Portal; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, as it is currently effective and as it shall become effective, 22.1-253.13:3, and 22.1-253.13:5, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 22.1-1. (For expiration date, see 2022 Acts cc. 549, 550, cl. 2) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

27 "Parent" or "parents" means any parent, guardian, legal custodian, or other person having control
28 or charge of a child.

29 "Person of school age" means a person who will have reached his fifth birthday on or before
30 September 30 of the school year and who has not reached twenty years of age on or before August 1 of
31 the school year.

32 "School board" means the school board that governs a school division.

33 "State-supported assessment" means any assessment made available statewide by the Board for
34 administration by local school divisions to students in pre-kindergarten through grade 12, including any
35 (i) Standards of Learning assessment described in § 22.1-253.13:3, (ii) grades three through eight reading
36 or mathematics through-year growth assessment described in § 22.1-253.13:3, and (iii) screeners provided
37 by the Department.

38 "Superintendent" means the Superintendent of Public Instruction.

39 **§ 22.1-1. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Definitions.**

40 As used in this title, unless the context requires a different meaning:

41 "Board" or "State Board" means the Board of Education.

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43 "Division superintendent" means the division superintendent of schools of a school division.

44 "Elementary" includes kindergarten.

45 "Elementary and secondary" and "elementary or secondary" include elementary, middle, and high
46 school grades.

47 "Evidence-based literacy instruction" means structured instructional practices, including
48 sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and
49 valid evidence consistent with science-based reading research; (ii) are used in core or general instruction,
50 supplemental instruction, intervention services, and intensive intervention services; (iii) have a
51 demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral
52 language, and comprehension and in building mastery of the foundational reading skills of phonological

53 and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are
54 able to be differentiated in order to meet the individual needs of students.

55 "Governing body" or "local governing body" means the board of supervisors of a county, council
56 of a city, or council of a town, responsible for appropriating funds for such locality, as the context may
57 require.

58 "Middle school" means separate schools for early adolescents and the middle school grades that
59 might be housed at elementary or high schools.

60 "Parent" or "parents" means any parent, guardian, legal custodian, or other person having control
61 or charge of a child.

62 "Person of school age" means a person who will have reached his fifth birthday on or before
63 September 30 of the school year and who has not reached twenty years of age on or before August 1 of
64 the school year.

65 "School board" means the school board that governs a school division.

66 "Science-based reading research" means research that (i) applies rigorous, systematic, and
67 objective observational or experimental procedures to obtain valid knowledge relevant to reading
68 development, reading instruction, and reading and writing difficulties and (ii) explains how proficient
69 reading and writing develop, why some children have difficulties developing key literacy skills, and how
70 schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction
71 practices to promote reading and writing achievement.

72 "State-supported assessment" means any assessment made available statewide by the Board for
73 administration by local school divisions to students in pre-kindergarten through grade 12, including any
74 (i) Standards of Learning assessment described in § 22.1-253.13:3, (ii) grades three through eight reading
75 or mathematics through-year growth assessment described in § 22.1-253.13:3, and (iii) screeners provided
76 by the Department.

77 "Superintendent" means the Superintendent of Public Instruction.

78 **§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from**
79 **state regulations.**

80 A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the
81 Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth
82 measures, (ii) requirements and guidelines for instructional programs and for the integration of educational
83 technology into such instructional programs, (iii) administrative and instructional staffing levels and
84 positions, including staff positions for supporting educational technology, (iv) student services, (v)
85 auxiliary education programs such as library and media services, (vi) requirements for graduation from
86 high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education
87 in the Commonwealth.

88 The Board shall promulgate regulations establishing standards for accreditation of public virtual
89 schools under the authority of the local school board that enroll students full time.

90 The Board's regulations establishing standards for accreditation shall ensure that the accreditation
91 process is transparent and based on objective measurements and that any appeal of the accreditation status
92 of a school is heard and decided by the Board.

93 The Board shall review annually the accreditation status of all schools in the Commonwealth. The
94 Board shall review the accreditation status of a school once every three years if the school has been fully
95 accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation
96 status of the school for each individual year within that triennial review period. If the Board finds that the
97 school would have been accredited every year of that triennial review period the Board shall accredit the
98 school for another three years. The Board may review the accreditation status of any other school once
99 every two years or once every three years, provided that any school that receives a multiyear accreditation
100 status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan
101 for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual
102 written progress updates to the Board. A multiyear accreditation status shall not relieve any school or
103 division of annual reporting requirements.

104 Each local school board shall maintain schools that are fully accredited pursuant to the standards
105 for accreditation as prescribed by the Board. Each local school board shall report the accreditation status
106 of all schools in the local school division annually in public session.

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

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

116 When the Board determines through its review process that the failure of schools within a division
117 to meet the standards established by the Board is related to division-level failure to implement the
118 Standards of Quality or other division-level action or inaction, the Board may require a division-level
119 academic review. After the conduct of such review and within the time specified by the Board, each school
120 board shall enter into a memorandum of understanding with the Board and shall subsequently submit to
121 the Board for approval a corrective action plan, consistent with criteria established by the Board setting
122 forth specific actions and a schedule designed to ensure that schools within its school division meet the
123 standards established by the Board. If the Board determines that the proposed corrective action plan is not
124 sufficient to enable all schools within the division to meet the standards established by the Board, the
125 Board may return the plan to the local school board with directions to submit an amended plan pursuant
126 to Board guidance. Such corrective action plans shall be part of the relevant school division's
127 comprehensive plan pursuant to § 22.1-253.13:6.

128 B. The Superintendent shall develop, subject to revision by the Board, criteria for determining and
129 recognizing educational performance in the Commonwealth's local school divisions and public schools.
130 The portion of such criteria that measures individual student growth shall become an integral part of the
131 accreditation process for schools in which any grade level in the grade three through eight range is taught.
132 The Superintendent shall annually report to the Board on the accreditation status of all school divisions
133 and schools. Such report shall include an analysis of the strengths and weaknesses of public education

134 programs in the various school divisions in Virginia and recommendations to the General Assembly for
135 further enhancing student learning uniformly across the Commonwealth. In recognizing educational
136 performance and individual student growth in the school divisions, the Board shall include consideration
137 of special school division accomplishments, such as numbers of dual enrollments and students in
138 Advanced Placement and International Baccalaureate courses, and participation in academic year
139 Governor's Schools.

140 The Superintendent shall assist local school boards in the implementation of action plans for
141 increasing educational performance and individual student growth in those school divisions and schools
142 that are identified as not meeting the approved criteria. The Superintendent shall monitor the
143 implementation of and report to the Board on the effectiveness of the corrective actions taken to improve
144 the educational performance in such school divisions and schools.

145 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods
146 to determine the level of achievement of the Standards of Learning objectives by all students. Such
147 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the
148 Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts,
149 conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year
150 assessment, the Board shall establish, for the purpose of providing measures of individual student growth
151 over the course of the school year, a through-year growth assessment system, aligned with the Standards
152 of Learning, for the administration of reading and mathematics assessments in grades three through eight.
153 Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year,
154 and one end-of-year assessment in order to provide individual student growth scores over the course of
155 the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent
156 of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure
157 adequate training for teachers and principals on how to interpret and use student growth data from such
158 assessments to improve reading and mathematics instruction in grades three through eight throughout the
159 school year. With such funds and content as are available for such purpose, such through-year growth

160 assessment system shall provide accurate measurement of a student's performance, through computer
161 adaptive technology, using test items at, below, and above the student's grade level as necessary.

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

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

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

172 The Board shall prescribe alternative methods of Standards of Learning assessment administration
173 for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the
174 Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual
175 Education Program team shall make the final determination as to whether an alternative method of
176 administration is appropriate for the student.

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

183 The Standards of Learning assessments administered to students in grades three through eight shall
184 not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in
185 grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics
186 in grade eight; (v) science after the student receives instruction in the grade six science, life science, and

187 physical science Standards of Learning and before the student completes grade eight; and (vi) Virginia
188 Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school
189 board. The reading and mathematics assessments administered to students in grades three through eight
190 shall be through-year growth assessments.

191 Each school board shall annually certify that it has provided instruction and administered an
192 alternative assessment, consistent with Board guidelines, to students in grades three through eight in each
193 Standards of Learning subject area in which a Standards of Learning assessment was not administered
194 during the school year. Such guidelines shall (a) incorporate options for age-appropriate, authentic
195 performance assessments and portfolios with rubrics and other methodologies designed to ensure that
196 students are making adequate academic progress in the subject area and that the Standards of Learning
197 content is being taught; (b) permit and encourage integrated assessments that include multiple subject
198 areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments
199 and the professional development of teachers to enable them to make the best use of alternative
200 assessments.

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

205 The Department shall award recovery credit to any student in grades three through eight who
206 performs below grade level on a Standards of Learning assessment in English reading or mathematics,
207 receives remediation, and subsequently retakes and performs at or above grade level on such an
208 assessment, including any such student who subsequently retakes such an assessment on an expedited
209 basis.

210 In addition, to assess the educational progress of students, the Board shall (1) develop appropriate
211 assessments, which may include criterion-referenced tests and other assessment instruments that may be
212 used by classroom teachers; (2) select appropriate industry certification and state licensure examinations;

213 and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify
214 students who score in the bottom quartile at selected grade levels.

215 The Standards of Learning requirements, including all related assessments, shall be waived for any
216 student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to
217 § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved
218 by the Board or in an adult basic education program or an adult secondary education program to obtain
219 the high school diploma or a high school equivalency certificate.

220 The Department shall develop processes for informing school divisions of changes in the Standards
221 of Learning.

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

227 The Board shall not include in its calculation of the passage rate for a Standards of Learning
228 assessment or the level of achievement of the Standards of Learning objectives for an individual student
229 growth assessment for the purposes of state accountability any student whose parent has decided to not
230 have his child take such Standards of Learning assessment, unless such exclusions would result in the
231 school's not meeting any required state or federal participation rate.

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

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

239 Records and other information furnished to or prepared by the Board during the conduct of a
240 review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section
241 shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the
242 purpose of permitting such board or superintendent to consider or to take personnel action with regard to
243 an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does
244 not reveal the identity of any person making a complaint or supplying information to the Board on a
245 confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local
246 school board or division superintendent receiving such records or other information shall, upon taking
247 personnel action against a relevant employee, place copies of such records or information relating to the
248 specific employee in such person's personnel file.

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

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

259 F. To assess the educational progress of students as individuals and as groups, each local school
260 board shall require the use of Standards of Learning assessments, alternative assessments, and other
261 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
262 and to determine educational performance. Each local school shall require the administration of
263 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
264 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
265 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall

266 analyze and report annually, in compliance with any criteria that may be established by the Board, the
267 results from industry certification examinations and the Standards of Learning Assessments to the public.

268 The Board shall include requirements for the reporting of the Standards of Learning assessment
269 data, regardless of accreditation frequency, as part of the Board's requirements relating to the School
270 Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the
271 Virginia assessment program as appropriate and shall be reported to the public within three months of
272 their receipt. These reports (i) shall be posted on the portion of the Department's website relating to the
273 School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and
274 (ii) may include the National Assessment of Educational Progress state-by-state assessment.

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

280 H. Any school board may request the Board for release from state regulations or, on behalf of one
281 or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the
282 performance of one or more of its schools as authorized for certain other schools by the Standards for
283 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory
284 requirements may be granted by the Board based on submission of a request from the division
285 superintendent and chairman of the local school board. The Board may grant, for a period up to five years,
286 a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to
287 promote health or safety. The school board shall provide in its waiver request a description of how the
288 releases from state regulations are designed to increase the quality of instruction and improve the
289 achievement of students in the affected school or schools. The Department shall provide (a) guidance to
290 any local school division that requests releases from state regulations and (b) information about
291 opportunities to form partnerships with other agencies or entities to any local school division in which the

292 school or schools granted releases from state regulations have demonstrated improvement in the quality
293 of instruction and the achievement of students.

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

304 I. The Board shall, on or before July 1, 2025, create and maintain the Virginia Parent Data Portal
305 (the Portal).

306 The Board shall ensure that the Portal:

307 1. Displays individualized student assessment data on all state-supported assessments (i) in a
308 format that shows both current and cumulative data over time and (ii) within 45 days of a state-supported
309 assessment window closing for each state-supported assessment;

310 2. Provides (i) a description of the purpose of each state-supported assessment, (ii) an explanation
311 of how to interpret student data on each state-supported assessment, and (iii) a comparison of a student's
312 performance on each state-supported assessment with the performance of the student's school, the student's
313 school division, and the Commonwealth;

314 3. Is viewable from a mobile device in addition to a desktop computer;

315 4. Includes language translation to the extent practicable and accessibility features to ensure
316 universal access;

317 5. Complies with relevant privacy standards, including §§ 2.2-3802 and 22.1-287.02 and 20 U.S.C.
318 § 1232g;

319 6. Provides functionality to enable school division personnel to manage and restrict user access to
320 students and their parents as defined in § 22.1-1; and

321 7. Provides functionality to enable local school divisions to upload additional, non-state-supported
322 assessment data for inclusion in the Portal at the discretion of each local school division.

323 To support implementation of the Portal:

324 a. The Board shall provide guidance regarding governance of the Portal, including authorized
325 users, user roles, data security, and division-level user management; and

326 b. The Department shall within 45 days of a state assessment window closing update the Portal
327 with individualized student assessment results on all state-supported assessments and a comparison of a
328 student's performance on each state-supported assessment with the performance of the student's school,
329 the student's school division, and the Commonwealth.

330 **§ 22.1-253.13:5. (For expiration date, see 2022 Acts cc. 549, 550, cl. 2) Standard 5. Quality of**
331 **classroom instruction and educational leadership.**

332 A. Each member of the Board of Education shall participate in high-quality professional
333 development programs on personnel, curriculum and current issues in education as part of his service on
334 the Board.

335 B. Consistent with the finding that leadership is essential for the advancement of public education
336 in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the
337 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation
338 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic
339 progress as a significant component and an overall summative rating. Teacher evaluations shall include
340 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
341 include identification of areas of individual strengths and weaknesses and recommendations for
342 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

343 C. The Board of Education shall provide guidance on high-quality professional development for
344 (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals,
345 supervisors, and division superintendents in the evaluation and documentation of teacher and principal

346 performance based on student academic progress and the skills and knowledge of such instructional or
347 administrative personnel; (iii) school board members on personnel, curriculum and current issues in
348 education; ~~and~~ (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with
349 the Virginia Department for the Blind and Vision Impaired; and (v) teachers and principals in parent
350 engagement on and interpretation of student assessment data for state-supported assessments available
351 through the Virginia Parent Data Portal specified in subsection I § 22.1-253.13:3.

352 The Board shall also provide technical assistance on high-quality professional development to
353 local school boards designed to ensure that all instructional personnel are proficient in the use of
354 educational technology consistent with its comprehensive plan for educational technology.

355 The Department shall provide technical assistance to local school divisions to provide professional
356 development to teachers and principals in parent engagement on and interpretation of student assessment
357 data for state-supported assessments available through the Virginia Parent Data Portal specified in
358 subsection I of § 22.1-253.13:3.

359 D. Each local school board shall require (i) its members to participate annually in high-quality
360 professional development activities at the state, local, or national levels on governance, including, but not
361 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use
362 of data in planning and decision making; and current issues in education as part of their service on the
363 local board and (ii) the division superintendent to participate annually in high-quality professional
364 development activities at the local, state, or national levels, including the Standards of Quality, Board of
365 Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for
366 Teachers, Principals, and Superintendents.

367 E. Each local school board shall provide a program of high-quality professional development (i)
368 in the use and documentation of performance standards and evaluation criteria based on student academic
369 progress and skills for teachers, principals, and superintendents to clarify roles and performance
370 expectations and to facilitate the successful implementation of instructional programs that promote student
371 achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers
372 and principals in acquiring the skills needed to work with gifted students, students with disabilities, and

373 students who have been identified as having limited English proficiency and to increase student
374 achievement and expand the knowledge and skills students require to meet the standards for academic
375 performance set by the Board of Education; (iii) in educational technology for all instructional personnel
376 which is designed to facilitate integration of computer skills and related technology into the curricula; and
377 (iv) for principals and supervisors designed to increase proficiency in instructional leadership and
378 management, including training in the evaluation and documentation of teacher and principal performance
379 based on student academic progress and the skills and knowledge of such instructional or administrative
380 personnel.

381 In addition, each local school board shall also provide teachers and principals with high-quality
382 professional development programs each year in (a) instructional content; (b) the preparation of tests and
383 other assessment measures; (c) methods for assessing the progress of individual students, including
384 Standards of Learning assessment materials or other criterion-referenced tests that match locally
385 developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and
386 history and social science; (e) interpreting test data for instructional purposes; (f) parent engagement on
387 and interpretation of student assessment data for state-supported assessments available through the
388 Virginia Parent Data Portal specified in subsection I of § 22.1-253.13:3; (g) technology applications to
389 implement the Standards of Learning; and ~~(g)~~ (h) effective classroom management.

390 F. Schools and school divisions shall include as an integral component of their comprehensive
391 plans required by § 22.1-253.13:6, high-quality professional development programs that support the
392 recruitment, employment, and retention of qualified teachers and principals. Each school board shall
393 require all instructional personnel to participate each year in these professional development programs.

394 G. Each local school board shall annually review its professional development program for quality,
395 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers
396 and the academic achievement needs of the students in the school division.

397 **§ 22.1-253.13:5. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Standard 5. Quality of**
398 **classroom instruction and educational leadership.**

399 A. Each member of the Board of Education shall participate in high-quality professional
400 development programs on personnel, curriculum and current issues in education as part of his service on
401 the Board.

402 B. Consistent with the finding that leadership is essential for the advancement of public education
403 in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the
404 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation
405 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic
406 progress as a significant component and an overall summative rating. Teacher evaluations shall include
407 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
408 include identification of areas of individual strengths and weaknesses and recommendations for
409 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

410 C. The Board of Education shall provide guidance on high-quality professional development for
411 (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals,
412 supervisors, and division superintendents in the evaluation and documentation of teacher and principal
413 performance based on student academic progress and the skills and knowledge of such instructional or
414 administrative personnel; (iii) school board members on personnel, curriculum and current issues in
415 education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department
416 for the Blind and Vision Impaired, in Braille; ~~and~~ (v) any individual with an endorsement in early/primary
417 education preschool through grade three, elementary education preschool through grade six, special
418 education general curriculum kindergarten through grade 12, special education deaf and hard of hearing
419 preschool through grade 12, or special education blindness/visual impairments preschool through grade
420 12 or as a reading specialist in science-based reading research and evidence-based literacy instruction; and
421 (vi) teachers and principals in parent engagement on and interpretation of student assessment data for
422 state-supported assessments available through the Virginia Parent Data Portal specified in subsection I §
423 22.1-253.13:3.

424 The Board shall also provide technical assistance on high-quality professional development to
425 local school boards designed to ensure that all instructional personnel are proficient in the use of
426 educational technology consistent with its comprehensive plan for educational technology.

427 The Department shall provide technical assistance, including literacy coaching, to local school
428 divisions to provide professional development in science-based reading research and evidence-based
429 literacy instruction. The Department shall also create a list of professional development programs aligned
430 with science-based reading research and evidence-based literacy instruction that includes programs that
431 provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The
432 list shall be approved by the Board. The Department shall provide resources to local school divisions to
433 ensure that each division is able to provide professional development to teachers and reading specialists
434 listed in subdivision E 2 of § 22.1-253.13:5 in one of the programs enumerated in the list approved by the
435 Board pursuant to this subdivision and that such professional development is provided at no cost to the
436 teachers and reading specialists.

437 The Department shall provide technical assistance to local school divisions to provide professional
438 development to teachers and principals in parent engagement on and interpretation of student assessment
439 data for state-supported assessments available through the Virginia Parent Data Portal specified in
440 subsection I of § 22.1-253.13:3.

441 D. Each local school board shall require (i) its members to participate annually in high-quality
442 professional development activities at the state, local, or national levels on governance, including, but not
443 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use
444 of data in planning and decision making; and current issues in education as part of their service on the
445 local board and (ii) the division superintendent to participate annually in high-quality professional
446 development activities at the local, state, or national levels, including the Standards of Quality, Board of
447 Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for
448 Teachers, Principals, and Superintendents.

449 E. Each local school board shall provide a program of high-quality professional development (i)
450 in the use and documentation of performance standards and evaluation criteria based on student academic

451 progress and skills for teachers, principals, and superintendents to clarify roles and performance
452 expectations and to facilitate the successful implementation of instructional programs that promote student
453 achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers
454 and principals in acquiring the skills needed to work with gifted students, students with disabilities, and
455 students who have been identified as having limited English proficiency and to increase student
456 achievement and expand the knowledge and skills students require to meet the standards for academic
457 performance set by the Board of Education; (iii) in educational technology for all instructional personnel
458 which is designed to facilitate integration of computer skills and related technology into the curricula; and
459 (iv) for principals and supervisors designed to increase proficiency in instructional leadership and
460 management, including training in the evaluation and documentation of teacher and principal performance
461 based on student academic progress and the skills and knowledge of such instructional or administrative
462 personnel.

463 In addition, each local school board shall provide:

464 1. Teachers and principals with high-quality professional development programs each year in (a)
465 instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing
466 the progress of individual students, including Standards of Learning assessment materials or other
467 criterion-referenced tests that match locally developed objectives; (d) instruction and remediation
468 techniques in English, mathematics, science, and history and social science; (e) interpreting test data for
469 instructional purposes; (f) parent engagement on and interpretation of student assessment data for state-
470 supported assessments available through the Virginia Parent Data Portal specified in subsection I of §
471 22.1-253.13:3; (g) technology applications to implement the Standards of Learning; and ~~(g)~~ (h) effective
472 classroom management; and

473 2. High-quality professional development and training in science-based reading research and
474 evidence-based literacy instruction, from the list developed and the resources provided by the Department
475 pursuant to subsection C of § 22.1-253.13:5 or an alternative program that consists of evidence-based
476 literacy instruction and aligns with science-based reading research approved by the Department, for each
477 elementary school principal and each teacher with an endorsement in early/primary education preschool

478 through grade three, elementary education preschool through grade six, special education general
479 curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through
480 grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading
481 specialist in order to aid in the licensure renewal process for such individuals.

482 F. Schools and school divisions shall include as an integral component of their comprehensive
483 plans required by § 22.1-253.13:6, high-quality professional development programs that support the
484 recruitment, employment, and retention of qualified teachers and principals. Each school board shall
485 require all instructional personnel to participate each year in these professional development programs.

486 G. Each local school board shall annually review its professional development program for quality,
487 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers
488 and the academic achievement needs of the students in the school division.

489 **2. That the provisions of the first enactment of this act shall not become effective unless reenacted**
490 **by the 2024 Session of the General Assembly.**

491 **3. That a work group is hereby established for the purpose of advising the Board of Education on**
492 **the criteria for and process of procuring the goods and services necessary to implement the Virginia**
493 **Parent Data Portal as set forth in the first enactment of this act. The work group shall be composed**
494 **of representatives from each state-sponsored assessment, including the Virginia Kindergarten**
495 **Readiness Program, the pre-kindergarten through grade three literacy screener (PALS), and the**
496 **Standards of Learning; at least six but no more than eight parents of public school students who**
497 **represent a diverse array of school settings, including by grade level, region of the Commonwealth,**
498 **availability of technology in the local school division, and Title I status; at least four but no more**
499 **than six public school teachers who represents a similarly diverse array of school settings; school**
500 **division-level data managers; a school division-level community or parent engagement**
501 **representative; representatives of the Department of Education with a focus on technology and**
502 **assessments; a representative of the Virginia Information Technologies Agency; a representative of**
503 **the Virginia Longitudinal Data System; a representative of the Office of the Secretary of Education;**
504 **a representative of the Virginia School Counselor Association; one member of the House of**

505 Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a member
506 with a child enrolled in a public elementary or secondary school in the Commonwealth; and one
507 member of the Senate of Virginia to be appointed by the Senate Committee on Rules, giving
508 preference to a member with a child enrolled in a public elementary or secondary school in the
509 Commonwealth. The two members of the work group from the House of Delegates and the Senate
510 shall jointly coordinate the meetings and activities of the work group. The work group shall submit
511 a report containing its findings and any recommendations to the Board of Education and the
512 General Assembly no later than November 1, 2023.

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