

**INTERIM REPORT**

**COMMISSION ON  
EDUCATIONAL ACCOUNTABILITY**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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## **Executive Summary**

### **AUTHORITY FOR STUDY**

Adopted by the 1999 Session of the General Assembly, SJR 498 established the 20-member Commission on Educational Accountability, comprised of legislative, citizen, and ex officio members. The mission of the SJR 498 Commission is a comprehensive one. Charged with coordinating with a number of groups involved with recent and new study initiatives, the Commission is to review the Standards of Accreditation (SOA) and any included accountability mechanisms; monitor the implementation of the Standards of Learning (SOL) and revised assessments; consider the work and recommendations of other recent as well as specific ongoing study committees; develop recommendations for ways to increase the capacity of schools, teachers, and students; examine the effects on the Commonwealth's young people of failure to obtain a diploma; evaluate the efficacy, appropriateness, and application of the Commonwealth's statutes, regulations, and policies governing the academic assessment of transfer students; determine the feasibility and appropriateness of establishing a certificate of completion for certain high school vocational programs; determine the efficacy and appropriateness of the funding the Standards of Quality (SOQ); study the instructional needs of students and teachers in the public schools; examine the impact of the SOL and the SOA on teachers, urban and small rural school divisions, and educationally at-risk students, including remediation, teacher preparation and SOL instructional time, the ability of urban and small rural school divisions to meet and maintain accreditation requirements, the effect of the SOL tests on promotion, retention, and the awarding of high school diplomas; collaborate, coordinate, and receive regular reports of the HJR 566 special task force studying the integration of the SOL with the secondary school level curricula and workforce development skills; collaborate, coordinate, and receive regular reports of the HJR 586 and HJR 723 special task force studying the impact of the SOA on local school division budgets; and consider such other issues as it deems appropriate.

Complementing the work of the Commission were two task forces. Incorporated into the work of SJR 498 was HJR 723, which directed the creation of a special seven-member task force of the SJR 498 Commission to examine the impact of the Standards of Accreditation on local school division budgets. Similarly, HJR 566 created a 15-member task force to explore, among other things, the integration of the SOL in secondary school curricula and programs focusing on workforce development skills; the adequacy of current curricula, program resources, and technology in Virginia public schools; and staffing and state and local funding levels for secondary school workforce development programs.

### **INTRODUCTION TO ACCOUNTABILITY: STANDARDS, ASSESSMENTS, AND CONSEQUENCES**

In recent years, most states have initiated or renewed their education reform efforts with new or revised academic content standards, setting forth clearly what students must learn and what teachers must teach. Rigorous, well-defined, measurable standards are seen by some education experts as the most critical component of any accountability model. Academic standards or expectations are now seemingly the norm across the United States, the achievement of which increasingly forms the basis for school and division approval or

accreditation. Linked to these content or academic standards are performance standards, or proficiency levels, the attainment of which must be appropriately and accurately assessed. Experts contend, as high-stakes testing becomes increasingly popular, that assessments must be valid, reliable, and without bias.

Although assessments remain by far the most popular performance indicator among the states, dropout and attendance rates, discipline, post-graduate tracking, and expenditures also appear in a number of state accountability models. Indicators relating directly to students may include not only state assessment and SAT scores but also advanced placement offerings, truancy rates, expulsions, diversity, and pupil-teacher and pupil-administrator ratios. Attendance, diversity, evaluation, experience, and salary levels may be included in ratings addressing professional staff. Also measured are parental or community involvement and school curriculum.

The third leg of the accountability tripod—consequences—may incorporate incentives and rewards as well as sanctions for academic performance. Some states incorporate state standards and assessments in determining grade promotions for elementary school students, while others have or expect to have high school graduation exams aligned with standards. Consequences for poor performance may include required remediation, school closures, and staff removal, while excellence or improvement may be rewarded with cash incentives or increased flexibility in operations. The concept of “academic bankruptcy” has been employed in 20 states to permit some form of intervention—from technical assistance to a state “takeover.”

Increasing the capacity of school divisions, schools, and personnel to provide students with the instruction necessary to meet higher educational standards is also seen as an integral part of the accountability movement. Teachers will require professional development and training opportunities aligned with curriculum standards and assessments, while administrators must be effectively trained to implement new accountability requirements.

### **EDUCATIONAL ACCOUNTABILITY IN OTHER STATES**

The California legislature adopted several major education reform initiatives in March 1999, incorporating an academic performance index for schools and providing financial incentives for school improvement as well as high performance. California also empowers the state superintendent to reassign principals, to close schools, and also to assume the rights and duties reserved to the local school board. In Florida, consequences for poor school performance will soon include vouchers as part of a comprehensive “A+ Plan for Education.” These vouchers, or “Opportunity Scholarships,” will be available to students attending public schools that have obtained a failing grade, as determined by pupil performance on certain tests, for two years, for education in a private school; the initiative also permits students to attend another public school.

The Illinois General Assembly has adopted legislation addressing the unique needs of the Chicago public schools. Schools failing to make adequate progress after one year of probation may be subject to removal of the principal, replacement of instructors, reconstitution and re-assignment of all employees, closing, or intervention. In contrast,



successful schools may be designated as “Learning Zones”—referred to in the statute as “the educational version of enterprise zones”—and granted certain flexibility. North Carolina’s School-Based Management and Accountability Program incorporates accountability, recognition, assistance, and intervention processes. The Program provides school boards with increased budget flexibility and authorizes the grant of waivers from certain regulations that may inhibit reaching local accountability goals. Personnel in schools exceeding performance growth goals may receive financial rewards; these awards may be applied to other purposes upon a vote by school personnel and approval by the school board. Texas’ educational accountability system makes receipt of a high school diploma contingent upon passage of exit-level assessments in English and mathematics.

## **THE STATE OF EDUCATIONAL ACCOUNTABILITY IN VIRGINIA**

Consistent with this nationwide movement, the Commonwealth’s efforts to improve public education in recent years have largely focused on accountability measures that seek to ensure educational excellence and opportunity for all students. The standards, assessments, and consequences integral to any accountability initiative are primarily found in the Standards of Quality (SOQ), mandated by the Virginia Constitution and set forth in the Code of Virginia. Setting forth broad policies and minimum educational requirements for Virginia’s public schools, the SOQ also provide for the establishment of the Standards of Learning (SOL) and the Standards of Accreditation (SOA). The Board of Education’s 1995 revisions of the SOL for the four core subject areas of English, mathematics, science, and history and social sciences and the subsequent revision of the SOA foreshadowed and shaped a number of initiatives addressing educational standards and accountability.

### **Accountability for Students: Assessments and Remediation**

Student academic progress is measured through a battery of assessments, including the Virginia State Assessment Program, the Virginia Literacy Testing Program, the Standards of Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment. The revised Standards of Learning in the core subjects of English, mathematics, science, and history and social science prompted the development of new assessment materials and tests to measure skills and competencies in these four subject areas at grades three, five, eight, and 11. Students who fail to pass all of the SOL tests in grades three, five and eight must attend summer school or participate in another form of remediation. Further reinforcing the consequences of SOL assessments for students are the Standards of Accreditation, which state that these scores are to be considered in local school board promotion/retention policies.

On October 30, 1998, the Board of Education set passing scores for the SOL assessments in the four core subject areas. Results of the first SOL test administration, released in January 1999, indicated that only 39 of Virginia’s 1,800-plus schools would have achieved passing scores in all four core subject areas. Scores on all 27 SOL test statewide subsequently improved in 1999. Large gains were noted in Algebra I and II, as well as in fifth grade writing and in third and fifth grade history/social science.

While sample SOL test items were made available in late summer 1999, the release of test items and prior tests remains under consideration by the Board, as a sufficient "bank" of tests and questions accumulates. Other ongoing concerns include the timing of test administration (particularly in schools using block scheduling); the viability of computer testing and related test security, validity, and reliability issues; the release of an itemized test result analysis to facilitate summer remediation efforts; and the current 14-day turnaround time in test results negotiated by Virginia with vendor Harcourt Brace.

Increasing capacity for students to meet the enhanced standards are measures boosting educational opportunities for at-risk four-year-olds and other student populations and codifying the educational technology initiative, the voluntary primary class size reduction initiative, the at-risk four-year-old preschool program, and an at-risk block grant. Pupil discipline is also seen as a critical aspect of accountability; a number of truancy laws have been strengthened in recent years, reducing the number of unexplained consecutive absences for a child to be reported to the attendance officer and increasing penalties for inducing, or attempting to induce, a child to be absent from school, violating compulsory school attendance laws, and permitting a child to be habitually absent from school.

#### **Accountability for Schools: The Standards of Accreditation**

The accreditation status of each public school is subject to annual review by the Board. Revisions to SOA adopted in 1997 set forth new criteria and processes for individual school accreditation, clearly stating that schools shall be accredited primarily based on pupil achievement, as evidenced by scores on the SOL tests and other assessments. The Standards of Accreditation for public schools also include student outcome measures, requirements and guidelines for instructional programs, staffing levels, pupil personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements.

Accreditation will be denied when a school fails to achieve full accreditation and, after three years of warning status and despite corrective action, fails to meet specified achievement levels. The SOA are silent, however, as to the ramifications and effect of denial of accreditation. The Board is currently considering various accountability measures in other states as well as potential rewards and consequences within the school accreditation process.

Addressing student achievement, assistance and incentives for schools, and incentives for educators, additional SOA revisions were the focus of public hearings across the Commonwealth in late 1999. Included among the amendments are provisions permitting the substitution of alternate assessments, such as the Advanced Placement (AP) or International Baccalaureate (IB), for the verified units required for a high school diploma and additional incentives and rewards for successfully performing schools. Repeatedly suggested in Board public hearings and in Commission meeting testimony was the use of "multiple criteria" in making determinations involving school accreditation and student promotion, retention, and graduation requirements, rather than sole or primary reliance on SOL assessment results to make these determinations.

## **Accountability for Teachers and Administrators**

Accountability for professional personnel is primarily addressed through training, licensure, and employment laws and regulations. A variety of recent legislative measures have sought to equip teachers with the skills necessary to provide the highest quality instruction. The Education Accountability and Quality Enhancement Act of 1999 made changes to the statutes governing teacher preparation, evaluation, and employment, and established the National Teacher Certification Reward Program to provide annual monetary awards to teachers achieving and maintaining national certification.

## **Accountability for Families and Communities: Increasing Involvement**

Numerous Virginia statutes already acknowledge the need for parental and family involvement in public education. School board policy manuals are to be developed with consideration of teacher, parent, and citizen input; school uniforms guidelines are also to reflect parental and community involvement. Grants for alternative programs are to be awarded to initiatives that include community outreach and promote parental involvement. Parental and community participation is also a component of school health advisory boards, school safety audits, and remediation program standards committees.

## **CONCLUSION: ISSUES FOR THE YEAR 2000**

To meet the challenge of its comprehensive mission, the Commission gathered information on a myriad of educational accountability concerns in its first year of study. Testimony offered by state agency representatives, local school divisions, and education organizations provided invaluable perspectives regarding current state accountability initiatives, local implementation, and fiscal concerns. The Commission's two task forces also shared critical testimony; additional efforts by these task forces in the year 2000 will undoubtedly further aid the Commission in its work.

Having already assessed a wide variety of issues, the Commission is poised to delve more deeply into those accountability concerns identified as particularly pressing in the upcoming year. The Commission expects to continue to fulfill its directives to monitor ongoing developments within the Standards of Accreditation and the Standards of Learning and to examine the adequacy of the current system of funding the Standards of Quality. Other issues that may merit Commission review include:

- The efficacy of the Commonwealth's current accountability initiatives in addressing the particular accountability objectives for which they were designed;
- Ways in which General Assembly, as the entity constitutionally vested with the "ultimate authority" over public education, effectively coordinate with the Board of Education, constitutionally charged to "effectuate the education policy," to help ensure the development of accountability measures that help promote educational excellence in Virginia;
- Additional assistance for schools in need of improvement; and

- Possible factors to be considered in establishing performance expectations, goals, and accreditation standards for schools and school divisions (such as local fiscal effort, student and local demographics, and gains made in reaching performance expectations appropriate factors).

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**INTERIM REPORT**  
**SJR 498 COMMISSION ON EDUCATIONAL ACCOUNTABILITY**

**I. AUTHORITY FOR STUDY**

Adopted by the 1999 Session of the General Assembly, SJR 498 established the 20-member Commission on Educational Accountability, comprised of 11 legislative members, six nonlegislative members, and three ex officio members, to be appointed as follows: five members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; six members of the House of Delegates, to be appointed by the Speaker of the House, in accordance with the principles of Rule 16 of the Rules of the House of Delegates; one parent of a child who is enrolled in the public schools of the Commonwealth, one public school teacher, and one school principal, to be appointed by the Senate Committee on Privileges and Elections; one division superintendent, one representative of the Virginia School Boards Association, and one citizen at large, to be appointed by the Speaker of the House; and the Secretary of Education, the President of the Board of Education, and the Superintendent of Public Instruction, serving ex officio with full voting privileges.

The mission of the SJR 498 Commission is a comprehensive one. Charged with coordinating with a number of recent and new study initiatives, the Commission is to:

- Review the Standards of Accreditation (SOA) and any included accountability mechanisms;
- Monitor the implementation of the Standards of Learning (SOL) and revised assessments;
- Consider the work and recommendations of other recent study committees, such as the Commission on the Future of Public Education, House Joint Resolution No. 196 (1996), the Joint Subcommittee on Remediation, House Joint Resolution No. 572 (1999), the Commission on Educational Infrastructure, House Joint Resolution No. 670 (1999), the Standing Joint Subcommittee on School Dropout Prevention, House Joint Resolution No. 241 (1996), and the Joint Subcommittee Studying the Efficacy and Appropriateness of Establishing a School Incentive Reward Program in the Commonwealth, House Joint Resolution No. 165 (1996);
- Develop recommendations for ways to increase the capacity of schools, teachers, and students to meet increasingly rigorous academic standards;
- Examine issues raised in Senate Joint Resolution No. 344 (1999) regarding the effects on the Commonwealth's young people of failure to obtain a diploma pursuant to requirements of the SOA;
- Evaluate the efficacy, appropriateness, and application of the Commonwealth's statutes, regulations, and policies governing the academic assessment of students who transfer into Virginia's public schools (SJR 389--1999);

- Determine the feasibility and appropriateness of establishing a certificate of completion for certain vocational programs in public high schools (HJR 593--1999);
- Determine the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality (SOQ) for public schools (HJR 657--1999);
- Study the instructional needs of students and teachers in the public schools of the Commonwealth (HJR 691--1999);
- Examine the impact of the SOL and the SOA on teachers, urban and small rural school divisions, and educationally at-risk students, giving particular attention to the preparation of teachers and time to instruct students to meet the SOL, the ability of urban and small rural school divisions to meet and maintain the requirements for accreditation, the effect of the SOL tests on grade promotion and retention of students and the awarding of high school diplomas, and the remediation of students who fail the SOL tests (HJR 721--1999);
- Confer with the joint subcommittee established pursuant to Senate Joint Resolution No. 447 (1999), regarding issues pertaining to over-age students, adult students who are returning to school, and vocational-technical education;
- Collaborate, coordinate, and receive regular reports of the Commission's special task force established pursuant to House Joint Resolution No. 566 (1999) studying the integration of the SOL with the secondary school level curricula and workforce development skills;
- Collaborate, coordinate, and receive regular reports of the Commission's special task force studying the impact of the SOA on local school division budgets, in accordance with House Joint Resolution No. 586 (1999) and House Joint Resolution No. 723 (1999);
- Collaborate and confer with the joint subcommittee established to examine the efficacy and appropriateness of adjusting SOQ funding for certain small school divisions (SJR 481--1999);
- Confer and coordinate the work of the Commission with other legislative study committees that have been charged to examine related issues to avoid duplication; and
- Consider such other issues, as it deems appropriate.

Complementing the work of the Commission in 1999 were two task forces. Incorporated into the work of SJR 498 is HJR 723, which directed the creation of a special seven-member task force of the SJR 498 Commission to "examine the impact of the Standards of Accreditation on local school division budgets." Comprised of four members of the House of Delegates (two of whom must be Commission members) appointed by the Speaker, and three members of the Senate (one of whom must be a Commission member) appointed by the Senate Committee on Privileges and Elections, this special task force is to

submit its interim findings and recommendations to the SJR 498 Commission by November 1, 2000, and its final report one year later.

Similarly, HJR 566 creates a larger task force of the SJR 498 Commission; its 15 members were to explore (i) the integration of the Standards of Learning in secondary school curricula and programs focusing on workforce development skills; (ii) the availability of these secondary school workforce development opportunities across the Commonwealth; (iii) the adequacy of current curricula, program resources, and technology in Virginia public schools; (iv) staffing and state and local funding levels for secondary school workforce development programs; (v) the efficacy of current state and local coordination and governance of secondary school workforce development programs; (vi) the need for training and technical assistance for workforce development educators; (vii) the use of the SOL as well as national business and industry standards to enhance such curricula and programs; and (viii) such other issues as it deems appropriate. The special task force was to regularly apprise the Commission on Educational Accountability regarding its deliberations, findings, and recommendations on a schedule determined by the Commission. This special task force was also to submit its interim findings and recommendations to the Commission by November 1, 2000, and its final report by November 1, 2001.

Comprising the five legislative members of the HJR 566 task force were three members of the House of Delegates, including two SJR 498 Commission members, and two members of the Senate, one of whom was to be a Commission member. The five nonlegislative members, appointed by the Governor, represented business, education, and industry. Serving ex officio with full voting privileges were the Secretary of Education; the Secretary of Commerce and Trade; the Superintendent of Public Instruction; the Chancellor of the Virginia Community College System; and the Director of the State Council of Higher Education.

Both task forces were to submit interim reports to the SJR 498 Commission by November 1, 2000. The Commission, in turn, was to incorporate these reports as well as its own findings in its interim report, to be submitted to the Governor and the 2000 Session of the General Assembly. Final reports of the Commission and the task forces are to be submitted to the Governor and the 2001 Session of the General Assembly.

The SJR 498 Commission met a total of five times in its first year of study. Three meetings occurred in 1999, affording the Commission the opportunity to receive testimony from state agency representatives, education organizations, school divisions, and others. The Commission also met twice in January 2000--once to coordinate with its task forces and examine written comments received from educational organizations, and, later, to review the recommendations of the HJR 572 Joint Subcommittee on Remediation.

## **II. INTRODUCTION TO ACCOUNTABILITY: STANDARDS, ASSESSMENTS, AND CONSEQUENCES**

Perhaps best illustrating the educational accountability concept is the image of a tripod "whose three legs are clearly stated goals, prompt and accurate information about

progress toward them, and positive and negative consequences that follow from the information.”<sup>1</sup> In recent years, most states have initiated or renewed their education reform efforts with new or revised academic content standards, setting forth clearly what students must learn and what teachers must teach. Described as a “roadmap” for “what and how well students are to learn,” rigorous, well-defined, measurable standards are seen by some education experts as the most critical component of any accountability model.<sup>2</sup> Academic standards or expectations are now seemingly the norm across the United States, the achievement of which increasingly forms the basis for school and division approval or accreditation.<sup>3</sup>

Linked to these content or academic standards are performance standards, or proficiency levels, the attainment of which must be appropriately and accurately assessed. Experts contend, as high-stakes testing becomes increasingly popular, that assessments must be valid, reliable, and without bias. The importance of test validity—whether the test assesses what it is designed to measure—and test reliability—whether the test examines an adequate range of material and whether its results can be “trusted”—increases as states use test results to determine student promotions, faculty salaries, and school rewards or consequences. Test “fairness” or “bias” addresses not only test administration and security, but also flaws and assumptions that may place various “racial, ethnic or gender groups at a disadvantage.”<sup>4</sup>

Recognizing that the use of tests in accountability models may expose “unacceptable performance disparities” between various student groups, one scholar has urged the use of test results to “provide a basis for educators and policy makers to take a hard look at the best available evidence regarding student performance and to take action to correct inequalities that were previously undetected or ignored.”<sup>5</sup> To counter concerns regarding due process and potential discrimination, tests should be used for the purposes for which they were designed, appropriate notice given regarding new test requirements, and students provided the educational opportunities necessary to acquire the knowledge and skills measured by the tests.<sup>6</sup>

The use of assessments in determining educational performance also continues to prompt concerns regarding “teaching to the test” rather than focusing on student mastery of high-level knowledge and skills. Education experts contend, however, that “[i]f the state tests reflect challenging content standards, the relationship [between testing and instruction]

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<sup>1</sup>Chester E. Finn, Jr., “Accounting for Results,” *National Review* at 40 (May 27, 1991).

<sup>2</sup>Southern Regional Education Board, *Getting Results: A Fresh Look at School Accountability* at 2-5; 7 (October 1998) [hereinafter referred to as SREB]; see also, Report of the Commission on Accountability for Educational Excellence, *House Document No. 88* at 3 (1997)[hereinafter referred to as *House Document No. 88*].

<sup>3</sup>S. Fuhrman, “The New Accountability,” *CPRE Policy Briefs* at 1 (January 1999)[hereinafter referred to as Fuhrman].

<sup>4</sup>Education Commission of the States, *The Progress of Education Reform 1998* at 5 (1998)[hereinafter referred to as *Progress*]; SREB, *supra* note 2, at 8-9.

<sup>5</sup>A. Coleman, “Excellence and Equity in Education: High Standards for High-Stakes Tests,” 6 *Va. J. Soc. Pol’y & L.* 81 at 85, 87 (Fall 1998)[hereinafter referred to as Coleman].

<sup>6</sup>Coleman, *supra*, at 90; 91; 92-93; 95.



can be positive.”<sup>7</sup> Also of concern is clear reporting of test results—essential, according to education scholars, to help parents understand their children’s skills and to help schools develop more effective school improvement plans. Finally, adequate time and funding should be devoted to the development, planning, administration, field testing, and revision of any state-level assessment to help ensure an opportunity for teachers and students to prepare effectively.<sup>8</sup>

Performance standards need not be limited to academic test results, however. Multiple indicators of school performance, such as graduation and attendance rates as well as post-secondary tracking of graduates, have found favor in 36 states. Although assessments, such as norm- or criterion-referenced tests and portfolios, remain by far the most popular performance indicator among the states, dropout and attendance rates, discipline, post-graduate tracking, and expenditures also appear in a number of state accountability models.<sup>9</sup> Indicators relating directly to students may include not only state assessment and SAT scores but also advanced placement offerings, truancy rates, expulsions, diversity, and pupil-teacher and pupil-administrator ratios. Attendance, diversity, evaluation, experience, and salary levels may be included in ratings addressing professional staff. Also measured are parental or community involvement and school curriculum.<sup>10</sup>

#### Performance Indicators Used by 16 or More States

Indicator	No. of States
Assessment scores	41
Dropout rate	33
Student attendance	29
Expenditures/use of resources (including per pupil expenditures)	27
Graduation rate	18
Student behavior (includes discipline, truancy, expulsion and/or suspension)	18
Transition (education or employment after high school graduation)	16

Education Commission of the States, ECS Information Clearinghouse, “State Performance Indicators-1999”  
<http://www.ecs.org/ecs/ecsweb.nsf/HTMLFrameObjects/Frameset-HomePage?OpenDocument>

Assessing school or pupil performance involves more than merely selecting or developing a particular test instrument or indicator, as “[p]olicymakers must not only pick a measure, but they must also decide what is a good or proficient performance on that measure.”<sup>11</sup> Making these decisions requires education policymakers to avoid the appearance of arbitrariness, to consider the differing challenges facing particular schools and divisions, to resolve any differences between results revealed by the newer test and by the

<sup>7</sup>SREB, *supra* note 2, at 10-11.

<sup>8</sup>*Id.*

<sup>9</sup>Education Commission of the States, *Clearinghouse Notes*, “Performance-Based Accountability Systems” at 3, 4 (January 1999).

<sup>10</sup>Education Commission of the States, ECS Information Clearinghouse, “State Performance Indicators-1999”  
<http://www.ecs.org/ecs/ecsweb.nsf/HTMLFrameObjects/Frameset-HomePage?OpenDocument>

<sup>11</sup>Fuhrman, *supra* note 3, at 3.

older, more familiar measures, and to determine just how much improvement can reasonably be expected over time.<sup>12</sup>

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## EDUCATION REFORM AND THE ACCOUNTABILITY MOVEMENT

reprinted from Report of the Commission on Accountability for Educational Excellence (HJR 168),  
*House Document No. 88 (1997).*

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Mirroring societal, economic, and political forces, education reform in America has assumed many forms in the past three decades. In the post-Sputnik, Cold War era of the 1960s, efforts to improve public education reflected national concern over retaining America's "technological superiority."<sup>\*</sup> Prompted by increased demand for efficiency in fiscal and management practices, the application of business principles to the administration of public schools characterized reform efforts in the 1970s; schools were to be held "accountable" for their operations. By 1975, more than 31 states had enacted some form of "accountability" legislation--focusing on program evaluations and educational goals as well as management information systems, various planning, accounting, and budgeting systems, "management by objectives," and performance accreditation systems.\*

More recent reform efforts were arguably spawned by the publication of *A Nation At Risk* in 1983. Citing alarming dropout rates and increasing numbers of ill-prepared graduates, this landmark report of the National Commission on Excellence in Education called for the restructuring of public education to meet the needs of students living in the "information age." Responding to this call for change, states pursued a variety of reform initiatives, such as school choice, school performance assessments, and finance reform, to achieve educational excellence.\*

A natural outgrowth of the "excellence movement" of the 1980s is the recent renewal of interest in standards for public education. Despite the implementation by many states of tougher graduation requirements, improved salaries and professional testing for teachers, and other reform initiatives, student SAT scores showed little change; colleges and employers continued to cite the number of high school graduates poorly prepared for higher education or workforce entry. Frustration with a lack of significant improvement in the quality of public education provided impetus for standards-based reform: initiatives linking learning and accountability by making clear what students must learn and what teachers must teach.\*

Whether through the implementation of more rigorous academic standards, new assessment initiatives, or outcome-based accreditation, education reform has turned its focus once again to accountability. Unlike the fiscal-based accountability initiatives of the early 1970s, this current accountability movement focuses instead on "measuring student performance (or the lack of it) and assigning responsibility for improving the situation..."<sup>\*</sup> Reflecting this new accountability movement was the March 1996 Governors' Education Summit, which focused on the need to "advance standards and assessment efforts in every state."<sup>\*</sup>

\*See House Document No. 88 (1997) for footnotes.

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<sup>12</sup>Fuhrman, *supra* note 3, at 3, 4.

The third leg of the accountability tripod—consequences—may incorporate incentives and rewards as well as sanctions for academic performance. While standards and assessments are important, consequences are also essential, for, as one expert contends, “[w]hat makes a state’s standards real are the content and performance expectations . . . on state tests, especially tests with consequences for schools and students.”<sup>13</sup> At least seven states incorporate state standards and assessments in determining grade promotions for elementary school students, and at least 20 states “have or plan to have high school graduation exams aligned with their standards.”<sup>14</sup> Consequences for poor performance may include required remediation, school closures, and staff removal, while excellence or improvement may be rewarded with cash incentives or increased flexibility in operations.<sup>15</sup> The concept of “academic bankruptcy” has been employed in 20 states to permit some form of intervention—from technical assistance to a state “takeover.”<sup>16</sup>

Although still a relatively new practice, consequences for poor educational performance have been credited for motivating improvement in some schools. Data is less clear regarding the effect of incentives and rewards on school performance. A 1996 study of the Indiana, Kentucky, South Carolina, and Texas rewards initiatives indicated that rewards and sanctions may “stimulate improvement efforts more quickly in elementary rather than secondary schools, and that sanctions, rather than rewards, may be the greater motivator.” Interestingly, the study also notes that certain intrinsic rewards, such as recognition or status, may have greater motivational potential than “extrinsic” rewards, such as salary increases or cash awards.<sup>17</sup> Nonetheless, education scholars note that any consequences—positive or negative—should be consistent and equitable, and should not only reflect compliance with “rigorous performance standards but also should recognize improvement.”<sup>18</sup>

One clear consequence for academic performance lies in school accreditation, a process typically involving the designation of a school (or a school district) within a specific category or classification based on an evaluation for compliance with various requirements or standards. While some states may simply employ a voluntary accreditation process through nonprofit regional associations, 30 states have established state systems for school accreditation. Of these 30, 17 have linked pupil performance to school accreditation.<sup>19</sup>

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<sup>13</sup>C. Finn, Jr., M. Petrilli, and G. Vanourek, *The State of State Standards* (S. Traiman, *Forum*) at 19 (July 1998).

<sup>14</sup>*Progress*, *supra* note 4, at 6.

<sup>15</sup>*Progress*, *supra* note 4, at 6-7; SREB, *supra* note 2, at 21-22.

<sup>16</sup>Education Commission of the States, *Designing and Implementing Standards-based Accountability Systems* at 24 (March 1998)[hereinafter referred to as *Designing*].

<sup>17</sup>*Designing*, *supra*; R. King and J. Mathers, *The Promise and Reality of Rewards for School Improvement* at 58; 62; 54-56 (August 1996).

<sup>18</sup>SREB, *supra* note 2, at 21, 23.

<sup>19</sup>Education Commission of the States, ECS Information Clearinghouse, *Clearinghouse Notes*, “State-level Policies regarding Accreditation in Public Schools” (October 1, 1998).

### State Accreditation Practices--Performance-Based Accreditation

State	State Accredits	Perform- ance- Based Accredita- -tion	State	State Accredits	Perform- ance- Based Accredita- -tion	State	State Accredits	Perform- ance- Based Accredita- -tion
AL	✓	No	KY	No	No	OH	No	No
AK	✓	No	LA	✓	✓	OK	✓	✓
AZ	No	No	ME	✓	No	OR	No	No
AR	✓	No	MD	✓	✓	PA	No	No
CA	No	No	MA	No	No	PR	✓	✓
CO	✓	✓	MI	✓	✓	RI	✓	No
CT	No	No	MN	No	No	SC	✓	No
DE	✓	✓	MS	✓	✓	SD	✓	No
DC	No	No	MO	✓	No	TN	No	No
FL	No	No	MT	✓	No	TX	✓	✓
GA	No	No	NE	✓	✓	UT	No	No
HI	No	No	NH	No	No	VT	No	No
ID	✓	No	NJ	No	No	VA	✓	✓
IL	✓	✓	NM	✓	✓	WA	✓	No
IN	✓	✓	NY	No	No	WV	✓	✓
IA	✓	No	NC	✓	✓	WI	No	No
KS	✓	✓	ND	✓	No	WY	✓	✓

Education Commission of the States, ECS Information Clearinghouse, *Clearinghouse Notes*, "State-level Policies Regarding Accreditation in Public Schools" (October 1, 1998). School accreditation is in place in the Virgin Islands; however, the accreditation is not performance-based (Yes/No).

Education scholars and policymakers recognize that the implementation of standards, assessments, and consequences alone will not automatically improve public education; increasing the capacity of school divisions, schools, and personnel to provide students with the instruction necessary to meet higher educational standards is also seen as an integral part of the accountability movement.<sup>20</sup> Teachers will require professional development and training opportunities aligned with curriculum standards and assessments, while administrators must be effectively trained to implement new accountability requirements.<sup>21</sup> Included among capacity-building initiatives that "ensure teachers and other educators have the knowledge and skills they need to teach effectively to the new standards and help schools evaluate and reshape their practices" are revised teacher licensure and professional development requirements; professional development centers; and funding for tutorials, remediation, and extra support services for certain students.<sup>22</sup>

<sup>20</sup>D. Massell, "State Strategies for Building Local Capacity: Addressing the Needs of Standards-Based Reform," *CPRE Policy Briefs* at 1 (July 1998).

<sup>21</sup>SREB, *supra* note 2, at 12-15.

<sup>22</sup>*Designing*, *supra* note 16, at 27-31.

Educational accountability is also included the reauthorization of the Elementary and Secondary Education Act (ESEA) now under consideration by Congress. An ESEA version proposed by the White House would require a school accounting for effective use of Title I funds for at-risk pupils and identification of low-performing schools. The proposal links federal dollars to corrective action and intervention efforts, required performance examinations for teachers, and elimination of "social promotions." A Republican proposal, "Straight A's," released in late June 1999, would provide states greater flexibility in the use of federal education moneys "in exchange for certain accountability guarantees." The proposal contemplates five-year "performance agreements" between states and the Department of Education.<sup>23</sup>

### III. EDUCATIONAL ACCOUNTABILITY IN OTHER STATES

**California.** March 1999 marked the passage of four major education reform initiatives by the California legislature. Senate Bill 1x, drawing upon features of the Texas accountability system, incorporates an "academic performance index" for schools and provides financial incentives for school improvement as well as high performance. The measure also includes federal and state funds to support reform efforts at schools deemed "low-performing" and empowers the state superintendent to reassign principals, to close schools, and also to assume the rights and duties reserved to the local school board. To enhance quality instruction, Assembly Bill 1x requires the development of a teacher peer assistance and review process with the local bargaining organization. Addressing the assessment component of the accountability tripod is Senate Bill 2x, which requires the development of a high school exit exam to be administered in 2001, with passage required for graduation beginning with the class of 2004. Finally, Assembly Bill 2x provides for reading initiatives in grades K-4.<sup>24</sup>

**Florida.** Consequences for poor school performance will soon include vouchers in Florida. On April 30, 1999, the Florida legislature adopted a public school voucher initiative as part of a comprehensive "A+ Plan for Education" supported by Governor Jeb Bush. These vouchers, or "Opportunity Scholarships," will be available to students attending public schools that have obtained a failing grade, as determined by pupil performance on certain tests, for two years, and may be valued at more than \$4,000 a year for education in a private school; the initiative also permits students to attend another public school. The Florida education reform package also provides \$500 million for tutors in schools at risk of receiving a failing grade. While only four Florida schools are expected to receive an "F" for fall 1999, an estimated 169 schools might fail as education standards are strengthened. It is further estimated that 156,000 students may be eligible for these Opportunity Scholarships by late 2000.<sup>25</sup>

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<sup>23</sup>J. Sack, "Congress takes Up Debate on Accountability," *Education Week* (June 16, 1999) <<http://www.teachermagazine.org/ew/current/40accoun.h18>>; E. Robelen and J. Sack, "Clinton ESEA Plan Targets Accountability," *Education Week* (May 26, 1999) <<http://www.teachermagazine.org/ew/vol18/37esea.h18>>; J. Sack, "Republicans Offer 'Straight A's' Plan For Easing Regulation," *Education Week* (July 14, 1999) <<http://www.edweek.org/ew/vol-18/42super.h18>>  
<sup>24</sup>Education Commission of the States and National Conference of State Legislatures, "California Legislature Approves Governor's Education Reform Plan," *Legislative Education Staff Network Newsletter* (Spring 1999).  
<sup>25</sup>"School Reform Blooms," Review & Outlook, *The Wall Street Journal* (May 5, 1999).

Recognizing its “important but not exclusive role in providing children with the opportunity to obtain a high-quality education,” the Florida legislature included prefatory language in House Bill 751 and noted that Florida’s public school system can be enhanced “when we reinforce shared high academic expectations, and when we promptly reward success and promptly identify failure, as well as promptly appraise [sic] the public of both successes and failures . . . .”<sup>26</sup> While Florida law already indicates that “it is the intent of the Legislature that all public schools be held accountable” for pupil performance, the Opportunity Scholarship is a new facet of this accountability program.<sup>27</sup>

Citing 1998 voter-approved amendments to Florida’s Constitution which made education “a paramount duty of the state,” the legislature specifically found that “a student should not be compelled, against the wishes of the student’s parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period.” The statute directs school districts to notify students’ parents of a school’s designation of “failing” and to identify the available options, such as enrollment in (i) a higher-performing school in the district (no less than grade category “C”); (ii) a higher-performing school, on a space-available basis, in an adjacent district; or (iii) a sectarian or nonsectarian private school in Florida indicating its desire to participate in the initiative and meeting various fiscal, nondiscrimination, health, safety, and educational requirements. These private schools must accept the Opportunity Scholarship as full tuition and fees. Students receiving these scholarships must take all required state assessments.<sup>28</sup>

Funding for the Opportunity Scholarship is calculated by multiplying a “base student allocation . . . by the appropriate cost factor for the educational program that would have been provided for the student in the district school . . . by the district cost differential.” The amounts shall be the lesser of this calculated amount or the private school’s tuition and fees. Moneys are to be transferred from the relevant school districts to a separate Opportunity Scholarship account for subsequent quarterly disbursements to parents of participating students.<sup>29</sup>

The A+ Plan for Education also designates school performance grade categories from “A” (making excellent progress) to “F” (failing to make adequate progress). The Plan provides increased budget flexibility for schools in the “A” category. Various indicators for determining these grade designations will be phased in, and include pupil performance on state assessments, attendance and dropout rates, school discipline, readiness for college, and “measured learning gains.” Improvement ratings are also calculated for each school.<sup>30</sup>

**Illinois.** In 1995, the Illinois General Assembly directed the State Board of Education to develop “recognition standards for school performance and school improvement.” Indicators of performance and improvement were to include state and local assessments as well as student attendance, retention, expulsion, and graduation rates. Schools performing well or

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<sup>26</sup>House Bill No. 751, engrossed April 15, 1999 (Florida, 1999 Regular Session).

<sup>27</sup>Fla. Stat. § 229.0535 (1999).

<sup>28</sup>Fla. Stat. § 229.0537 (1999).

<sup>29</sup>Fla. Stat. § 229.0537 (1999).

<sup>30</sup>Fla. Stat. § 229.57 (1999).

showing improvement may receive recognition or rewards. Also contemplated in Illinois statute are school district improvement plans and state assessment requirements.<sup>31</sup>

The state's first academic warning list was released in 1997. In fall 1998, 60 elementary and secondary schools had removed themselves from the "academic early-warning list" as more than 50 percent of their students met state standards for assessments administered the previous spring. Although nine new schools appeared on the more recent "early-warning" list, the total stood at 71 schools, down from 122 the previous year. Also reported this past fall were improvements in state reading scores, despite increasing numbers of at-risk students.<sup>32</sup>

Recognizing the unique needs of the Chicago public schools, the Illinois General Assembly also enacted legislation focusing on education reform and accountability in cities with a population greater than 0.5 million. In a dramatic 1995 action, the legislature found that "an education crisis exists in the Chicago Public Schools," abolishing the terms of all Chicago Board of Education members and replacing them with a five-member, mayoral-appointed Chicago School Reform Board of Trustees, to serve for four years "to bring educational and financial stability to the system." An Academic Accountability Council was established to develop a "comprehensive system of review, evaluation, and analysis of school performance." Each school would have a "local school council," comprised of the principal, teachers, parents, and community members; local school councils for secondary schools would include a nonvoting student member. Among the powers and duties of these councils are principal evaluation and contract renewal, textbook recommendations, and approval of a school improvement plan.

All schools, regardless of performance, were to develop a three-year school improvement plan. The general superintendent was to place those schools that have failed to develop, progress within, or meet a school improvement plan "on remediation" and those schools for which these mechanisms are ineffective "on probation." Schools failing to make "adequate progress" after one year of probation may be subject to removal of the principal, replacement of instructors, reconstitution and re-assignment of all employees, closing, or intervention. In contrast, successful schools may be designated as "Learning Zones"—referred to in the statute as "the educational version of enterprise zones"—and granted certain flexibility.<sup>33</sup>

To enhance the academic performance of its more than 400,000 pupils and the accountability of its 557 public schools, the Chicago Board of Education adopted a "Children First" education plan in 1995. Responding to the legislature's actions, the Chicago Public Schools also created an Office of Accountability to assist schools on the state's "academic watch" and remediation lists. The Office contains a teacher accountability unit to "assist

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<sup>31</sup> 105 ILCS §§ 2-3.25a; 2-3.25c; 2-3.63; 2-3.64

<<http://www.legis.state.il.us/ilcs/ch105/ch105act5articles/ch105act5Sub6.htm>>

<sup>32</sup> J. Sandham, "In Ill., Test Scores Propel 60 Schools Off 'Warning List,'" *Education Week* (November 4, 1998)

<<http://www.edweek.org/ew/vol-18/10ill.h18>>

<sup>33</sup> 105 ILCS §§ 5/34-3.3; 5/34-3; 5/34-3.4; 5/34.2.1; 5/34-2.3; 5/34-2.4; 5/34-8.3; 5/34-8.4

<<http://www.legis.state.il.us/ilcs/ch105/ch105act5articles/ch105act5Sub62.htm>>

principals in complex personnel issues, including developing fair and equitable teacher efficiency ratings, ongoing assessment of ratings and removing teachers for poor performance.”<sup>34</sup>

Acknowledging that some factors influencing school performance—socioeconomic factors, truancy, poor facilities, and high numbers of special-needs students—were beyond the control of individual schools, the Chicago school improvement initiative focused instead on principal leadership, staff training and development, and “administrative responsibilities that take away from the principal’s time and reduce effectiveness.” Increased instructional time for students prompts most Chicago schools to remain open until 6 p.m., with all meals available. To promote safety and an atmosphere conducive to learning, all high schools have metal detectors for scanning students. These initiatives have already produced positive results, as dropout rates have decreased, and the school system has witnessed improvement in attendance, graduation rates, academic performance, decreased crime, and increased numbers of students either employed or pursuing higher education upon graduation.<sup>35</sup>

**North Carolina.** Developed by the State Board of Education as directed by the 1995 General Assembly, North Carolina’s “ABCs of Public Education” focuses on “strong accountability with an emphasis on high educational standards; teaching the basics; and maximum local control.” The ABCs plan combines performance growth standards, recognition and incentives, and assistance and intervention.<sup>36</sup>

Reflecting the ABCs initiative is the statutory School-Based Management and Accountability Program, previously known as the Performance-Based Accountability Program, which incorporates accountability, recognition, assistance, and intervention processes. Noting that “the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential,” the statute specifically states that the “primary goal of the Program shall be to improve student performance.”

The Program provides school boards with increased budget flexibility and authorizes the grant of waivers from certain regulations that may inhibit reaching local accountability goals. State Board guidelines assist local boards and schools in the implementation of school-based management, with the goal of improving student performance by increasing local control of schools. School improvement plans, incorporating annual performance goals set by the State Board, are to be developed by each school, with input from parents and teachers, and approved by administrators and educational personnel. Subject to acceptance by the local school board, the improvement plan remains in effect for no more than three years.

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<sup>34</sup>Chicago Board of Education, “Children First Initiatives” <[http://www.cps.k12.il.us/Children\\_First/children\\_first.html](http://www.cps.k12.il.us/Children_First/children_first.html)> (1998); Chicago Public Schools, “Department of Accountability” <<http://acct.multi1.cps.k12.il.us/accountability.html>> (1999).

<sup>35</sup>Virginia Department of Education, Comments by Al Foster, Director of Intervention, Chicago Public Schools, *Summary: Discussion of Strategies for Schools That Achieve, or Fail to Achieve, Expectations for Student Achievement*, (April 29, 1999) <<http://141.104.22.210/VDOE/NewHome/pressreleases/aprsumm.html>>

<sup>36</sup>North Carolina State Board of Education, Department of Public Instruction, *The ABCs of Public Education* (Fall 1997).



## North Carolina ABCs of Public Education: Awards and Recognition Categories

Category	Criteria	Recognition
<b>Top 25</b>	Top 25 K-8 schools (statewide) in academic gain	<ul style="list-style-type: none"> <li>• Banquet</li> <li>• Banner</li> <li>• Certificate</li> <li>• Incentive Award</li> </ul>
<b>Top 10</b>	Top 10 high schools (statewide) in academic gain	<ul style="list-style-type: none"> <li>• Certificate</li> <li>• Incentive Award</li> </ul>
<b>Exemplary</b>	School achieves 10% above expected growth standard	<ul style="list-style-type: none"> <li>• Certificate</li> <li>• Incentive Award</li> </ul>
<b>Expected</b>	School meets 100% student growth standard	<ul style="list-style-type: none"> <li>• Certificate</li> <li>• Incentive Award</li> </ul>
<b>Schools of Excellence</b>	At least 90% of school's students are at or above grade level standard and the school meets expected growth standard	<ul style="list-style-type: none"> <li>• Banquet</li> <li>• Banner</li> <li>• Certificate</li> <li>• Incentive Award</li> </ul>
<b>Schools of Distinction</b>	At least 80% of school's students are at or above grade level standard	<ul style="list-style-type: none"> <li>• Plaque</li> <li>• Certificate</li> </ul>

Virginia Department of Education, Comments from Dr. Elsie Leak, Director of the Division of School Improvement, North Carolina Department of Education, *Summary: Discussion of Strategies for Schools That Achieve, or Fail to Achieve, Expectations for Student Achievement*, (April 29, 1999) <<http://141.104.22.210/VDOE/NewHome/presreleases/aprsumm.html>>

Personnel in schools exceeding performance growth goals may receive financial rewards; these awards may be applied to other purposes upon a vote by school personnel and approval by the school board. Schools identified as low-performing must provide written notification of this designation to parents; an assistance team may be assigned to the school. The Accountability Program also provides for the dismissal and removal of administrators and teachers in low-performing schools and the appointment of interim superintendents.<sup>37</sup>

Modifying this Program was the 1997 "Excellent Schools Act," which directed the State Board to develop a plan for "rigorous student academic performance standards" that are to align, "whenever possible," with academic performance standards developed for the National Assessment of Educational Progress (NAEP). A significant accountability component of the Excellent Schools Act is teacher preparation and competency, as teachers in low-performing schools, upon the recommendation of the school principal or the assistance team assigned to the school, would be required to obtain a passing score on a "general knowledge" competency test selected by the State Board. Exceptions for those certified teachers who have taken and passed (i) the PRAXIS I exam as a condition of entry into a school of education; (ii) the PRAXIS II exam after July 1, 1996; or (iii) the general knowledge test previously were repealed in 1998. Remediation is required for those teachers failing the test. Retesting and dismissal provisions are also included.<sup>38</sup>

<sup>37</sup>Legislative Research Division, North Carolina General Assembly, *Summary: ABC's Plan* (1996); N.C. Gen. Stat. §§ 115-12(9); 115C-105.20; 115C-105.21; 115C-105.25; 115C-105.26; 115C-105.27; 115C-105.35; 115C-105.36; 115C-105.37; 115C-105.39 (1997 and 1998 Supp.); see also, *House Document No. 88*, *supra* note 2, at 10.

<sup>38</sup>N.C. Gen. Stat. §§ 115C-105.40; 115C-105.38A (1997 and 1998 Supp.).

The 1999 Session of the North Carolina General Assembly considered HB 1178, legislation restoring the repealed exceptions to the competency testing requirement and requiring all teachers—not just those recommended by the principal or assistance team—to take the competency test. The measure also contemplated two re-tests and dismissal proceedings upon a third failure to pass the test. As of April 15, 1999, the bill had been referred to the House Education Committee.<sup>39</sup> Other accountability initiatives under consideration by the 1999 Session include SB 976, addressing computation of dropout rates for accountability purposes; SB 942, directing the State Board of Education to develop a plan to implement its Statewide Student Accountability Standards, adopted April 1, 1999; HB 1148, delaying the implementation of the Statewide Student Accountability Standards until the State Board has provided the Joint Legislative Education Oversight Committee with a “detailed analysis of the resources needed” to help students meet the new Standards; and HB 598/SB 441, providing for pilot programs for alternative school-based accountability standards.<sup>40</sup>

**Texas.** Texas’ educational accountability system also incorporates a statewide assessment initiative and makes receipt of a high school diploma contingent upon passage of exit-level assessments in English and mathematics (Texas Assessment of Academic Skills or TAAS). Results of these assessments, as well as SAT scores, dropout and attendance rates, and the number of graduating students meeting recommended high school course requirements are among the “academic excellence indicators” adopted by the State Board of Education to determine school performance.<sup>41</sup>

Performance on these indicators is compared to state standards; however, performance on the exit-level tests for mathematics and English and criterion-referenced tests in (i) reading and mathematics in grades three through eight; (ii) writing in grades four and eight; and (iii) social studies and science in grade levels determined by the State Board is also measured against required improvement and comparable improvement—this latter benchmark having been determined based on a profile incorporating demographics such as past academic performance, socioeconomic status, ethnicity, and limited English proficiency. In 2002-2003, this assessment indicator will also include criterion-referenced tests designed for and administered to special education students in reading, mathematics, and writing.<sup>42</sup>

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<sup>39</sup>HB 1178 (North Carolina, 1999) <<http://www.ncga.state.nc.us/gascripts/billnumber/billnumber.pl?Session=1999&BillID=H1178>>

<sup>40</sup>SB 976 (North Carolina, 1999) <<http://www.ncga.state.nc.us/html1999/bills/senate/sbil0976.full.html>>; SB 942 (North Carolina, 1999) <<http://www.ncga.state.nc.us/html1999/bills/senate/sbil0942.full.html>>; HB 1148 (North Carolina, 1999) <<http://www.ncga.state.nc.us/html1999/bills/house/hbil1148.full.html>>; HB 598 (North Carolina, 1999) <<http://www.ncga.state.nc.us/html1999/bills/house/hbil0598.full.html>>; SB 441 (North Carolina, 1999) <<http://www.ncga.state.nc.us/html1999/bills/senate/sbil0441.full.html>>.

<sup>41</sup>Tex. Educ. Code, §§ 39.022, 39.025; 39.051 <<http://capitol.tlc.state.tx.us/statutes/codes/ED000023.html>>; Texas Education Agency, *Press Release*, “Sophomores Achieve Record Passing Rates on Exit-Level TAAS, Hit 90 Percent Mark on Reading, Writing for First Time in History” (April 21, 1999) <<http://www.tea.state.tx.us/press/pr990421.html>> [hereinafter referred to as *April 21 Press Release*].

<sup>42</sup>Tex. Educ. Code, §§ 39.051 <<http://capitol.tlc.state.tx.us/statutes/codes/ED000023.html>>

Texas high school sophomores posted a record passing rate on the TAAS tests administered in spring 1999, as 90 and 93 percent of those students not in special education passed the reading and writing portions of the test, respectively, for the first time since the first administration nine years ago. Eighty-three percent passed the mathematics portion, while 78 percent passed all parts. Notably, although the passing rates for all three test portions was 69 percent for minority or disadvantaged students and 89 percent for white students, the 1999 spring test results confirmed a narrowing of the gap in these test results. In addition, only 8,146 of 212,773 seniors had not passed all three portions, a diploma requirement. Students may continue to retake the failed test portions even if they are no longer enrolled in school.<sup>43</sup>

For school years 1997 and 1998, a \$5 million appropriation supported the Texas Successful Schools Award System (TSSAS). The Texas Education Code authorizes the governor to present monetary awards to districts demonstrating “the highest levels of success or the greatest improvement in achieving the education goals.” Award amounts are based on average daily attendance, but may be capped by school or district. Proclamations and certificates may be issued to schools and districts meeting or exceeding goals; additional awards may be created for those schools or districts whose success is contingent upon involvement with a “paired, lower-performing” school.<sup>44</sup>

#### Texas Successful Schools Awards System (TSSAS)--Spring 1999

Category	Criteria	No. of schools
Exemplary	TAAS (each section) pass rate 90% for all students/all groups (African-American, Hispanic, White)  Annual dropout rate 1% or less for all students/all groups  Attendance rate 94%	208
Recognized	TAAS (each section) pass rate 80% for all students/all groups  Annual dropout rate 3.5% or less for all students/all groups  Attendance rate 94%	252
Acceptable	TAAS (each section) pass rate 40% for all students/all groups  Annual dropout rate 6% or less for all students/all groups  Attendance rate 94%	363

Texas Education Agency, *Press Release*, “823 Campuses Win Cash Awards for Gains in Student Performance” (March 22, 1999) <<http://www.tea.state.tx.us/press/pr990322.html>>

<sup>43</sup> April 21 Press Release, *supra* note 41.

<sup>44</sup> Texas Education Agency, “What is TSSAS?” <<http://www.tea.state.tx.us/TSSAS/what.html>> (last modified January 1998); Tex. Educ. Code, §§ 39.092 *et seq.* <<http://www.tea.state.tx.us/TSSAS/law.html>> (last modified January 1998).

In spring 1999, more than 800 Texas schools were to receive \$2 million in awards for high achievement or improvement on the TAAS test.<sup>45</sup>

#### IV. THE STATE OF EDUCATIONAL ACCOUNTABILITY IN VIRGINIA

Consistent with this nationwide movement, the Commonwealth's efforts to improve public education in recent years have largely focused on standards, assessments, and accountability measures that seek to ensure educational excellence and opportunity for all students. From the 1989 President's Education Summit with Governors came the challenge for the states to revisit educational standards and to restructure public education in ways that reward excellence and increase accountability.<sup>46</sup> Three years earlier, in 1986, the Governor's Commission on Excellence in Education had urged bold leadership, increased investment in instruction, broader community involvement, and greater accountability.<sup>47</sup>

The Board of Education's 1995 revisions of the Standards of Learning (SOL) for the four core subject areas of English, mathematics, science, and history and social sciences and the subsequent revision of the Standards of Accreditation (SOA) (discussed below) foreshadowed and shaped a number of initiatives addressing educational standards and accountability. The 1996 Governor's Commission on Champion Schools recommended, among other things, defining the "essential academic content standards of knowledge and skills" within the four subject areas, testing student achievement in the development of such knowledge and skills, reporting school performance, and creating a "system of accountability and accreditation based on student academic achievement . . . ."<sup>48</sup> Also reflecting the national movement toward standards-based education reform was the 1996 Joint Subcommittee Studying the Efficacy and Appropriateness of Creating a School Incentive Reward Program in the Commonwealth (HJR 165) and the 1996 Commission on Accountability for Educational Excellence (HJR 168), which was charged to develop a "comprehensive plan for the accreditation of public schools which incorporates the revised standards of learning . . . ."<sup>49</sup> The work of this Commission was folded into that of the Commission on the Future of Public Education (HJR 196) in 1997. This latter Commission, also created in 1996, had been directed to develop a "vision for public education consistent with the General Assembly's constitutional mission and a strategic plan for accomplishing the vision." Included among its 45 recommendations to the 1998 Session of the General Assembly were initiatives designed to ensure "rigorous instruction for collegiate and workforce preparation," improve the capacity of schools and educators to deliver quality

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<sup>45</sup>Texas Education Agency, *Press Release*, "823 Campuses Win Cash Awards for Gains in Student Performance" (March 22, 1999) <<http://www.tea.state.tx.us/press/pr990322.html>>

<sup>46</sup>U.S. Department of Education, *America 2000: An Educational Strategy Sourcebook* at 59, 60, 64 (President's Education Summit with Governors, September 27-28, 1989)(October 1989).

<sup>47</sup>Report of the Governor's Commission on Excellence in Education, *Excellence in Education: A Plan for Virginia's Future* at 6, 7, 20(October 1986).

<sup>48</sup>*Final Report of the Governor's Commission on Champion Schools* at 22 (January 1996).

<sup>49</sup>See Report of the Joint Subcommittee Studying the Efficacy and Appropriateness of Creating a School Incentive Reward Program in the Commonwealth, House Document No. 71 (1997); *House Document No. 88*, *supra* note 2.

instruction, increase community and private sector involvement in public education, and enhance accountability for academic performance.<sup>50</sup>

It is this concept of educational accountability—standards, assessments, and consequences—that frames many of the major legislative and executive branch initiatives in public education adopted in Virginia in recent years. Addressing accountability for students, teachers, administrators, schools, and school divisions, Virginia’s current statutes and regulations governing educational accountability focus on issues as diverse as curriculum and assessments, remediation, school safety and infrastructure, teacher training, and technology. Bolstering many of these educational accountability initiatives are measures that reflect the Commonwealth’s commitment to improving the capacity of students, educators, schools, and divisions to achieve educational excellence.

The standards, assessments, and consequences integral to any accountability initiative are primarily found in the Standards of Quality (SOQ), mandated by the Virginia Constitution and set forth in the Code of Virginia. Setting forth broad policies and minimum educational requirements for Virginia’s public schools, the SOQ also provide for the establishment of the Standards of Learning (SOL) and the Standards of Accreditation (SOA).<sup>51</sup>

That the Commonwealth has already established high academic standards is evident in the Standards of Quality. The lengthiest and most detailed of the SOQ, Standard 1 confirms that the "fundamental goal" of public schools must be to foster the development of skills "necessary for success in school and preparation for life." Standard 1 directs the Board of Education to establish educational objectives, known as the Standards of Learning (SOL), to implement the development of these necessary skills. The SOL are to be "consistent with the world's highest educational standards"; local school boards are required to implement educational objectives that meet or exceed these standards.<sup>52</sup> The SOL are not considered "regulations" for the purposes of the Administrative Process Act, but are nonetheless subject to a notice and hearing procedure to ensure "reasonable opportunity" for public comment prior to the adoption of any revisions.<sup>53</sup>

The Standards of Learning program can be traced to an objective adopted by the Board of Education in June 1981; statutory authority clarified this objective in 1986. The Standards of Learning were designed to "identify what students are expected to accomplish, to provide a method of determining what has been learned, and encourage teachers to place emphasis on critical areas in the curriculum."<sup>54</sup> Standards of Learning have since been developed for English, mathematics, science, history and social sciences, health (including

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<sup>50</sup>House Joint Resolution No. 516 (1997); Report of the Commission on the Future of Public Education (HJR 196), *Blueprint for Educational Excellence*, *House Document No. 48* at ix-xiii (1998).

<sup>51</sup>Va. Const., Art. VIII, §§ 1, 2 (1995); Va. Code § 22.1-253.13:1 *et seq.* (1999 Supp.).

<sup>52</sup>*A Legislator’s Guide to Public Education in Virginia*, "The Standards of Quality" at 9-10 (1993); Va. Code § 22.1-253.13:1 A (1999 Supp.).

<sup>53</sup>Va. Code § 22.1-253.13:1 B (1999 Supp.).

<sup>54</sup>Virginia Department of Education, *Standards of Learning Objectives for Virginia’s Public Schools: Physical Education* at i (1984); Virginia Department of Education, *Standards of Learning Objectives for Virginia’s Public Schools: Mathematics* at v (1988); 1986 Acts of Assembly, c. 555.

driver education), physical education, music, art, foreign language, and family life education. Organized in a variety of formats, the standards typically include goals and learning objectives, crafted for various grade levels.<sup>55</sup>

Consistent with Standard 1's directive that it "seek to ensure" that any revisions to the SOL are "consistent with the world's highest educational standards," but that the implementation of any revisions not occur before July 1, 1994,<sup>56</sup> the Board of Education adopted new Standards of Learning in the core subject areas of mathematics, science, English, and history and social sciences in June 1995. The result of an "unprecedented partnership of educators and citizens," the new SOL were crafted to "set reasonable targets and expectations for what teachers need to teach and students need to learn" and to provide "greater accountability on the part of the public schools . . . [while giving] the local school boards the autonomy and flexibility they need to offer programs that best meet the educational needs of students."<sup>57</sup>

The second leg of the accountability tripod—assessments—is also addressed in the SOQ. Recognizing that academic standards alone are not sufficient to support educational excellence, the General Assembly has directed the Board of Education to "prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable." Specifically, Standard 3 of the SOQ mandates the promulgation of regulations setting Standards of Accreditation for the public schools; these standards for public schools must include student outcome measures; requirements and guidelines for instructional programs, staffing levels, auxiliary programs such as library and media services, and graduation requirements; and "the philosophy, goals, and objectives of public education in Virginia."<sup>58</sup>

### **Accountability for Students: Assessments and Remediation**

Consistent with educational accountability models in other states, the Commonwealth addresses student academic progress through a battery of assessments. The Board of Education is to develop "appropriate assessments," which may include criterion-referenced tests as well as "alternative assessment instruments." In addition, the Board is directed to prescribe measures, including nationally-normed tests, for the Virginia State Assessment Program, which, from 1987 to 1996, incorporated the Iowa Tests of Basic Skills for grades four and eight and Tests of Achievement and Proficiency for grade eleven. In 1996, the Board of Education shifted its standardized tests to the Stanford Achievement Tests Series, Ninth Edition (Stanford 9) for students in grades three, five, eight, and eleven.<sup>59</sup> Literacy tests in reading, writing, and mathematics are to be provided for sixth graders. Complementing the Board's testing responsibilities is the duty of local school boards to require the administration of "appropriate assessments," including the Virginia State

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<sup>55</sup>Virginia Board of Education, *Standards of Learning for Virginia's Public Schools* (June 1995) [hereinafter referred to as *Standards of Learning*].

<sup>56</sup>This language in Va. Code § 22.1-253.13:1 B was deleted by c. 800 of the 1998 Acts of Assembly.

<sup>57</sup>Va. Code § 22.1-253.13:1 B (1999 Supp.); Virginia Board of Education, *Standards of Learning*, *supra* note 55 at iii (June 1995).

<sup>58</sup>Va. Code §§ 22.1-253.13:3 A, B (1999 Supp.). Further clarifying the Board's authority to provide for the accreditation of public elementary, middle, and secondary schools is § 22.1-19 (1997).

Assessment Program, the Virginia Literacy Testing Program, the Standards of Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment. Analysis and annual reporting of Virginia State Assessment and Virginia Literacy Testing Program results are also local school board responsibilities. Finally, local school boards must provide in-service training for teachers and principals in the preparation of test materials and methods of assessing student progress.<sup>60</sup>

### **The Literacy Passport Test**

Added to the SOQ in 1988, the Literacy Passport Test (LPT) requirement is perhaps one of the best examples of “high-stakes testing” in Virginia. Promotion to the ninth grade is currently contingent upon passing the LPT, with limited statutory exceptions for certain students. Pursuant to legislation adopted in 1998, however, the LPT will be phased out over an eight-year period. With the 1998 spring administration, LPT scores for sixth graders (class of 2004) would be used for informational or remediation purposes only; subsequent classification as a ninth grader or high school graduation would not be based on passage of the LPT. Students in the classes of 2003 and before would continue to be subject to the LPT requirement. After the 2004-2005 school year, the LPT will only be administered to adults and students returning to upgrade a certificate of completion or special diploma to a standard or advanced studies diploma.<sup>61</sup> Consistent with this phase-out, the Standards of Accreditation describe the Standards of Learning Assessments as the “primary evaluation of student academic achievement for the purpose of these regulations.”<sup>62</sup>

### **The SOL Assessments**

The revised Standards of Learning in the core subjects of English, mathematics, science, and history and social sciences prompted a more than \$12 million appropriation in the 1996-1998 biennial budget for the development and administration of new assessment materials and tests. In April 1996, the Board of Education announced policy decisions directing the development of the new state testing program. Tests would measure skills and competencies in the four revised SOL subject areas at grades three, five, eight, and eleven. In May 1996, the Department, on behalf of the Board, issued a request for proposals seeking vendors for the development of the new SOL tests and nationally norm-referenced tests.

On October 10, 1996, the Board of Education named Harcourt Brace Educational Measurement as the vendor for a proposed contract for the creation of tests reflecting the new Standards of Learning and for the norm-referenced portion of the new testing program, which would compare the academic performance of Virginia students to national norms. One test will be developed for the four SOL areas of English, history and social sciences,

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<sup>59</sup>Va. Code § 22.1-253.13:3 E (1999 Supp.); *Superintendent's Annual Report for Virginia 1995-96* at 10-17 (1997); Virginia Department of Education, *1998 Interpretive Guide to Reports* at 3 (1998)[hereinafter referred to as *1998 Interpretive Guide*].

<sup>60</sup>Va. Code § 22.1-253.13:3 E, G, H (1999 Supp.).

<sup>61</sup>Va. Code § 22.1-253.13:4 (1999 Supp.); 1998 Acts of Assembly, cc. 602, 627 (HB 409; SB 120).

<sup>62</sup>8 VAC 20-131-40 (1997); Virginia Department of Education, *Superintendents Memo No. 195* (December 19, 1997), *Superintendents Memo No. 68* (May 8, 1998).

mathematics, and science in grade three; two tests will be developed for grade five--one for the SOL four areas and another knowledge-based test on technology. There would be no fifth grade writing assessment. Testing for grade eight would include four separate SOL subject area tests as well as a separate knowledge-based technology test. At grade 11, two tests each would be created for the SOL areas of English, mathematics, and science, with separate scores reported for each, and a single test for the history and geography component of the SOL.

Data generated from the initial administration of the new SOL tests in spring 1997 would be used only to determine test validity and reliability; the data could not be used to impose consequences on schools, school divisions, teachers or students. Norm-referenced tests were also be administered in spring 1997. Content review committees were expected to work with the contractor to ensure that testing items appropriately reflect the new SOL. In addition, a technical advisory panel, an assessment policy advisory committee, and standard-setting committees on cut-scores would also be involved in the test development process.

The SOL tests were operational in spring 1998, with public reporting of test results following this second test administration. The 28-member Standard Setting Advisory Committee (SSAC), appointed in the summer of 1998, was to ensure that “the standard setting procedures . . . are educationally sound and appropriate for use in recommending passing scores for the SOL testing program . . . .”<sup>63</sup> (See Appendix).

Supporting the SSAC were eight Standard Setting Committees, each comprised of approximately 20 educators and curriculum experts, representing a “balance of geographic distribution, ethnicity and race, and knowledge of the grades and content areas to be tested.” Chairing each committee was a division superintendent representing each of Virginia’s eight Superintendent Regions. These eight superintendents were also members of the SSAC.<sup>64</sup>

On October 30, 1998, the Board of Education set passing scores for the SOL assessments in the four core subject areas. Designating minimum levels for “passing” and “advanced” performance, these scores largely reflected the recommended ranges of scores offered by the eight appointed Standard Setting Committees. The lone exceptions were found in the scores for the writing tests in grades five and eight, which were set to exceed the standards for passage of the Literacy Passport Test.<sup>65</sup>

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<sup>63</sup>*House Document No. 88, supra* note 2, at 18-19; 1996 Acts of Assembly, c. 912, § 1-51, Item 131 H; Virginia Department of Education, Press Release, “Board of Education Names Members of the Advisory Committee for Standards of Learning Tests,” <<http://141.104.22.210/VDOE/NewHome/pressreleases/jun2398a.html>>.

<sup>64</sup>Virginia Department of Education, Press Release, “Virginia Board of Education Receives Passing Score Recommendations for SOL Tests” <<http://141.104.22.210/VDOE/NewHome/pressreleases/oct898.html>>

<sup>65</sup>Virginia Department of Education, Press Release, “Virginia Board of Education Sets Passing Scores,” <<http://141.104.22.210/VDOE/NewHome/pressreleases/oct3098.html>> (October 30, 1998).



## Virginia Standards of Learning Assessments—Passing Scores

SOL Assessment	Pass--Proficient	Pass--Advanced
<b>Grade 3</b>		
English	32 of 45 items (71%)	42 of 45 items (93%)
Mathematics	36 of 50 items (72%)	45 of 50 items (90%)
History & Social Science	24 of 40 items (60%)	36 of 40 items (90%)
Science	27 of 40 items (68%)	36 of 40 items (90%)
<b>Grade 5</b>		
English: Reading, Literature, & Research	28 of 42 items (67%)	39 of 42 items (93%)
English: Writing	32 of 44 items (73%)	41 of 44 items (93%)
Mathematics	34 of 50 items (68%)	46 of 50 items (92%)
History & Social Science	26 of 40 items (65%)	37 of 40 items (93%)
Science	26 of 40 items (65%)	37 of 40 items (93%)
Computer/Technology	17 of 30 items (57%)	27 of 30 items (90%)
<b>Grade 8</b>		
English: Reading, Literature, & Research	27 of 42 items (64%)	37 of 42 items (88%)
English: Writing	30 of 44 items (68%)	41 of 44 items (93%)
Mathematics	37 of 60 items (62%)	55 of 60 items (92%)
History & Social Science	33 of 50 items (66%)	45 of 50 items (90%)
Science	29 of 50 items (58%)	45 of 50 items (90%)
Computer/Technology	26 of 40 items (65%)	36 of 40 items (90%)
<b>High School</b>		
English: Reading, Literature, & Research	24 of 42 items (57%)	37 of 42 items (88%)
English: Writing	37 of 54 items (69%)	49 of 54 items (91%)
Algebra I	27 of 50 items (54%)	45 of 50 items (90%)
Algebra II	31 of 50 items (62%)	45 of 50 items (90%)
Geometry	27 of 45 items (60%)	41 of 45 items (91%)
Earth Science	30 of 50 items (60%)	45 of 50 items (90%)
Biology	26 of 50 items (52%)	45 of 50 items (90%)
Chemistry	27 of 50 items (54%)	45 of 50 items (90%)
World History/to 1000 A.D. & World Geo.	33 of 61 items (54%)	55 of 61 items (90%)
World History/1000 A.D.--Present & World Geo.	36 of 63 items (56%)	57 of 63 items (90%)
U.S. History	40 of 61 items (66%)	55 of 61 items (90%)

Source: Virginia Department of Education, Press Release, "Virginia Board of Education Sets Passing Scores," <<http://141.104.22.210/VDOE/NewHome/pressreleases/oct3098.html>> (October 30, 1998).

**Initial SOL Testing Results.** Results of the first SOL test administration, released in January 1999, indicated that only 39 of Virginia's 1,800-plus schools would have achieved passing scores in all four core subject areas.<sup>66</sup> In February, three university testing experts deemed that the SOL testing process and first administration "scored adequately in terms of validity and reliability."<sup>67</sup>

<sup>66</sup>Virginia Department of Education, Press Release, "Virginia Department Releases Results From First SOL Test Administration," <<http://141.104.22.210/VDOE/NewHome/pressreleases/jan899.html>> (January 8, 1999).

<sup>67</sup>Virginia Department of Education, Press Release, "Outside Experts Conclude That First SOL Tests Score Adequately for Validity and Reliability," <<http://141.104.22.210/VDOE/NewHome/pressreleases/feb399.html>> (February 3, 1999).

**Virginia Standards of Learning Assessments: Statewide Passing Rates  
Spring 1998 and Spring 1999**

<b>SOL Test</b>	<b>1998 Percent Passing</b>	<b>1999 Percent Passing</b>	<b>Change from 1998 to 1999</b>
<b>Grade 3</b>			
English	53	61	+ 8
Mathematics	63	68	+ 5
History & Social Science	49	62	+13
Science	63	68	+ 5
<b>Grade 5</b>			
English: Reading, Literature, & Research	68	69	+ 1
English: Writing	65	81	+16
Mathematics	47	51	+ 4
History & Social Science	33	46	+13
Science	59	67	+ 8
Computer/Technology	72	81	+ 9
<b>Grade 8</b>			
English: Reading, Literature, & Research	64	67	+ 3
English: Writing	67	70	+ 3
Mathematics	53	60	+ 7
History & Social Science	35	40	+ 5
Science	71	78	+ 7
Computer/Technology	63	72	+ 9
<b>High School</b>			
English: Reading, Literature, & Research	72	75	+ 3
English: Writing	71	81	+10
Algebra I	40	56	+16
Algebra II	31	51	+20
Geometry	52	62	+10
Earth Science	58	65	+ 7
Biology	72	81	+ 9
Chemistry	54	64	+10
World History to 1000 A.D. & World Geog.	62	68	+ 6
World History, 1000 A.D. to present & World Geog.	41	47	+ 6
U.S. History	32	32	+ 2

Source: Virginia Department of Education, Division of Assessment and Planning <<http://141.104.22.210/VDOE/NewHome/pressreleases/jul2999.pdf>>

Scores on all 27 SOL tests statewide subsequently improved in 1999. Large gains were noted in Algebra I and II, as well as in fifth grade writing and in third and fifth grade history/social science. Scores for African-American pupils increased in 26 of 27 tests; passing rates for grade 8 English: Reading, Literature, and Research remained unchanged. While a gap exists between the passing rates of white and African-American students on the SOL Assessments, passing rates of African-American students increased more than those of white students in 16 of 27 tests.

According to various local media reports, remarkable results were revealed in several jurisdictions. Alexandria posted a 66 percent passing rate for Algebra II, increasing 38

percentage points over the previous year; Arlington's Algebra I passing rates increased 19 percentage points, to 70 percent. Outstanding improvements in the fifth grade writing test were cited in Buckingham County, with a 72 percent passing rate (47 percent the previous year) and in Caroline County, with 69 percent (39 percent in the previous year). Also of particular note was Tidewater Park Elementary in Norfolk, where 51.4 percent of fifth graders passed the history test; none of the school's fifth graders had passed this test the previous year. In response to reports of low history and social sciences SOL assessment scores, the Board of Education directed the development of a resource guide for the history and social sciences SOL for use in the 1999-2000 school year; additional guides for other subjects are anticipated.

***Test Scoring and Release of Test Items.*** Although Harcourt Brace assists as the SOL test vendor, Virginia school teachers develop SOL test questions, which are reviewed by a bias committee. While sample test items were made available in late summer 1999, the release of test items and prior tests is also being considered, as a sufficient "bank" of tests and questions accumulates. Testimony before the Commission indicated that the timing of test administration—particularly in schools using block scheduling is also of concern, in addition to the viability of computer testing and related test security, validity, and reliability questions. Giving teachers and schools an itemized test result analysis to facilitate summer remediation efforts was cited.

Also receiving Commission consideration was the 14-day turnaround time in test results negotiated by Virginia with vendor Harcourt Brace. Testimony suggested that mixed results in test result timeliness may be the shared responsibility of the vendor as well as school divisions that may delay in gathering and returning test documentation.<sup>68</sup> Other assessment and accreditation issues being considered by the Board include special populations, such as English as a second language (ESL) and transfer students, and the local option of including SOL assessment results on student transcripts.

***Improving the SOL Assessment Process.*** Assisting the Board in the improvement of the SOL Assessment initiative is a 23-member Standards of Learning Assessment Program Advisory Committee, providing "ongoing review and recommendations," and a panel of independent testing experts, offering advice on "all issues that involve the use of data and statistical procedures to confirm the tests' validity and reliability as evaluation tools in measuring student achievement of the Standards of Learning."<sup>69</sup> In July 1999, the Board President announced the initial appointees, who are to serve three-year terms. Subsequent appointments are to be made by the full Board.<sup>70</sup> A five-member Test Expert Committee was to be appointed in late summer 1999.<sup>71</sup>

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<sup>68</sup>Meeting Summary, August 5, 1999, Commission meeting.

<sup>69</sup>Virginia Department of Education, Press Release, "Board of Education Establishes SOL Test Advisory Group and Outside Experts Panel," <<http://141.104.22.210/VDOE/NewHome/pressreleases/apr2899.html>> (April 28, 1999).

<sup>70</sup>Virginia Department of Education, Press Release, "Board President Announces Members of Virginia Standards of Learning Test Advisory Committee," <<http://141.104.22.210/VDOE/NewHome/pressreleases/jul0899.html>>

<sup>71</sup>Meeting summary, August 5, 1999, Commission meeting.

Also established to improve the SOL assessment process are recent SOL expositions, Department of Education and First Lady Gilmore websites devoted to SOL issues, and technical assistance funds as mechanisms for equipping teachers and schools in preparing students for the SOL tests. In addition, the Department and the First Lady will host a Forum on Reading. Finally, the eight “best practices” centers, located in the eight superintendent regions, will assist schools and teachers in the SOL assessment process.<sup>72</sup>

***Additional Accountability Implications for Students via SOL Assessments.*** As recommended by the HJR 196 Commission on the Future of Public Education, the 1998 Session of the General Assembly adopted legislation requiring students who fail to pass all of the SOL tests in grades three, five, and eight to attend summer school or participate in another form of remediation. Students who fail any of the SOL tests in these grades are also the target of prevention and intervention programs in Standard 1.<sup>73</sup> Further reinforcing the consequences of SOL assessments for students are the Standards of Accreditation, which state that these scores are to be considered in “promotion/retention policies adopted by the local school board.” While schools are to “use the SOL test results as part of a multiple set of criteria for determining advancing or retaining students” in grades three, five, and eight, “[n]o promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered.”<sup>74</sup>

Further strengthening accountability for students are current Code provisions authorizing division superintendents to seek compliance with the compulsory school attendance law for any student whom he requires to attend a special program of prevention, intervention, or remediation during the summer school session. The superintendent may seek compliance with the compulsory school attendance law if he determines that (i) improvement in the student’s poor academic performance, or ability to pass the Literacy Passport Test or an SOL assessment in grades three, five, or eight, or to be promoted is directly related to his attendance in the program, and (ii) efforts to notify the student’s parents or guardians of the attendance requirement have failed, and (iii) the parents have failed to cooperate with school officials to secure the student’s attendance.<sup>75</sup>

***Local Accountability Initiatives.*** Building on the state-level program of standards and assessments, localities have also established various accountability initiatives. The Chesterfield County school board has implemented additional assessments, including a countywide end-of-course test in ninth grade English, developed based on the 11<sup>th</sup> grade English SOL test; the Preliminary Scholastic Aptitude Test (PSAT) for all tenth graders, provided at school division expense; and local writing test for fourth and sixth graders. Supplementing the state-required tests, these additional tests may serve a variety of local diagnostic and accountability purposes. The Chesterfield model also conducts a curriculum audit to discern the alignment of what is taught and tested as well as a standards audit, indicating compliance with Southern Association of Colleges and Schools (SACS) and local

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<sup>72</sup>*Id.*

<sup>73</sup>Va. Code § 22.1-253.13:1 C (1999 Supp.); 1998 Acts of Assembly, c. 902.

<sup>74</sup>8 VAC 20-131-30 (1999 Supp.).

<sup>75</sup>Va. Code §§ 22.1-253.13:1 C; 22.1-254.01 (1999 Supp.).

standards. Of concern are various “feeder” patterns; the model attempts to determine grade-level accountability where certain tests reflect multiple grade levels.

In addition to the supplemental assessment, the Chesterfield County school board has approved 48 written, divisionwide standards; reports on progress toward these standards are used in planning and policy development. Addressing safe schools, academic achievement, parent and community involvement, technology, and accountability, the standards use 1,500 indicators. Providing school and division report cards, the Chesterfield initiative also incorporates “customer satisfaction” surveys: schools review the central office; faculty, parents, and pupils review schools; and employers rate student and graduate workforce readiness.<sup>76</sup>

### **Increasing the Capacity of Students Statewide**

Not neglected among the Commonwealth's various student accountability initiatives are measures designed to increase the capacity of all students to meet the enhanced academic standards. Boosting educational opportunities for at-risk four-year-olds and other student populations has received renewed legislative commitment in recent years, comprehensively addressed in the Virginia Omnibus Educational Act of 1995. This measure established in statute various programs, some of which had previously only been referenced in the appropriations act, such as the educational technology initiative; the voluntary primary class size reduction initiative; the at-risk four-year-old preschool program; and an at-risk block grant, consisting of the at-risk add-on program; dropout prevention, including, among other things, Project YES, Project Discovery, English as a second language programs, Advancement Via Individual Determination (AVID), the Virginia Guaranteed Assistance Program (VGAP), Reading Recovery, and school/community health centers. The Board of Education was directed to include the funding of the voluntary ratio and class size reductions in its budget, and the biennial budget must include these funds, effective July 1, 1996.<sup>77</sup> In 1998, the Act's at-risk four-year-olds initiative was revisited and broadened, allowing school divisions with existing programs to apply for the state grant funds to support at least half-day programs conducted for the length of the school year that include both at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten.<sup>78</sup>

Also in 1998, legislation was adopted empowering school boards to reduce pupil-teacher ratios and class sizes in elementary schools, from such funds as may be appropriated for this purpose, by employing employ additional classroom teachers, remedial teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of Quality.<sup>79</sup> In 1999, the Act was again amended to direct the Board of Education, in fiscal year 2000, to contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve student achievement on the SOL assessments. This interactive educational software and other instructional materials might be used in media centers, computer laboratories, libraries, after-school or before-

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<sup>76</sup>Meeting Summary, August 5, 1999, Commission meeting.

<sup>77</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1995 Acts of Assembly, c. 852 (HB 2542).

<sup>78</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1998 Acts of Assembly, c. 828 (HB 471).

<sup>79</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1998 Acts of Assembly, c. 901 (HB 426).

school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home.<sup>80</sup>

Also assisting students in mastering the Standards of Learning are remediation initiatives. In 1997, the General Assembly mandated the creation of standards for remedial summer school (HB 2633), “designed to strengthen and improve the effectiveness of such programs in increasing the scholastic achievement of students with academic deficiencies.” In 1998, the statute was broadened to require Board of Education standards for all remediation programs.<sup>81</sup> Mandatory remediation for certain students was expanded in the Standards of Quality in 1997, as legislation was adopted requiring students who do not pass the literacy tests to participate in summer school or other forms of remediation. The SOQ were further amended in 1998 to reflect the phase-out of the LPT and to incorporate in remediation efforts students failing the SOL assessments for grades three, five, and eight.<sup>82</sup>

Because effective learning is enhanced in an educational environment free from disruption and violence, pupil discipline is also seen as a critical aspect of accountability. A number of truancy laws have been strengthened in recent years, reducing the number of unexplained consecutive absences for a child to be reported to the attendance officer. Penalties for inducing, or attempting to induce, a child to be absent from school, violating compulsory school attendance laws, and permitting a child to be habitually absent from school have been increased to a Class 3 misdemeanor (\$500 fine). Subsequent violations are punishable as Class 2 misdemeanors.<sup>83</sup> Truancy and compulsory attendance statutes were reworked in 1999 to (i) require principals, after a pupil has been absent for five days for the school year without indication of the parent's awareness and support of such absence, to ensure that direct contact is made with the parent by the attendance officer to obtain an explanation and explain to the parent the consequences of continued nonattendance; (ii) require the attendance officer, the pupil, and the pupil's parent to jointly develop a plan to resolve the pupil's nonattendance; (iii) require a conference, after an additional unexcused absence, to resolve issues related to the pupil's nonattendance; (iv) direct school principals to report annually the number of pupils by grade level who failed to report to school on a regularly scheduled school day and for whom no indication was received by school personnel that the pupil's parent was aware of and supported the pupil's nonattendance; and (v) make initial violations of the various new nonattendance and conference requirements a Class 3 misdemeanor and subsequent or knowing and willful violations a Class 2 misdemeanor.<sup>84</sup>

Clarifying the “initial authority” of teachers to remove disruptive students from class, the 1997 Session of the General Assembly adopted legislation directing each school board to establish, within the regulations governing student conduct, criteria for teachers to remove disruptive students from their classes; requirements for incident reports of disruptive

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<sup>80</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1999 Acts of Assembly, c. 680 (HB 2480).

<sup>81</sup>Va. Code § 22.1-199.2 (1999 Supp.); 1997 Acts of Assembly, c. 466 (HB 2633); 1998 Acts of Assembly, c. 902 (HB 431).

<sup>82</sup>Va. Code § 22.1-253.13:1 (1999 Supp.); 1997 Acts of Assembly, c. 828 (HB 1859); 1998 Acts of Assembly, c. 902 (HB 431).

<sup>83</sup>Va. Code §§ 22.1-254, 22.1-258, 22.1-261, 22.1-262, 22.1-263, 22.1-265, 22.1-280.1 (1997 and 1999 Supp.); 1996 Acts of Assembly, cc. 964, 891 (HB 375, SB 324).

<sup>84</sup>Va. Code §§ 22.1-258; 22.1-260-22.1-263 (1997 and 1999 Supp.); 1999 Acts of Assembly, c. 526 (HB 1817).

behavior to school administrators; procedures for the written notification of a student and his parents; guidelines for the alternative assignment and instruction of such students and for the duration of such removals; and other related procedures for the return of students to class.<sup>85</sup>

### **Accountability for Schools: The Standards of Accreditation**

Highlighting the accountability of schools and school boards for quality education, Standard 3 of the SOQ directs the Board of Education to promulgate regulations pursuant to the Administrative Process Act, establishing standards for the accreditation of public schools. Accreditation standards for public schools must include student outcome measures; requirements and guidelines for instructional programs, staffing levels, pupil personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements; and "the philosophy, goals, and objectives of public education in Virginia."<sup>86</sup>

Cited in the initial Standards of Quality, the Standards of Accreditation (SOA) are "designed to ensure that an effective educational program is established and maintained in Virginia's public schools." The Board of Education has crafted these standards not only to provide an essential foundation for high quality educational programs, but also to foster public confidence, encourage continuous improvement in public schools, assure recognition by other learning institutions, and to provide a means of assessing school effectiveness.<sup>87</sup> The Standards of Accreditation are organized in eight parts, addressing broad areas such as school and community communications, instructional programs and leadership, student achievement, school facilities and safety, accreditation, and goals and objectives. Acknowledging that the "mission of the public education system, first and foremost, is to educate students in the essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free," the SOA also include mandates for course offerings, standard school year and day, and staff levels and responsibilities.<sup>88</sup> The accreditation status of each public school is subject to annual review by the Board.<sup>89</sup>

Curriculum standards and assessments firmly established, the application of assessment results and performance indicators—consequences—remains the outstanding component in the Commonwealth's educational accountability model. The 1997 revisions to the SOA set forth new criteria and processes for individual school accreditation, and clearly state that schools accreditation shall be based "primarily" on pupil achievement, as evidenced by scores on the Standards of Learning tests and other assessments. In the elementary grades, accreditation will be based on the percentage of eligible students in grades three and five achieving passing scores on the SOL tests in the four core subject areas; in middle

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<sup>85</sup>Va. Code § 22.1-276.2 (1997); 1997 Acts of Assembly, c. 830 (HB 1877).

<sup>86</sup>Va. Code §§ 22.1-253.13:3 A, B (1999 Supp.). Further clarifying the Board's authority to provide for the accreditation of public elementary, middle, and secondary schools is § 22.1-19, which also permits the Board to provide for the accreditation of private schools, "taking reasonably into account the special circumstances and factors affecting such private schools," and for certain child day care centers. Va. Code § 22.1-19 (1997).

<sup>87</sup>8 VAC 20-131-10 (1997); 1972 Acts of Assembly, c. 732.

<sup>88</sup>8 VAC 20-131-10 *et seq.* (1997).

<sup>89</sup>Va. Code § 22.1-253.13:3 F (1999 Supp.).

schools, SOL tests in the four core subjects for eighth graders and end-of-course tests “where applicable” will determine accreditation. End-of-course SOL test scores will support secondary school accreditation. The SOA define “eligible students,” for accreditation purposes, as the total number of students enrolled in the school at the grade level for the SOL tests, with the exception of those pupils whose individualized education plan (IEP), 504 Plan, or limited English proficiency (LEP) committee excludes them from test participation. Beginning with academic year 2001-02, the achievement of students who do not participate in the SOL tests will be evaluated on the basis of an alternative assessment prescribed by the Board.<sup>90</sup> While test scores are deemed a “primary” consideration in school evaluation and accreditation, the SOA contemplate some flexibility, as individual schools’ annual improvement toward specified passing rates during the initial years of the implementation will be “considered.” In addition, “additional accommodations” may be afforded those schools with high percentages of transient or non-English speaking immigrant pupils.<sup>91</sup>

The SOA delineate four accreditation categories: Fully Accredited, Provisionally Accredited, Accredited with a Warning, and Accreditation Denied. In phasing in these classifications, the SOA require each new or existing school to document compliance with graduation, instructional programs, leadership and staffing, and facilities and safety requirements. After meeting these “pre-accreditation” criteria, schools may be assigned one of the four ratings. All schools were to be rated Provisionally Accredited as of July 1, 1998; however, new schools are awarded the status of “conditionally accredited” pending an evaluation of school performance and satisfaction of the pre-accreditation requirements.<sup>92</sup>

The principal of each public school, through the division superintendent, must submit school pre-accreditation eligibility reports to the Department of Education. The principal and the division superintendent must also report to the Department any action taken on any advisements or warnings from the previous year. Individual schools are to develop and implement biennial school plans consistent with the relevant division’s six-year plan. With local school board approval, schools seeking to implement innovative or experimental programs not consistent with the SOA or other Board regulations may seek a Board waiver from compliance from those regulations not mandated by state or federal law or addressing health and safety; the waivers may be granted for a period of up to five years. In no case, however, will the SOA addressing student achievement expectations, graduation, instructional programs, and accreditation be waived, nor would any initiative violating the SOQ be approved.<sup>93</sup>

To achieve full accreditation, schools must meet (i) the pre-accreditation requirements and (ii) prescribed student pass rates on the SOL tests in the four core disciplines. Provisional accreditation, a classification that will no longer exist at the end of the 2002-03 school year, will be granted when the requirements for full accreditation are not met, but the school demonstrates annual improvement in the SOL tests pass rates. The “accredited with a warning” designation is assigned to those schools that achieve neither full

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<sup>90</sup>Va. Code § 22.1-253.13:3 B (1999 Supp.); 8 VAC 20-131-280 A, C; 8 VAC 20-131-30 (1997).

<sup>91</sup>8 VAC 20-131-280 C (1997).

<sup>92</sup>8 VAC 20-131-280 D; 8 VAC 20-131-300 (1997).

<sup>93</sup>8 VAC 20-131-290 (1997).



nor provisional accreditation. Granted priority for Department of Education technical assistance, these schools must develop corrective action plans to improve SOL test scores over a two-year period. They are to “document to their community” that appropriate instruction is being provided to students failing the Literacy Passport Tests or not garnering a “proficient” rating on the SOL tests; if the school provides remediation and additional instructional time for these students, that must be documented as well. The Board of Education will set minimum annual improvement levels for “warned” schools. No school may remain in “warning” category for more than three consecutive years.<sup>94</sup> Finally, accreditation is denied when a school fails to achieve full accreditation and, after three years of warning status and despite corrective action, fails to meet specified achievement levels. The SOA are silent, however, as to the ramifications and effect of denial of accreditation.<sup>95</sup>

**Student Performance on Standards of Learning Tests—Full Accreditation**  
(Required Percentages of Students Passing SOL Tests)

	<b>English</b>	<b>Mathematics</b>	<b>Science</b>	<b>History</b>
Grade 3	70%	70%	50%	50%
Grade 5	70%	70%	70%	70%
Grade 8	70%	70%	70%	70%
Secondary grades	70%	70%	70%	70%

Source: 8 VAC 20-131-300 D(1997).

Apart from the waivers granted in the pre-accreditation process, the Standards of Accreditation permit waivers from compliance upon request of the division superintendent and the school board chairman. No waivers are granted for those regulations addressing student achievement—those affecting graduation requirements, Literacy Passport Testing, and SOL tests.<sup>96</sup>

Consistent with the procedures required by Executive Order 25 (98) and the Administrative Process Act, the Board of Education authorized the submission of a notice of intended regulatory action (NOIRA) at its February 25, 1999, meeting to “promulgate regulations to define consequences and rewards for public school accountability.”<sup>97</sup> At its annual retreat in April 1999, the Board considered accountability measures in other states as well as potential rewards and consequences within the school accreditation process. Public hearings were to be held in six cities in May, as the Board indicated its intention to develop regulations that “will address what assistance will be available to schools that are unable to meet the accountability requirements under the SOA.” A second round of hearings was contemplated upon the Board’s release of draft proposals for these rewards and consequences.<sup>98</sup>

<sup>94</sup>Va. Code § 22.1-253.13:3 D (1999 Supp.); 8 VAC 20-131-300; 8 VAC 20-131-310, 8 VAC 20-131-340 D, E (1997).

<sup>95</sup>8 VAC 20-131-300 D 4 (1997).

<sup>96</sup>8 VAC 20-131-330 (1997).

<sup>97</sup>Virginia Department of Education, Board of Education Agenda Item D, February 25, 1999, meeting.

<sup>98</sup>Virginia Department of Education, Press Release, “State Board of Education Announces Initial Schedule for Development of Accountability Measures” (March 24, 1999) <<http://141.104.22.210/VDOE/NewHome/pressreleases/mar2499.html>>; Virginia Department of Education, Public Notice, “State Board of Education

Addressing student achievement, assistance and incentives for schools, and incentives for educators, these revisions were the focus of public hearings across the Commonwealth in late 1999. The Board expects to adopt the proposed revisions in February or March 2000. Included among the amendments encouraging students to surpass the minimum standards set by the Standards of Learning (SOL) assessments is language permitting the substitution of alternate assessments, such as the Advanced Placement (AP) or International Baccalaureate (IB), for the verified units required for a high school diploma. Test results would be included in the school's pass rates for accreditation purposes. The Board would select an AP test score to reflect an appropriate "passing" level, which would likely be less than the score required to obtain college credit. Board regulations contemplate the involvement of guidance counselors in advising students who opt to substitute alternative tests for verified units of credit. Discussion focused on payment of AP fees, the impact on high school seniors of the July release of AP test scores, the need to schedule timely re-testing opportunities for SOL assessments, and the appropriate assignment of test scores to schools when students have taken SOL tests ahead of their enrollments.

Also providing incentives for students are several new diploma seals. The Governor's Seal of Advanced Academic Excellence will be awarded to students receiving an Advanced Studies Diploma and earning a "Pass/Advanced" rating on SOL tests used for verified units of credit. The Board of Education Seal of Academic Excellence will be awarded to students receiving Advanced Studies diploma with an "A" average and successfully completing at least one Advanced Placement (AP) course, International Baccalaureate (IB) course, one college-level course, or one alternative means of earning verified units of credit. The Superintendent's Seal of Academic Achievement is awarded to students receiving Advanced Studies Diploma with a "B" average and completing one college-level course or earning at least one verified unit of credit through an alternative means. Students receiving a standard diploma and maintaining an "A" average will receive the Commonwealth Seal of Academic Achievement. The Board of Education Vocational Seal is designed for students who complete a prescribed sequence of courses in vocational area and either (i) maintain an "A" average in that sequence of courses; (ii) pass an examination conferring either a certificate from a recognized trade or professional association or a Virginia professional license in that area.

Assistance for low-performing schools is tied to various accreditation status levels to be phased in over a period of years. From the present until 2003-2004, schools may be Fully Accredited, Provisionally Accredited, or Accredited with a Warning (in a specific subject area). Schools may be Fully Accredited with Honors and Fully Accredited with High Honors if their pass rates on the SOL tests stand at 80% and 90%, respectively. With the exception of Provisionally Accredited, these ratings continue in 2004-2005. For 2005-2006 and beyond, schools may receive ratings of Fully Accredited (including with Honors and High Honors), Accredited with Warning in (specified academic area or areas), Accreditation Denied, Accreditation Denied/Improving School Near Accreditation, Accreditation

Denied/Reconstituted School, and Accreditation Denied/Failed to Reconstitute. These final three categories are eliminated in 2009.

Beginning in 2003-2004, schools are Fully Accredited when eligible students meet the pass rate of 70% in each of the four core subjects, with the exception of third grade science and history, for which a 50% pass rate is required. The designation of Provisionally Accredited is given to schools meeting annual improvement benchmarks set by the Board, but are not Fully Accredited in 1999-2000 through 2002-03. Also created is the rating of Provisionally Accredited/Needs Improvement for schools failing to meet annual improvement benchmarks in any area during 1999-2000 through 2002-03. In 2000-2003, schools are Accredited with a Warning (in a specific academic area) if its pass rate is 20 or more percentage points below any annual improvement benchmark; in 2004 and in 2005, those schools not meeting the Fully Accredited pass rates are Provisionally Accredited.

### Improvement Chart for Provisional Accreditation Through 2003

Each School Must Meet the Following Annual Pass-Rate Benchmarks in Tests Given in the Academic Years Indicated to Earn Provisional Accreditation

	English	Math	Science	History/Social Sciences
<b>Grade 3</b>				
1999-00	60%	60%	50%	50%
2000-01	63%	63%	50%	50%
2001-02	66%	66%	50%	50%
2002-03	70%	70%	50%	50%
<b>Grade 5 (includes tests given in Grade 4)</b>				
1999-00	60%	50%	60%	45%
2000-01	63%	55%	63%	50%
2001-02	66%	65%	66%	60%
2002-03	70%	70%	70%	70%
<b>Middle (any tests given in middle school grades)</b>				
1999-00	60%	55%	60%	45%
2000-01	63%	60%	63%	50%
2001-02	66%	65%	66%	60%
2002-03	70%	70%	70%	70%
<b>High School</b>				
1999-00	60%	55%	55%	45%
2000-01	63%	60%	60%	55%
2001-02	66%	65%	65%	65%
2002-03	70%	70%	70%	70%

An academic review is conducted by a Department of Education team for those schools that are Accredited with a Warning; this review will be critical to subsequent evaluations and remedial actions. These schools must file annual reports with the Department, describing efforts to implement a school improvement plan. The regional Governor's Best Practice Centers will be available to assist these schools in developing a school improvement plan. In 2006 and beyond, a school may be Accredited with a Warning

in a specific academic area if it has failed to meet the requirements to maintain its rating in any one year. After 2006, a school may remain Accredited with a Warning for no more than three years.

A school may receive the rating of Accreditation Denied/Reconstituted School if it has failed to be Fully Accredited or Accredited with a Warning after 2006 upon application to the Board for this designation. This status is actually granted following a voluntary "reconstitution" of the school. A school refusing to achieve reconstitution may be labeled Accreditation Denied/Failed to Reconstitute. Reconstitution occurs upon the involvement of a state audit team that makes specific recommendations for improvement. These two reconstitution ratings also cease in 2009.

### Ratings and Effective Dates--Current and Proposed Standards of Accreditation

<b>Effective Dates</b>	<b>Current Ratings</b>	<b>Proposed Ratings</b>
2000-2003	<b>Fully Accredited</b>	<b>Fully Accredited</b>
		<b>Fully Accredited with Honors</b>
		<b>Fully Accredited with High Honors</b>
	<b>Provisionally Accredited</b> (annual improvement; no benchmarks)	<b>Provisionally Accredited</b> (adds annual benchmarks)
		<b>Provisionally Accredited/ Needs Improvement</b> (fails to meet benchmark in one or more areas)
	<b>Accredited with Warning</b> (no annual improvement)	<b>Accredited with Warning</b> (in specific academic area) (20 points below benchmark in any area; academic review)
2004-2006	<b>Fully Accredited</b>	<b>Fully Accredited</b>
		<b>Fully Accredited with Honors</b>
		<b>Fully Accredited with High Honors</b>
	<b>Accredited with Warning</b> (no annual improvement)	<b>Accredited with Warning (in specific academic area)</b> (20 points below benchmark in any area; academic review)
2006--beyond	<b>Fully Accredited</b>	<b>Fully Accredited</b>
		<b>Fully Accredited with Honors</b>
		<b>Fully Accredited with High Honors</b>
	<b>Accredited with Warning</b> (fully accredited but then fails to maintain; 3 year limit)	<b>Accredited with Warning (in specific academic area)</b>
		<b>Accreditation Denied/Improving School Near Accreditation</b>
		<b>Accreditation Denied/Reconstituted School</b>
	<b>Accreditation Denied</b> (following 3 years in Accredited with Warning)	<b>Accreditation Denied</b> (never Fully Accredited by end of 2006; fails to achieve either Denied/Improving or Denied Reconstituted ratings)

Beginning in 2007-2008, school accreditation will be determined on the basis of a rolling three-year average, rather than the previous year's scores, for SOL tests. A school's accreditation status is not included on any student transcript.

In addition to the Accredited with Honors and High Honors ratings, the revisions include rewards for successfully performing schools in the form of waivers from compliance with certain regulations and designations as a Superior School of Merit or a Superior School Division of Merit. Recognition for teachers and administrators is provided in designations of Master Principal or Teacher of Distinction for those educators mentoring their peers, and Master Creative Educator for those instructors demonstrating outstanding creativity in the classroom.<sup>99</sup>

The second round of public hearings on the Board's proposed revisions to the Standards of Accreditation, held on November 30, 1999, at five sites across the Commonwealth, revealed support for high standards as well as concerns regarding the impact of the SOL assessments. Parents raised concerns regarding undue student stress from the new SOL assessments as well as the need for assessments employing a format other than multiple choice. Teachers voiced concerns over potential "teaching to the test" and noted the need multiple criteria in effectively evaluating pupil performance and determining student graduation and school accreditation. Administrators expressed concern that the accreditation designations including "honors" and "high honors" will promote unnecessary competition rather than promote partnerships. Also noted was the need to offer SOL tests closer to the very end of the course or school year as well as quicker feedback and analysis of these tests. Echoing administrator concerns, superintendents urged the elimination of the "honors" and "highest honors" designations. Substitutions for the SOL assessments, perhaps using dual enrollments or occupational licensing, were also encouraged.

Joining educators in concerns regarding the use of multiple criteria were various organizational representatives at the public hearings; the SOL tests should not be the "sole determinant" for promotion, retention, graduation, and accreditation. Also urged was local and state sharing of accountability for student and school accountability. Finally, adequate resources, professional development, planning time, effective class size, test validity, and consideration of individual differences and demographics were cited as necessary components of a successful educational accountability system.<sup>100</sup>

At its January 4, 2000, meeting, the SJR 498 Commission also received written comments from a variety of education organizations advocating the use of "multiple criteria" in making determinations involving school accreditation and student promotion, retention, and graduation requirements. The Virginia Counselors Association (VCA) communicated its concerns regarding the optional employment of elementary school guidance counselors as contemplated in the 1997 revisions to the SOA. The VCA also cited increased tensions among students, parents, and school personnel in the administration of SOL assessments and the use of counselors in test administration.<sup>101</sup>

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<sup>99</sup>Meeting summary, November 15, 1999, Commission meeting.

<sup>100</sup>Meeting summary, December 21, 1999, Commission meeting.

<sup>101</sup>Meeting summary, January 4, 2000, Commission meeting.

**The Outcome Accountability Project.** To assess the effectiveness of the public schools and student academic progress, the Commonwealth also employs a variety of educational performance indicators. Pursuant to subsection D of Standard 3, the Superintendent of Public Instruction is responsible for the development of "criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools." Subject to Board approval, these criteria are to become "an integral part of the accreditation process" and must include student outcome measurements. Supplanting the Educational Performance Recognition (EPR) Program, the Outcome Accountability Project (OAP) provides annual reports of student performance data as a tool for improving public education in Virginia. The OAP uses "outcome indicators," such as course enrollments, attendance, and dropout rates, that target seven educational objectives: (i) preparing students for college; (ii) preparing students for work; (iii) increasing the graduation rate; (iv) increasing special education students' living skills and opportunities; (v) educating elementary school students; (vi) educating middle school students; and (vii) educating secondary school students.

While all seven objectives are reported at the division level, data for the last three objectives are reported for individual schools. Accountability for performance as measured by the OAP is clearly authorized by Standard 3. The Superintendent of Public Instruction is to identify those school divisions not meeting performance criteria and assist these divisions in the implementation of action plans to improve the achievement levels of those schools or divisions failing to meet these criteria. Because these performance criteria have not yet been established, OAP reports are presently used for informational purposes only. Once these performance criteria are created, it is anticipated that the OAP will expand its function to incorporate determinations of accountability.<sup>102</sup> According to the Strategic Plan for the Board of Education and the Superintendent of Public Instruction, the OAP will be refined further as a "report card" to "enhance public awareness of . . . schools' and students' performance; foster a cooperative effort among schools, parents, and business and community leaders to strive toward higher academic achievement on the part of students; and generally promote the public's involvement and confidence in its system of public education."<sup>103</sup>

Accountability for educational excellence for Virginia's public schools incorporates initiatives beyond pupil testing and school accreditation. Fiscal accountability for school boards is addressed in statutory provisions governing the development of local school board budgets, which are approved by the local governing body, and the expenditure of school funds. School boards possess discretionary authority to establish a decentralized system for the management of cafeteria funds; these funds need not be included in the board's annual budget. All school board expenditures are detailed in an annual report to the governing body

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<sup>102</sup>Appalachia Educational Laboratory, "Accountability: Student Performance is the Bottom Line," *Policy Briefs* at 3, 4 (1992); *1998 Interpretive Guide*, *supra* note 59, at 1-3 (1998); Virginia Department of Education, *1998 Virginia Summary Report* (1998); Va. Code § 22.1-253.13:3 D (1999 Supp.).

<sup>103</sup>Virginia Department of Education, *Strategic Plan for the Board of Education and the Superintendent of Public Instruction; 1994 Through the Year 2000 and Beyond* at 5, 7-8 <[http://141.104.22.210/VDOE/Publications/St\\_App/stratpl.html](http://141.104.22.210/VDOE/Publications/St_App/stratpl.html)>

appropriating funds to the school board. No school board may expend or contract to expend in any fiscal year a sum exceeding the amount available for school purposes for that fiscal year without the consent of the local governing body. School boards must notify the Superintendent of Public Instruction prior to expending any funds for school construction. Affording further accountability for school boards is § 22.1-87, which allows aggrieved parents of pupils enrolled in a public school in the division to petition the circuit court for review of a particular school board action.<sup>104</sup> In addition, the popular election of school boards may also be viewed as an accountability mechanism for individual school board members.<sup>105</sup>

Blending innovation in education and market economics, the charter schools concept may also be seen as an accountability mechanism. Adopted in 1998, Virginia's charter schools statute was arguably the result of more than five years of bipartisan consideration and perhaps reflective of growing legislative and executive branch focus on increased educational opportunities, educational quality, and flexibility. The 1994 Session of the General Assembly was the first to consider charter schools legislation, and the issue continued to receive focus in other venues, such as the Governor's Commission on Champion Schools, a joint legislative study committee, and a special interim study by the Senate Committee on Education and Health. Preserving local option, Virginia's statute provides that local school boards must affirmatively act to announce their intention to receive, review, and approve charter school applications. Although released from compliance with various state education laws, these public schools would remain accountable for their operations; the charter school must meet specified performance standards or lose its charter. Ultimate authority for the approval of charter schools rests exclusively with local school boards; decisions to grant, deny, revoke, or to fail to renew a charter are final and not subject to appeal. In the fall of 1998, the U.S. Department of Education denied the Commonwealth \$6.8 million in federal charter schools funding, citing perceived inflexibility in the statute and noting strong local school board control. The 1999 Session of the General Assembly did not, however, revisit the charter schools statute.<sup>106</sup>

Finally, although not directly promoting accountability for educational excellence but simply increasing the range of educational opportunities available for students and parents, § 22.1-269.1 directs the Board of Education to promulgate regulations for the voluntary participation of school divisions in programs to allow students to receive educational services at another public school, either in the division in which the student resides or in another division. Other indirect accountability programs may include a collaborative school improvement planning initiative, a variety of open enrollment policies, and magnet and special emphasis schools.<sup>107</sup>

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<sup>104</sup>Va. Code §§ 22.1-87; 22.1-88 *et seq.* (1993).

<sup>105</sup>Va. Code § 22.1-47.1 *et seq.*; 22.1-57.1 *et seq.* (1993).

<sup>106</sup>Va. Code § 22.1-212.5 *et seq.* (1999 Supp.); *see also*, SB 561; SB 562; HB 875; HB 1042 (1994); Virginia Division of Legislative Services, *1994 Session Summary* (1994); Governor's Commission on Government Reform, Blue Ribbon Strike Force, *Final Report to the Governor* at 178 (November 15, 1994); Governor's Commission on Champion Schools, *Interim Report* at 3-8 (November 9, 1994); 1995 Acts of Assembly, c. 582; HB 2535; SB 1037; HB 1625 (1995); HJR 551 (1995); HB 776 (1996); HB 1751; HB 2354; SB 1193 (1997); HB 543; SB 205; SB 318 (1998).

<sup>107</sup>*House Document No. 88, supra* note 2, at 10.

## **Increasing the Capacity of Schools and School Divisions**

Enhancing the educational accountability contemplated by the SOA are many recent legislative initiatives designed to increase the capacity of schools and school divisions to deliver quality instruction in an appropriate space and environment free of disruption. Ensuring safety and a school environment conducive to learning was the goal of legislation adopted in 1995 to reflect the federal Improving America's School Act of 1994 (Part F-- "Gun-Free Schools Act of 1994"). The Virginia statute directed school boards to expel from school attendance for one year, as required in federal regulations, any student who is determined by the school board to have brought a firearm onto school property or to a school-sponsored activity. Based on the facts of the particular case, school boards may determine that "special circumstances" exist and another disciplinary action or term of expulsion is appropriate. The federally-required certification of compliance and data on the expulsions imposed by this measure must be provided to the Virginia Department of Education by every school board applying for funds apportioned to Virginia through the federal law.<sup>108</sup>

Other statutes fostering school safety allow school boards to exclude from attendance for 365 calendar days those students who have been expelled by another school division or private school in Virginia or another state for violations of school board policies related to destruction of property, weapons, alcohol or drugs, or for the willful infliction of injury to another person; direct the Board of Education to develop guidelines for school boards for the conduct of student searches, including random locker searches, consistent with relevant state and federal laws and constitutional principles; require all public schools to conduct school safety audits; and establish the School Resource Officer Grants Program and Fund to support matching grants to school boards to employ uniformed school resource officers (SROs) in secondary schools.<sup>109</sup>

Addressing public school construction and educational technology needs is also seen as a key component in enhancing school and division capacity. Created in 1995, the Virginia Public School Construction Grants Program was designed to provide grants to eligible school divisions for construction, additions, and site acquisition for public school buildings and facilities. Board of Education criteria would determine eligibility for school divisions demonstrating need based on local ability to pay for construction as well as on population growth rates and the availability and pledge of local matching funds. Like Literary Fund loans for school construction, grants from the Program may not exceed 100 percent of the cost of the construction, addition, or site acquisition.<sup>110</sup>

Legislative focus on educational facilities and technology intensified in 1996, as a Select Committee of the House Committee on Appropriations, the Senate Committee on Finance, and the Commission on Equity in Public Education to Study Alternative Methods of School Construction and Renovation Funding for the Commonwealth's School Divisions

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<sup>108</sup>Va. Code § 22.1-277.01 (1997); 1995 Acts of Assembly, cc. 724, 801.

<sup>109</sup>Va. Code §§ 22.1-277.2; 22.1-277.01:2; 22.1-278.1 (1977 and 1999 Supp.); 9-171.1 (1999 Supp.).

<sup>110</sup>Va. Code § 22.1-175.1 *et seq.* (1997 and 1999 Supp.); 1995 Acts of Assembly, c. 762 (HB 2240).



continued its examination of the percentage of operating budgets being devoted to debt service and the ability of localities to sustain the present acceleration in debt and to provide clean, safe, educational environments. Complementing this study was the Commission on Educational Infrastructure, created in 1996 to "study and evaluate the current physical and technical infrastructure needs of public schools and to project the need for school construction and renovation in the future." The Commission was to recommend appropriate revenue sources as well as coordinate with the Select Committees on Public School Construction and on Educational Technology, and was to develop an "educational technology master plan for public schools."<sup>111</sup> The 1996 Session also modified the statutory provisions relating to the educational technology initiative, detailing items that would receive priority funding in FY 1996--such as retrofitting and upgrading existing school buildings to efficiently use educational technology and providing one network-ready multimedia microcomputer for each classroom, a five-to-one ratio of students to network-ready microcomputers, graphic calculators, and training and professional development on available technologies and software to all levels and positions.<sup>112</sup>

Legislation adopted in 1997 authorized the Board of Education to make Literary Fund loans for purchasing and installing educational technology equipment and infrastructure. Further supporting the capacity of school divisions to expand educational technology was legislation allowing school boards to establish, by themselves or with other parties or as regional efforts with other school boards, educational technology foundations to implement public/private partnerships to improve access to and the quality of educational technology in a school division. The 1999 Session expanded the current authority of local school boards to establish educational technology foundations by adding "public school foundations," nonstock, nonprofit corporations created to implement "public school improvement projects," defined to include any project designed achieve an educational purpose that may be identified in Title 22.1.<sup>113</sup>

Continuing the focus on school facilities in 1998, the General Assembly codified the maintenance supplement program previously operated pursuant to the appropriation act and directed each school board, from such funds as may be appropriated, to establish a program for ongoing school maintenance needs. In addition, the 1998 Session directed the Board of Education to cap Literary Fund loans at \$ 7.5 million.<sup>114</sup> The struggle over school construction needs continued in the 1998 Special Session, resulting in the passage of legislation combining car tax relief with a mechanism for distributing funds appropriated to local school divisions for public school construction through the Virginia Public School Construction Grants Program. The measure also established the Commission on State Funding of Public School Construction, to make recommendations to the Governor and

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<sup>111</sup>House Joint Resolution No. 117 (1996); House Joint Resolution No. 135 (1996); *see also*, Division of Legislative Services, *1996 Session Summary* at 201 (1996).

<sup>112</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1996 Acts of Assembly, c. 974 (HB 512).

<sup>113</sup>Va. Code §§ 22.1-146; 22.1-212.2:2 (1997 and 1999 Supp.); 1997 Acts of Assembly, cc. 372 (HB 1835); 863 (HB 2285); 1999 Acts of Assembly, c. 735 (HB 2176). Educational technology is defined to include any software, hardware, or other equipment, or technical assistance or instruction in the use of any software, hardware or other equipment which is required to implement a local school board's approved plan for educational technology or the Board of Education's Six-Year Educational Technology Plan for Virginia.

<sup>114</sup>Va. Code §§ 22.1-138.1; 22.1-147 (1999 Supp.); 1998 Acts of Assembly, cc. 730 (HB 138), 70 (SB 672).

General Assembly regarding future changes to the school construction assistance distribution formula and other issues.<sup>115</sup>

Targeting the accountability of schools and school divisions through incentives and flexibility, the 1998 Session established the Virginia Educational Excellence Incentive Reward Program and Fund to award incentive grants to public schools meeting certain eligibility or performance criteria established by the Board of Education. These criteria were to include annual performance benchmarks for individual public schools and were to recognize exceptional and improved educational performance in public schools through indicators such as pupil academic performance; SOL test scores; student and teacher attendance rates; graduation rates, including minority graduation rates; and parental and community involvement. In establishing the criteria, the Board was to consider school and division population information, such as the percentage of students speaking English as a second language, community education and income levels, local ability-to-pay for public education, and school and divisionwide enrollments. Grants may be used for salary bonuses, professional development, school improvement, or other educational initiatives or expenses approved by the Board.<sup>116</sup>

Also designed to increase the capacity of school divisions to deliver the highest quality public education are the statutory requirements that the Department of Education conduct technical assistance visits to schools, with those schools accredited with a warning given priority for such assistance, and that school boards with one or more schools with SOL test pass rates below 70 percent develop a comprehensive corrective action plan with and for each school by 1999-2000.<sup>117</sup>

### **Accountability for Teachers and Administrators**

In the Commonwealth, accountability for professional personnel is primarily addressed through training, licensure, and employment laws and regulations. Pursuant to Standard 3 of the SOQ, the Board of Education is to establish requirements for the licensure of teachers, principals, supervisors, and other professional staff. In addition, the Board is to determine eligibility requirements for the appointment of local division superintendents.<sup>118</sup>

Employment as a public school teacher in the Commonwealth is contingent upon licensure. Current Board regulations address teacher preparation and training requirements;

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<sup>115</sup>Va. Code § 22.1-175.1 *et seq.* (1999 Supp.); 1998 Acts of Assembly, Sp. Sess. I, c. 2 (SB 4005).

<sup>116</sup>Va. Code § 22.1-199.3 (1999 Supp.); 1998 Acts of Assembly, c. 903 (HB 653). A number of legislative study groups have focused on incentives and flexibility; specifically, in 1996, a joint subcommittee (HJR 165) examined the feasibility and appropriateness of establishing a school incentive reward program in the Commonwealth. That same year, the HJR 168 Commission on Accountability for Excellence in Public Education was specifically charged to develop and recommend comprehensive plans for statewide student and teacher assessments and for the accreditation of public schools that incorporates the revised standards of learning and statewide student and teacher assessment goals, and to determine appropriate alternatives to maximize "time-on-task" and to facilitate the productive use of daily instructional time to ensure that each student's educational needs are served.

<sup>117</sup>Va. Code § 22.1-253.13:3 (1999 Supp.); 1998 Acts of Assembly, c. 902 (HB 431).

<sup>118</sup>Va. Code § 22.1-253.13:3; 22.1-59 (1997 and 1999 Supp.).

issuance, revocation, suspension, and reinstatement of licenses; technology standards for instructional personnel; and qualifications for administrative, supervisory, and instructional and noninstructional positions in the public schools. The purpose of the licensure regulations is to "maintain standards of professional competence." The Advisory Board on Teacher Education and Licensure (ABTEL) submits recommendations to the State Board on policies relating to licensure and other regulations. Statutory provisions also help ensure accountability for quality instruction by underscoring requirements for probationary and continuing contract employment as well as suspension and dismissal.<sup>119</sup>

### **Increasing the Capacity of Professional Personnel**

Perhaps prompted in part by revisions to the Standards of Learning and Accreditation, a variety of recent legislative measures have sought to equip teachers with the skills necessary to provide the highest quality instruction and to improve the leadership and evaluation skills of principals and administrators. Legislation adopted in 1995 directed each school board to "seek to ensure that all elementary school teachers in its employment are provided planning time."<sup>120</sup> The Minorities in Teaching Program was established to increase the number of minorities pursuing careers in teaching. Administered by the Board of Education, the Program may include initiatives that encourage elementary and secondary school students and college students to enter the teaching profession, mentorship programs between educators and students, and other programs and activities designed to generate interest in entering the teaching profession.<sup>121</sup>

Ensuring teacher proficiency in educational technology has been the goal of a number of recent measures, including statutes directing the State Council of Higher Education to establish institutes providing technology training for public school teachers and administrators<sup>122</sup> and requiring the Board of Education to provide technical assistance to local school boards on professional development in education technology. Local school boards must provide a program of professional development in educational technology for all instructional personnel; public institutions of higher education must establish programs to ensure that all graduates have the technological skills necessary to compete in the 21st century and, particularly, that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology.<sup>123</sup>

Teacher training and accountability did not escape the consideration by the HJR 196 Commission on the Future of Public Education, which supported legislation in 1998 to require the Board of Education to include, in its training and professional development activities, programs designed to strengthen educators' ability to communicate and work with families, enhance family involvement in student learning at home and in school, and fully

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<sup>119</sup> *A Legislator's Guide to Public Education in Virginia*, "Teachers, Administrators, and Other School Personnel" at 4-13 (1993). See also, Va. Constitution, Art. VIII, § 4 (1987); Va. Code §§ 22.1-253.13:3; 22.1-289 *et seq.* (1993 and 1999 Supp.); 8 VAC 20-21-10 *et seq.*; 8 VAC 20-25-10 *et seq.* (1999 Supp.).

<sup>120</sup> Va. Code § 22.1-291.1 (1997); 1995 Acts of Assembly, c. 404 (HB 2547).

<sup>121</sup> Va. Code § 22.1-212.2:1 (1999 Supp.); 1996 Acts of Assembly, c. 198 (HB 1331); 1997 Acts of Assembly, c. 899 (HB 2689).

<sup>122</sup> Va. Code § 23-9.13:1 (1999 Supp.); 1996 Acts of Assembly, c. 504 (HB 1097).

<sup>123</sup> Va. Code §§ 22.1-253.13:5 (1999 Supp.); 1997 Acts of Assembly, c. 827.

integrate theory and application of knowledge into student learning. The licensure statutes were amended to require persons seeking initial licensure on and after July 1, 2002, to have completed study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the integration of theory and application of knowledge into student learning. On and after July 1, 2002, individuals seeking initial licensure and graduating from Virginia colleges and universities must graduate from nationally accredited programs. This measure also amended the mentor teacher statute to require the Board of Education to establish guidelines for training programs to support the Standards of Learning, including training in English, mathematics, science, technological studies, and history and social sciences to provide support for teachers in public elementary and secondary schools and the development of leadership skills for principals, superintendents, and other administrative personnel.<sup>124</sup>

In 1999, the General Assembly again modified training and professional development requirements through the passage of the Education Accountability and Quality Enhancement Act of 1999. This comprehensive Act made a variety of changes to the statutes governing the preparation, evaluation, and employment of educational personnel, including: (i) requiring each local school board to evaluate its division superintendent annually, pursuant to uniform performance standards and criteria established by Board of Education regulations; (ii) establishing the National Teacher Certification Reward Program to provide annual monetary awards to teachers achieving and maintaining national certification; (iii) incorporating in the SOQ specific training for administrative and supervisory personnel in the evaluation and documentation of teacher and administrator performance; (iv) requiring local school boards to develop a performance evaluation process for principals, assistant principals, and supervisors; (v) requiring school boards to fill teaching positions with licensed instructional personnel qualified in the relevant subject areas; (vi) directing school boards to include in their teacher employment policies incentives for excellence in teaching; (vii) altering various teacher licensure provisions to require study in instructional methods tailored to promote student achievement and effective preparation for the SOL assessments; (viii) directing Virginia's public colleges and universities to use a professional teacher's examination prescribed by the Board for persons seeking entry into teacher education programs; (ix) requiring mentor teachers for probationary teachers, except those who have prior successful teaching experience, and annual evaluations of probationary teachers; and (x) specifying various guidelines for the Mentor Teacher Program.<sup>125</sup>

Pursuant to Standard 5 of the SOQ, the Board of Education must develop leadership standards for superintendents and principals; local school boards must sponsor or conduct leadership training programs consistent with these standards. These standards are to include training in the implementation of the Standards of Learning and in the evaluation and documentation of teacher and administrator performance "based on student academic progress and the skills and knowledge of instructional personnel." Consistent with this directive, the Department of Education has established a number of partnerships with various

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<sup>124</sup>Va. Code §§ 22.1-253.13:5; 22.1-298 (1999 Supp.); 1998 Acts of Assembly, c. 826 (HB 432).

<sup>125</sup>1999 Acts of Assembly, cc. 1037, 1030 (HB 2710, SB 1145); Va. Code §§ 22.1-60.1; 22.1-253.13:5, 22.1-293; 22.1-294; 22.1-295; 22.1-298; 22.1-299.2; 22.1-303; 22.1-303.1; 22.1-305; 22.1-305.1; 23-9.2:3.4 (1997 and 1999 Supp.).

Virginia colleges and universities as well as with professional organizations focusing on services for principals. Of especial interest are educational technology, assessments, the use of data to improve instruction, and the implementation of the SOLs.

Current delivery models have incorporated intensive training and follow-up through annual conferences and one-day workshops. In 1997-98, Department workshops served approximately 2,400 participants; about 2,100 individuals pursued these workshops in 1998-99. Supported by federal dollars and other Department of Education funds, these training initiatives sometimes include a minimal fee for participating principals.

Proposed Board guidelines for uniform performance standards and evaluation criteria for teachers, administrators, and superintendents, developed in response to HB 2710 and SB 1145, enacted by the 1999 Session of the General Assembly, are expected to be approved by the Board of Education in January 2000. Five major categories are outlined for evaluation criteria for teachers, administrators, and superintendents, addressing the areas of planning and assessment, instruction, safety, professionalism, and communications. These categories are tailored for teachers and for administrators and superintendents. The evaluation criteria include specific duties and standards, supported by sample performance indicators.

**Major Categories of Evaluation Criteria  
Virginia Department of Education**

Teachers	Administrators and Superintendents
Planning and Assessment	Planning and Assessment
Instruction	Instructional Leadership
Safety and Learning Environment	Safety and Organizational Management for Learning
Communication and Community Relations	Communication and Community Relations
Professionalism	Professionalism

Beginning September 1, 2000, prior to making employment recommendations to the division superintendent, principals must have received training in the evaluation and documentation of employee performance, addressing skills and knowledge as well as student academic progress. In addition, assistant principals and other administrators participating in the employee evaluation process must have received this training. (§ 22.1-293 C).

Responding to Commission inquiries focusing on teacher shortages, representatives of the Department of Education noted that the PRAXIS I and II tests address reading, writing, and mathematics skills and specific subject areas, respectively. Passage of both tests is necessary for alternative licensure routes in Virginia. PRAXIS I is necessary for admission into teacher education programs; however admission cannot be denied on the basis of an unsatisfactory score. The PRAXIS tests also figure prominently in licensure by reciprocity, as Virginia may require a higher score on these tests than candidates licensed by other states may have. These individuals might obtain a three-year provisional license, and secure a regular teaching license upon successful completion of the two tests. About 38 states require PRAXIS I or II. Only about five states eliminate the assessment requirement, while other

states, such as Texas and Georgia, have their own teacher test. The employment of retired military personnel and others as teachers was also discussed. In addition, the implementation of the SOLs and other intensive training requirements as possible disincentives to persons seeking licensure by reciprocity was noted.<sup>126</sup>

### **Accountability of Families and Communities: Increasing Involvement**

Numerous Virginia statutes already acknowledge the need for parental and family involvement in public education; school boards are specifically directed to “provide opportunities for parental and community involvement in every school in the school division”; the Standards of Quality recognize that “public involvement is a fundamental component of meaningful planning for public schools” and require evidence of community participation in the development of divisionwide six-year improvement plans. School board policy manuals are to be developed with consideration of teacher, parent, and citizen input; guidelines for school uniforms are also to reflect parental and community involvement. Grants for alternative programs are to be awarded to initiatives that include community outreach and promote parental involvement. Parental and community participation are also components of school health advisory boards, school safety audits, and remediation program standards committees.<sup>127</sup> In addition, the parental involvement components of the at-risk four-year-old programs are to include activities to promote family literacy.<sup>128</sup>

The Virginia Omnibus Educational Act of 1995 allocated parental responsibilities for students' behavior. Parents may be required to meet with school officials if requested by the principal, and the parents of suspended students must accompany the student to meet with school officials unless there are special circumstances. Failure to meet with officials, or an expulsion or second suspension, may result in court action by the school board; the court may order the parents to pay certain civil penalties, compel the student or parents to participate in certain programs or treatments, or set conditions and limitations on the parents and students. All schools must have parental involvement activities. In 1996, the legislature revisited these requirements and directed parents to sign and return a statement acknowledging receipt of student conduct standards.<sup>129</sup>

The Virginia Educational Excellence Incentive Reward Program, established in 1998, permitted the consideration of parental and community involvement within the criteria for making incentive grants to public schools. Similarly, the Commonwealth Character Initiative was established as a unit within the Department of Education to assist school divisions in character education programs and practices designed not only to promote the development of personal qualities as set forth in the Standards of Quality but also to improve family and community involvement in the public schools.<sup>130</sup>

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<sup>126</sup>Meeting summary, December 21, 1999, Commission meeting.

<sup>127</sup>Va. Code §§ 22.1-279.3; 22.1-253.13:6; 22.1-253.13:7; 22.1-79.2; 22.1-209.1:2; 22.1-275.1; 22.1-278.1; 22.1-253.13:1 (1997 and 1999 Supp.).

<sup>128</sup>Va. Code § 22.1-199.1 (1999 Supp.); 1997 Acts of Assembly, cc. 394, 357 (HB 2312; SB 932).

<sup>129</sup>Va. Code § 22.1-279.3 (1997); 1995 Acts of Assembly, c. 852 (HB 2542); 1996 Acts of Assembly, c. 771 (HB 1199).

<sup>130</sup>Va. Code § 22.1-208.01 (1999 Supp.); 1998 Acts of Assembly, c. 725 (HB 1344).

The Families in Education Incentive Grants Program, created by the 1999 Session, is to support grants awarded on a competitive basis to public schools, with no more than two grants awarded per superintendent's region, to support innovative family and community involvement programs designed to facilitate parents' creation of a supportive learning environment at home and increased involvement in classroom learning and school activities.<sup>131</sup> Also supporting family involvement in public education, with such funds as may be appropriated, is the Family Involvement in Technology (FIT) Program, designed to promote parental and family involvement in children's education, found a partnership between families and schools, increase students' time on task, integrate educational technology into the public school curriculum to meet the Standards of Learning objectives, and increase access to educational technology, particularly in schools with large populations of disadvantaged children (federal Title I schools).<sup>132</sup>

## V. CONCLUSION: ISSUES FOR THE YEAR 2000

To meet the challenge of its comprehensive mission, the Commission gathered information on a myriad of educational accountability concerns in its first year of study. Testimony offered by state agency representatives, local school divisions, and education organizations provided invaluable perspectives regarding current state accountability initiatives, local implementation, and fiscal concerns. The Commission's two task forces also shared critical testimony focusing on the effective preparation of students for the 21st century workforce and the potential effects of new accreditation and assessment requirements on local school division finances. Additional efforts by these task forces in the year 2000 will undoubtedly further aid the Commission in its work.

Having already assessed a wide variety of issues, the Commission is poised to delve more deeply into those accountability concerns identified as particularly pressing in the upcoming year. The Commission expects to continue to fulfill its directives to monitor ongoing developments in the establishment of consequences and rewards within the Standards of Accreditation, follow the implementation of the Standards of Learning and revised assessments, and examine the adequacy of the current system of funding the Standards of Quality.

In addition, the Commission will likely explore ways to increase the capacity of schools, teachers, and students to meet increasingly rigorous academic standards as well as teacher recruitment and retention. Other issues that may merit Commission review include:

- The efficacy of the Commonwealth's current accountability initiatives in addressing the particular accountability objectives for which they were designed;
- Ways in which General Assembly, as the entity constitutionally vested with the "ultimate authority" over public education, effectively coordinate with the Board of Education, constitutionally charged to "effectuate the education policy," to

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<sup>131</sup>Va. Code § 22.1-209.1:5 (1999 Supp.); 1999 Acts of Assembly, c. 447 (HB 1270).

<sup>132</sup>Va. Code § 22.1-212.2:3 (1999 Supp.); 1999 Acts of Assembly, c.456 (HB 2321).

help ensure the development of accountability measures that help promote educational excellence in Virginia;

- Additional assistance for schools in need of improvement; and
- Possible factors to be considered in establishing performance expectations, goals, and accreditation standards for schools and school divisions (such as local fiscal effort, student and local demographics, and gains made in reaching performance expectations appropriate factors).

Respectfully submitted,  
SJR 498 Commission on Educational Accountability

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## APPENDICES

### Meetings of the SJR 498 Commission on Educational Accountability

#### **Initial Meeting--10 a.m. Thursday, August 5, 1999**

##### **Senate Room B, General Assembly Building, Richmond, Virginia**

Election of chairman and vice chairman; Review of initial report--Kathleen G. Harris, *senior attorney*; Update from Department of Education (Standards of Accreditation and SOL Assessments)--Kirk Schroder, *President, Board of Education*; Paul D. Stapleton, *Superintendent of Public Instruction*; Diane Atkinson, *Assistant Superintendent for Policy and Public Affairs*; Review of local accountability initiative--Lin Corbin-Howerton, *Director of Accountability*; Chesterfield County Public Schools.

#### **Second Meeting--1 p.m. Monday, November 15, 1999**

##### **Senate Room B, General Assembly Building, Richmond, Virginia**

Review of Proposed Revisions to Standards of Accreditation: Kirk Schroder, *President, Board of Education*.

#### **Third Meeting--10 a.m. Tuesday, December 21, 1999**

##### **Senate Room B, General Assembly Building, Richmond, Virginia**

Review of training, standards, and professional development initiatives for principals: Dr. Thomas L. Shortt, *Assistant Superintendent, Division of Accountability, Department of Education*; Review of Department's response to HB 2710/SB 1145; Uniform Performance Standards/Guidelines for Superintendents, Principals, and Teachers: Dr. Thomas A. Elliott, *Assistant Superintendent, Division of Teacher Education and Licensure, Department of Education*; Update on public hearings regarding proposed revisions to Standards of Accreditation: Charles Finley, *Director of Accreditation, Division of Accountability, Department of Education*; Discussion and assessment of workplan.

#### **Fourth Meeting-- 2 p.m. Tuesday, January 4, 2000**

##### **Senate Room B, General Assembly Building, Richmond, Virginia**

Summary of HJR 723 Task Force meeting; overview of funding by Daniel S. Timberlake, *Assistant Superintendent, Finance, Department of Education*; Summary of HJR 566 Task Force meeting; Review of written comments received from educational organizations; Discussion and work session.

#### **Special Meeting-- 10 a.m. Thursday, January 13, 2000**

##### **Speaker's Conference Room, General Assembly Building Richmond, Virginia**

Review of HJR 572 Joint Subcommittee on Remediation; Discussion.

## **Task Force Meetings**

### **HJR 566 Special Task Force Studying Educational Needs of the 21st Century**

**Tuesday, December 21, 1999**

**Senate Room B, General Assembly Building, Richmond, Virginia**

Election of chairman, vice chairman; Overview of vocational education and Standards of Learning integration: Dr. Neils W. Brooks, *Director of Vocational & Adult Education Services, Division of Instruction, Department of Education.*

### **HJR 723 Special Task Force Examining the Impact of the Standards of Accreditation on Local School Division Budgets**

**10 a.m. Tuesday, January 4, 2000**

**Senate Room B, General Assembly Building, Richmond, Virginia**

Election of chairman, vice chairman; Review of current funding for public schools: Daniel S. Timberlake, *Assistant Superintendent, Finance, Department of Education.*

**HJR 566 SPECIAL TASK FORCE STUDYING  
EDUCATIONAL NEEDS OF THE 21ST CENTURY**  
Commission on Educational Accountability (SJR 498)  
**Meeting Summary--Tuesday, December 21, 1999**  
**Senate Room B, General Assembly Building, Richmond, Virginia**

**MEMBERS**

Delegate Phillip A. Hamilton, <i>chairman</i>	Barbara Ruth Massie
Audrey B. Davidson, <i>vice chairman</i>	Raymond M. Tate
Delegate W. W. "Ted" Bennett, Jr.	The Honorable Wilbert Bryant, <i>Secretary of Education</i>
Delegate Clarence E. Phillips	The Honorable Barry DuVal, <i>Secretary of Commerce and Trade</i>
Senator R. Edward Houck	Dr. Jo Lynne DeMary, <i>Acting Superintendent of Public Instruction</i>
Senator Stephen D. Newman	Dr. Arnold R. Oliver, <i>Chancellor, Virginia Community College System</i>
Karlynn W. Bucher	Phyllis Palmiero, <i>Acting Director, State Council of Higher Education for Virginia</i>
Edward J. Kihm	

**Staff**

***Division of Legislative Services***

Kathleen G. Harris, *Senior Attorney*  
Gwen Foley, *Senior Operations Staff Assistant*  
***Office of the Clerk, Senate of Virginia***  
Patty Lung, *Committee Clerk*

The initial meeting of the HJR 566 Task Special Force Studying Educational Needs of the 21st Century was called to order by Delegate Phillip A. Hamilton, patron, following the adjournment of the December 21, 1999, meeting of the SJR 498 Commission on Educational Accountability. Delegate Hamilton and Audrey Davidson were elected chairman and vice chairman, respectively.

Recognizing that the "demands of an increasingly competitive 21st century global marketplace will challenge Virginia's system of public education to prepare its students to learn, adapt, and expand their skills in the workforce," the 1999 Session of the General Assembly adopted HJR 566, establishing a 15-member special task force of the SJR 498 Commission on Educational Accountability. Comprised of shall include five legislative members, five nonlegislative members, and five ex officio members as follows: three members of the House of Delegates, of whom two are members of the SJR 498 Commission on Educational Accountability; two members of the Senate, of whom one is a member of the SJR 498 Commission on Educational Accountability; five gubernatorial appointees representing business, education, and industry; and the Secretary of Education; the Secretary of Commerce and Trade; the Superintendent of Public Instruction; the Chancellor of the Virginia Community College System; and the Director of the State Council of Higher Education, who serve with full voting privileges. The resolution contemplates a two-year study.

The Special Task Force is explore:

- (i) the integration of the SOL in secondary school curricula and programs focusing on workforce development skills;

- (ii) the availability of these secondary school workforce development opportunities across the Commonwealth;
- (iii) the adequacy of current curricula, program resources, and technology in Virginia public schools;
- (iv) staffing and state and local funding levels for secondary school workforce development programs;
- (v) the efficacy of current state and local coordination and governance of secondary school workforce development programs;
- (vi) the need for training and technical assistance for workforce development educators;
- (vii) the use of the SOL as well as national business and industry standards to enhance such curricula and programs; and
- (viii) such other issues as it deems appropriate.

Providing an overview of vocational education and Standards of Learning integration was Dr. Neils W. Brooks, Director of Vocational & Adult Education Services, Division of Instruction, Department of Education. Secondary school vocational education areas of concentration include agricultural education, business, health occupations education, marketing, technology education, trade and industrial education, work and family studies, and career connections. Agricultural education encompasses forestry, farming, and natural resources, and includes related business training as well. Health occupations training prepares students for entry-level positions in particular health field or for advanced training in health occupations at the technical and professional levels. Trade and industrial education, one of the largest areas of vocational education, may prepare students for careers in cosmetology, plumbing, welding, and electrical work, as study is designed to equip students with the occupational skills, attitudes, and work habits to work in various skilled or semi-skilled trades. The work focus track of the work and family studies program prepares students for entry-level jobs and advanced education, while the family focus track offers preparation in management of individual, family, and work lives. The career connections service area prepares students for continuing education as well as careers, and includes the Education for Employment (EFE) initiative, designed for youth with special needs.

Vocational education at the middle school level provides career exploration and beginning career preparation, while comprehensive high schools offer vocational programs in addition to academic instruction. Technical schools within a school division may serve a number of high schools; regional technical schools reflect partnerships between two or more school divisions. Specialty centers serve particular student populations.

Linking academic content and occupational skills standards is seen as a valuable tool in addressing the basic academic skills demanded by employers as well as reducing drop out rates. As students recognize the link between curriculum and "real world" work requirements, they may be encouraged to remain in school and to complete their studies. In 1999, the General Assembly passed legislation directing the Board of Education to "incorporate into vocational education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate." (HB 2476; SB1284; § 22.1-227.1). In 1998, legislation had been adopted directing the Board



to from such funds as are available, to "regularly review and revise the competencies for vocational education programs to require the full integration of English, mathematics, science and social studies Standards of Learning." (HB 431; § 22.1-253.13:1B). In addition, occupational vocational programs were to be "aligned with industry and professional standard certifications, where they exist."

A variety of occupational skills standards are set by the National Skills Standards Board as well as by business and industry boards. By comparing state academic content standards, such as Virginia's Standards of Learning, to V-TECS Academic Skills Taxonomy, which identifies "related/required academic skills" for particular occupations, a "crosswalk" may be devised to ensure greater linkage between the classroom curriculum and workplace challenges. V-TECS, a consortium comprised of 15 states, including the Commonwealth, and U.S. military and governmental entities, compiled various skills and knowledge "identified by industry as essential to job performance." These skills and "real world" scenarios may assist in instruction, assessment, and credentialing. To date, "crosswalk" between the V-TECS standards and the SOLs for English, math, and science have been created.

Having linked occupational skills and academic content standards, validation of course sequences is necessary to further enhance the effectiveness of vocational-technical programs in Virginia. Grouping industry occupations into "families," then by career majors, and, finally, occupational specialties--the most specific level, representing Classification of Instruction (CIP) codes and titles, further assists in alignment of education with career paths. Early education may focus on a strong foundation in academics; students in intermediate education may select courses targeting a particular occupational "family." In secondary school, students course selections may narrow to a career "major," and, ultimately, an occupational specialty.

### **Industry/Occupational Families**

Office of Vocational and Adult Education Services, Virginia Department of Education

Agriculture, Forestry, and Natural Resources  
Art and Communications  
Information Technology  
Applied Science, Natural Science, and Engineering  
Manufacturing and Production  
Technical Installation, Repair, and Services  
Business, Finance, and Management  
Construction and Extractive Operations  
Education and Training Services  
Health and Medical Services  
Hospitality and Tourism Services  
Personal and Commercial Services  
Legal and Protective Services  
Public Administration and Government Services  
Marketing, Sales, and Promotion  
Logistics, Transportation, and Distribution Services

According to *Virginia's Changing Workplace: Employers Speak*, a 1997 study conducted by the Weldon Cooper Center for Public Service, employers expect students to be able to, among other things: apply academic skills and knowledge to a broad field of technical studies; read, understand, and communicate in the language of the particular technical field; communicate effectively; solve problems and think skillfully; work responsibly; and manage resources. Standardized tests, such as various occupational standards tests, and industry certification assist in measuring whether student--prospective employees--meet these expectations.

Task Force discussion focused on whether vocational assessments might serve as useful equivalent to the SOL assessment. Discussion also cited the possibility of using a relevant and rigorous vocational education program to provide credit for the SOL assessments, as the Board has already contemplated in using International Baccalaureate and Advanced Placement tests . Also noted was the fact that the vocational education student may demonstrate a level of knowledge and skills equal or superior to those required for a high school diploma.

There being no further discussion, the meeting was adjourned.

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**HJR 723 SPECIAL TASK FORCE EXAMINING THE IMPACT OF THE STANDARDS  
OF ACCREDITATION ON LOCAL SCHOOL DIVISION BUDGETS**

Commission on Educational Accountability (SJR 498)

Meeting Summary--Tuesday, January 4, 2000

Senate Room B, General Assembly Building, Richmond, Virginia

**MEMBERS:**

Delegate Flora D. Crittenden, *chairman*

Delegate James H. Dillard, II, *vice chairman*

Delegate Phillip A. Hamilton

Delegate Mitchell Van Yahres

Senator Emmett W. Hanger, Jr.

Senator Janet D. Howell

Senator Jane H. Woods

**Staff:**

Kathleen G. Harris, Senior Attorney, Division of Legislative Service

Patty Lung, Committee Clerk, Office of the Clerk, Senate of Virginia

At the initial meeting of the HJR 723 Task Force Examining the Impact of the Standards of Accreditation on Local School Division Budgets, Delegates Flora Crittenden and James H. Dillard, II, were elected chairman and vice chairman, respectively. Presenting an overview of public education funding in Virginia was Daniel S. Timberlake, Assistant Superintendent, Finance, Department of Education.

The Standards of Quality (SOQ), mandated by the Constitution of Virginia and as prescribed in state statute set forth the "foundation education program to be offered by school divisions." Establishing minimum requirements for public education, the SOQ are the "primary determinant of funding for public school divisions." Required by the SOQ to be promulgated as Board of Education regulations, the Standards of Accreditation (SOA) actually govern the operations of schools, addressing issues such as length of instructional time, course offerings, and graduation requirements. The Standards of Learning (SOL), also required to be developed by the Board pursuant to the SOQ, are not regulations, but set forth course content requirements for various grade levels. The SOL specify the knowledge to be assessed through the SOL tests authorized by the SOQ and required by the SOA.

This public education model has resulted in three types of funding for public elementary and secondary school in Virginia: SOQ, incentive, and categorical. Incorporated within SOQ funding are basic aid as well as special, vocational, remedial, and gifted education, and fringe benefits related to each of these programs. The one cent sales tax dedicated to public education supports SOQ funding. Employee salaries and benefits comprise about 80 percent of SOQ funding. Pursuant to the Virginia Constitution, the state and localities share responsibility for funding the SOQ. Nearly every school division, however, spends funds than what is required by the SOQ.

Incentive-based programs are those initiatives not required by the SOQ, but are supported by state and local funds. The voluntary programs address at-risk students and four-year-olds, primary class size reduction, early reading and Standards of Learning intervention, maintenance supplements, and distribution of lottery profits. These initiatives are primarily found in the appropriation act; however, the Code of Virginia also sets forth several incentive programs. To receive state moneys for these programs, school divisions certify that they will provide the program as well as the local match, which is typically calculated using the composite index of local ability to pay.

Like incentive initiatives, categorical programs exceed SOQ requirements and claim state education moneys. Categorical funding mandated by state or federal law or federal regulations address special education tuition for regional programs, special education services for children in state hospitals, clinics, and detention homes; special education services for students confined to their homes for medical reasons, and vocational education. Other categorical programs include alternate education, funding for limited English proficiency students; school nutrition, adult education, and certain regional programs such as Project Discovery. Categorical programs exceed SOQ requirements.

Mr. Timberlake noted that various formulae dictate funding calculations for SOQ and incentive-based programs. These initiatives account for more than 85 percent of K-12 funding in the Commonwealth. Accounts within the Standards of Quality reflect the instructional cost for the particular program based on the required number of instructional positions and funded salaries. Basic aid also includes support costs for transportation, operations and maintenance, and administration. Also factored into determining SOQ costs for each school division are per pupils amounts based upon the average daily membership (ADM) or enrollment for each school division.

Within this model, Basic Aid funding is then reduced by the amount of sales tax that will be returned to each school division, which is calculated on the basis of the triennial census of the school population (number of all school-age children in the division), rather than on ADM. The remaining amount for Basic Aid and the total cost for each of the remaining SOQ accounts is then divided into state and local shares for each initiative, based on the composite index of local ability to pay. The balance of Basic Aid is divided into state and local shares based upon the composite index of local ability to pay. The statewide average indicates 45 and 55 percent local and state shares, respectively.

The majority of SOQ funding is driven by staffing levels in public schools. The state uses an overall benchmark of 51 instructional positions per 1,000 students to calculate instructional positions. A linear weighted average is used to determine the "central tendency" for instructional salaries. The Standards are applied by grade level and by school; significantly, smaller schools may actually require more teachers even if the total number of students is the same.

Funding for incentive-based programs is calculated pursuant to formulae not unlike the formula used to determine SOQ funding. Many of these initiatives, however, incorporate an additional poverty adjustment based on student participation in free or reduced lunch programs. Funding for some categorical grants, such as grants supporting programs for students with limited English proficiency, may be computed pursuant to a formula incorporating the composite index. Other categorical grants, such as those for Project Discovery, may be based upon a direct award of funds.

Members noted the need to determine the amount localities are actually paying for public education. Because localities typically exceed their required SOQ contribution, which, as a statewide average, is 45 percent, the combined state and local amounts paid for SOQ programs may in fact exceed the calculated 100 percent of SOQ costs. Also noted was the possible need for another study by the Joint Legislative Audit and Review Commission (JLARC) to review SOQ funding. The SOL, as revised in 1995 and initially thought to be cost-neutral, and the SOA were seen as perhaps imposing mandates in addition to those set forth in the SOQ; the requirements for additional mathematics courses, for example, may carry the hidden cost of potentially needing to educate more students. Members also cited the need to assess these "other" costs outside the SOQ that may increase local costs for public education, such as additional required remediation that may result from increased course requirements. Other potential "hidden" costs might include remediation, materials, and additional teacher training. Additional Commission concerns included the possible use of outdated information and the need to adjust calculations to reflect dropout rates and alternative education enrollments; the need for increased instructional time; and the possibility of creating a simple formula to reflect more accurately the state share for each pupil, with an exception for local costs of "competing" with other school divisions for employees.

Board President and Commission member Kirk Schroder noted that educational accountability is "not a cost-neutral initiative"; citing the current public debate regarding the

use of "multiple criteria" in accreditation, he stated that accountability may well be seen as a process. He urged an examination of funding adequacy and the need to wait for subsequent Board action and upcoming SOL test scores before making concrete recommendations to change the currently evolving system. Mr. Timberlake commented that additional data is needed from school divisions to help assess any cost implications.

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### **Standard Setting Advisory Committee -- June 23, 1998**

Dr. William C. Bosher, Jr., Chesterfield County Schools Superintendent, *Committee Chairman*  
Dr. Allen Arroyo, Dean, School of Education, Regent University  
John W. L. Craig, II, Virginia School Boards Association  
Lois Cumashot, President, Virginia Congress of Parents and Teachers  
Peter Decker, Decker Cardon and Thomas, Former Member of the Virginia State Board of Education  
Dr. Daniel A. Domenech, Fairfax County Schools Superintendent  
James W. Dyke, Jr., McGuire Woods Battle & Boothe, former Secretary of Education for the Commonwealth of Virginia  
Dr. Thomas Hanisch, Apple Pie Ridge Elementary School, Virginia Association of Elementary Principals  
Cheri James, President, Virginia Education Association  
John H. Kidd, Rockingham County Schools Superintendent  
Janice G. Leslie, Principal Subschool, Chantilly High School, Virginia Association of Secondary School Principals  
Dr. Robert C. McCracken, Giles County Schools Superintendent  
George McVey, Virginia Council for Private Education  
Mark D. Musick, President, Southern Regional Education Board  
Karl G. O'Dell, Richmond County Schools Superintendent  
Dr. John Oehler, Dean, School of Education, Virginia Commonwealth University  
Dr. N. Andrew Overstreet, Danville Schools Superintendent  
Dr. William A. Owings, Accomack County Schools Superintendent  
Dr. C.P. Penn, Jr., Surry County Public Schools Superintendent  
John Sanville, Fairfax Federation of Teachers  
James B. Scott, Scott County Schools Superintendent  
Dr. Eleanor Ross Smalley, Clarke County Schools Superintendent  
Tom Smith, Director of Pupil Personnel, Fluvanna Public Schools  
Dr. Albert J. Williams, Richmond City Schools Superintendent  
Dennis G. Witt, Halifax County Schools Superintendent  
Robert Woltz, Vice President External Affairs, Bell Atlantic  
Consuella Woods, President, Virginia Association of Secondary School Principals; Principal, Sandusky Middle School  
Alan Wurtzel, Circuit City Stores, former member of the Virginia State Board of Education  
Cheri Yecke, Deputy Secretary of Education, Commonwealth of Virginia

Source: Virginia Department of Education, Press Release, "Board of Education Names Members of the Advisory Committee for Standards of Learning Tests, <<http://141.104.22.210/VDOE/NewHome/pressreleases/jun2398.html>>; Virginia Department of Education, Press Release, "Additional Appointments to Standard Setting Advisory Committee, <<http://141.104.22.210/VDOE/NewHome/pressreleases/jun2398b.html>>; Virginia Department of Education, Press Release, "Virginia Board of Education Receives Passing Score Recommendations for SOL Tests, <<http://141.104.22.210/VDOE/NewHome/pressreleases/oct898.html>>

### **Virginia SOL Assessment Program Advisory Committee--July 8, 1999**

Jennifer Curtis Byler, Northampton County, Member, Board of Education  
Dr. Mark Edwards, Henrico County, Superintendent, Henrico County Public Schools  
John W. L. "Chip" Craig, Radford City, Immediate Past President, Virginia School Boards Association  
John Baker, Albemarle County, Chairman, Albemarle County School Board  
Lois Cumashot, Chesterfield County; President, Virginia Congress of Parents and Teachers  
Dr. Al Butler, Charlottesville City, Executive Director, Virginia Association of School Superintendents  
Cheri James, Richmond City, President, Virginia Education Association  
Consuella Woods, President, Virginia Association of Secondary School Principals; Principal, Sandusky Middle School  
Bob Whytal, Staunton City, Director, Virginia Schools for the Deaf and Blind  
Senator Stanley Walker, Norfolk City, Member, Senate of Virginia  
Delegate Robert McDonnell, Virginia Beach City, Member, Virginia House of Delegates  
Ed Bersoff, Fairfax County, President, BTG, Inc., Past Chairman, Virginia Economic Development Partnership  
Mark Emblidge, Richmond City, Chair, Richmond City School Board  
John Sanville, Fairfax County, President, Virginia Affiliate, American Federation of Teachers  
Mrs. Teresa Murphy, Falls Church City, History Department Chair, George Washington University  
Ivan Swartz, Chesterfield County, Managing Director, Capital Sports Management  
Dr. Billy Cannaday, Jr., Hampton City, Superintendent, Hampton City Public Schools  
Dr. N. Wayne Tripp, Salem City, Superintendent, Salem City Public Schools  
Sally Blankenship, Principal, Richlands Elementary School; Virginia Association of Elementary School Principals  
Dr. Gary Jones, Fairfax County, Director, Youth for Tomorrow; Former Chairman, Fairfax County School Board  
Henry H. Harrell, Chairman and CEO, Universal Corporation; Chairman, Education Committee, Virginia Business Council  
Cheri Yecke, Richmond City, Deputy Secretary of Education, Commonwealth of Virginia  
Gary Walker, Vice Chair, Charlotte County Board of Supervisors; Former Vice Chairman, Charlotte County School Board  
Source: Virginia Department of Education, Press Release, "Board President Announces Members of Virginia Standards of Learning Test Advisory Committee, <<http://141.104.22.210/VDOE/NewHome/pressreleases/jul0899.html>>



**SENATE JOINT RESOLUTION NO. 498**  
Establishing the Commission on Educational Accountability  
Agreed to by the Senate, February 27, 1999  
Agreed to by the House of Delegates, February 27, 1999

WHEREAS, described as a tripod whose three legs include clearly stated goals, information about progress toward them, and positive and negative consequences, accountability initiatives in public education are as varied and diverse as the states and school systems implementing them, and may include various "indicators" of pupil and teacher performance, revised evaluation and accreditation initiatives, or postgraduation tracking of students; and

WHEREAS, accountability initiatives may authorize state intervention in school operations and provide for financial incentives or penalties and other consequences; and

WHEREAS, the concept of educational accountability is not new to Virginia's public school system, as current constitutional and statutory provisions and regulations provide a plethora of mechanisms for the accountability of students, teachers, administrators, schools, and school divisions; and

WHEREAS, Virginia has made great progress in establishing educational accountability with the implementation of revised Standards of Learning for mathematics, English, science, and history and social science in 1995 and new Standards of Accreditation in 1997; and

WHEREAS, the Commonwealth's renewed commitment to strengthening accountability in public education is also evidenced in the work of a number of recent legislative and executive branch study committees, including the Commission on Accountability for Educational Excellence, House Joint Resolution No. 168 (1996) and the Commission on the Future of Public Education, House Joint Resolution No. 196 (1996); and

WHEREAS, to increase accountability for public education in Virginia, it is imperative to build on those existing and revised standards, programs, and initiatives that ensure the greatest educational opportunities; and

WHEREAS, school personnel, including teachers, school administrators, counselors, and instructional support staff, and parents should be active participants in the development of educational policies, and it is essential that school personnel and parents also share in the responsibility and accountability for achieving educational excellence; and

WHEREAS, further review of existing accountability initiatives addressing not only pupil performance but also instructional quality, school accreditation, safety and discipline, parental and community involvement, and administrative and fiscal issues is necessary to ensure continued progress in making our schools accountable for improved learning; and

WHEREAS, the Commission has been charged to address a myriad of issues related to and impacting the Standards of Quality, the Standards of Learning, and the Standards of Accreditation; and

WHEREAS, due to the complexity of the issues and the interaction of public policies affecting education, it is necessary that special task forces be established to assist the Commission in its work, and that the Commission collaborate and coordinate its work with other legislative study committees requested to examine related matters to avoid duplication; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on Educational Accountability be established. The Commission shall be composed of 20 members, which shall include 11 legislative members, 6 nonlegislative members, and 3 ex officio members to be appointed as follows: 5 members of the Senate of whom two shall be appointed to serve on the special task force created pursuant to House Joint Resolution No. 723 (1999), and one shall be appointed to serve on the special task force established pursuant to House Joint Resolution No. 566 (1999), to be appointed by the Senate Committee on Privileges and Elections; 6 members of the House of Delegates, of whom two shall be appointed to serve on the special task force established pursuant to House Joint Resolution No. 723 (1999), and two shall be appointed to serve on the special task force created pursuant to House Joint Resolution No. 566 (1999), to be appointed by the Speaker of the House, in accordance with the principles of Rule 16 of the Rules of the House of Delegates; one parent of a child who is enrolled in the public schools of the Commonwealth, one public school teacher, and one school principal, to be appointed by the Senate Committee on Privileges and Elections; one division superintendent, one representative of the Virginia School Boards Association, and one citizen at-large, to be appointed by the Speaker of the House; and the Secretary of Education, the President of the Board of Education, and the Superintendent of Public Instruction, who shall serve ex officio with full voting privileges.

The Commission shall (i) review the Standards of Accreditation and the accountability mechanisms included therein; (ii) monitor the implementation of the Standards of Learning and revised assessments; (iii) consider the work and recommendations of other recent study committees, such as the Commission on the Future of Public Education, House Joint Resolution No. 196 (1996), the Joint Subcommittee on Remediation, House Joint Resolution No. 572 (1999), the Commission on Educational Infrastructure, House Joint Resolution No. 670 (1999), the Standing Joint Subcommittee on School Dropout Prevention, House Joint Resolution No. 241 (1996), and the Joint Subcommittee Studying the Efficacy and Appropriateness of Establishing a School Incentive Reward Program in the Commonwealth, House Joint Resolution No. 165 (1996); (iv) develop recommendations for ways to increase the capacity of schools, teachers, and students to meet increasingly rigorous academic standards; (v) examine issues raised in Senate Joint Resolution No. 344 (1999) regarding the effects on the Commonwealth's young people of failure to obtain a diploma pursuant to requirements of the Standards of Accreditation for Public Schools in Virginia; (vi) evaluate the efficacy, appropriateness, and application of the Commonwealth's statutes, regulations, and policies governing the academic assessment of students who transfer into Virginia's public schools, in accordance with Senate Joint Resolution No. 389 (1999); (vii) determine the feasibility and appropriateness of establishing a certificate of completion for certain vocational programs in public high schools, pursuant to House Joint Resolution No. 593 (1999); (viii) determine the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality for public schools, pursuant to House Joint Resolution No. 657 (1999); (ix) study the instructional needs of students and teachers in the public schools of the Commonwealth, pursuant to House Joint Resolution No. 691 (1999); (x) examine the impact of the Standards of Learning and the Standards of Accreditation on teachers, urban and small rural school divisions, and educationally at-risk students, giving particular attention to the preparation of teachers and time to instruct students to meet the Standards of Learning, the ability of urban and small rural school divisions to meet and maintain the requirements for accreditation, the effect of the Standards of Learning tests on grade promotion and retention of students and the awarding of high school diplomas, and the remediation of students who fail the Standards of Learning tests, in accordance with House Joint Resolution No. 721 (1999); (xi) confer with the joint subcommittee established pursuant to Senate Joint Resolution No. 447 (1999), regarding issues pertaining to overage students, adult students who are returning to school, and vocational-technical education; (xii) collaborate, coordinate, and receive regular reports of the Commission's special task force established pursuant to House Joint Resolution No. 566 (1999) studying the integration of the Standards of Learning with the secondary school level curricula and workforce development skills; (xiii) collaborate, coordinate, and receive regular reports of the Commission's special task force studying the impact of the Standards of Accreditation on local school division budgets, in accordance with House Joint Resolution No. 586 (1999) and House Joint Resolution No. 723 (1999); (xiv) collaborate and confer with the joint subcommittee established to examine the efficacy and appropriateness of adjusting Standards of Quality funding for certain small school divisions, pursuant to Senate Joint Resolution No. 481 (1999); (xv) confer and coordinate the work of the Commission with other legislative study committees which have been charged to examine related issues to avoid duplication; and (xvi) consider such other issues as it deems appropriate. The Commission shall endeavor to address the many issues raised by the aforementioned resolutions.

The Division of Legislative Services shall provide staff support for the study. The Department of Education, and the staffs of the Senate Committee on Finance and the House Committee on Appropriations shall provide technical assistance for the study. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The direct costs of this study shall not exceed \$21,500.

The Commission shall receive the interim reports of the special task forces by November 1, 2000, and include such reports in its interim report to the Governor and the 2000 Session of the General Assembly. The Commission shall complete its work in time to submit its final findings and recommendations, including the final reports of the special task forces, to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.



**HOUSE JOINT RESOLUTION NO. 723**

Establishing a special task force of the Commission on Educational Accountability to examine the impact of the Standards of Accreditation on local school division budgets.

Agreed to by the House of Delegates, February 27, 1999

Agreed to by the Senate, February 27, 1999

WHEREAS, Article VIII, Section 2 of the Constitution of Virginia directs the Board of Education to establish standards of quality, while granting the General Assembly the dual responsibilities of revising and funding these standards; and



WHEREAS, the Standards of Quality, initially codified in 1972, direct the Board of Education to promulgate regulations pursuant to the Administrative Process Act establishing standards for the accreditation of public schools; and

WHEREAS, the accreditation standards for public schools must include student outcome measures, requirements and guidelines for instructional programs, staffing levels, pupil personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements, as well as "the philosophy, goals, and objectives of public education in Virginia"; and

WHEREAS, cited in the initial Standards of Quality, the Standards of Accreditation (SOAs) are "designed to ensure that an effective educational program is established and maintained in Virginia's public schools"; and

WHEREAS, the SOAs are organized in eight parts, addressing broad areas, such as school and community communications, instructional programs and leadership, student achievement, school facilities and safety, accreditation, and goals and objectives; and

WHEREAS, while acknowledging that the "mission of the public education system, first and foremost," is to prepare students with "essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free," the SOAs also include mandates for course offerings, school year and day standards, and staff levels and responsibilities; and

WHEREAS, the 1997 revisions to the SOAs set forth new criteria and processes for individual school accreditation, and clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores on the Standards of Learning tests and other assessments; and

WHEREAS, to meet the constitutional directive that the Commonwealth and localities jointly provide and support "an educational program of high quality," the General Assembly apportions the state and local share for the Standards of Quality, which necessarily include the requirements imposed by the Standards of Accreditation; and

WHEREAS, various provisions of the Standards of Accreditation, such as the graduation requirements, mandated course offerings and staffing levels, and the addition of SOL assessments have compounded space and staffing needs in some school divisions, as well as prompted increased demand for instructional time, remediation, teacher retraining, and new instructional materials and textbooks; and

WHEREAS, careful examination of the Standards of Accreditation and the costs of providing the required programs, instruction, and staffing is necessary to determine the fiscal impact of these regulations on local school divisions, which may have widely disparate resources and educational needs; and

WHEREAS, Senate Joint Resolution No. 481 (1999) directs the Senate Committee on Finance, the Senate Committee on Education and Health, the House Committee on Appropriations, and the House Committee on Education to examine the efficacy and appropriateness of adjusting Standards of Quality funding for certain small school divisions; and

WHEREAS, House Joint Resolution No. 657 (1999) requests that the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality for public schools be determined; and

WHEREAS, Senate Joint Resolution No. 498 (1999) establishes the Commission on Educational Accountability, which has been charged to address a myriad of issues related to and impacting the Standards of Quality, the Standards of Learning, and the Standards of Accreditation; and

WHEREAS, due to the complexity of the issues and the interaction of public policies affecting education, it is necessary that a special task force be established to assist the Commission with its work and consider the issues raised in House Joint Resolution No. 586 (1999) and HJR No. 657 (1999), and that the Commission collaborate and coordinate its work with the Joint Subcommittee Studying the Efficacy and Appropriateness of Adjusting Standards of Quality Funding for Certain Small School Divisions, pursuant to SJR No. 481 (1999), to avoid duplication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a special task force of the Commission on Educational Accountability be established to examine the impact of the Standards of Accreditation on local school division budgets. The special task force shall be composed of 7 members as follows: 4 members of the House of Delegates, of whom two shall be appointed to serve on the Commission on Educational Accountability, pursuant to Senate Joint Resolution No. 498 (1999), to be appointed by the Speaker of the House in accordance with the provisions of Rule 16 of the House Rules; and 3 members of the Senate, of whom one shall be appointed to serve on the Commission on Educational Accountability, pursuant to SJR No. 498 (1999), to be appointed by the Senate Committee on Privileges and Elections.

In pursuing its study, the special task force shall consider, among other things, current funding levels for meeting the Standards of Accreditation; specific needs and challenges identified by Virginia school divisions in striving to achieve and maintain accreditation; the varying fiscal capacities and demographics of the Commonwealth's school divisions; the constitutional, fiscal, and policy implications of maintaining separate regulations and statutes imposing minimum standards for public schools in Virginia; and such other issues as it deems appropriate. In addition, the special task force shall consider the issues raised in HJR No. 586 (1999) and HJR No. 657 (1999), and collaborate and coordinate its work with the Joint Subcommittee Studying the Efficacy and Appropriateness of Adjusting Standards of Quality Funding for Certain Small School Divisions, SJR No. 481 (1999), and other legislative study committees examining related issues to avoid duplication. The special task force shall regularly apprise the Commission on Educational Accountability regarding its deliberations, findings, and recommendations on a schedule to be determined by the Commission.

The direct costs of this study shall not exceed \$12,600.

The Division of Legislative Services shall provide staff support for the study. Technical assistance for the study shall be provided by the Department of Education, and the staffs of the House Committee on Appropriations and the Senate Committee on Finance. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The special task force shall submit its interim findings and recommendations to the Commission on Educational Accountability by November 1, 2000 and its final report by November 1, 2001.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.



**HOUSE JOINT RESOLUTION NO. 566**

Establishing a special task force of the Commission on Educational Accountability to study the educational needs of the 21st century.

Agreed to by the House of Delegates, February 27, 1999

Agreed to by the Senate, February 27, 1999

WHEREAS, the demands of an increasingly competitive 21st century global marketplace will challenge Virginia's system of public education to prepare its students to learn, adapt, and expand their skills in the workforce; and

WHEREAS, because the "fundamental goal of the public schools," as articulated in the Standards of Quality, is to "enable each student to develop the skills that are necessary for success in school and preparation for life," it is essential that our public schools equip students with the tools that will allow them to wisely choose among the options of directly entering the workforce, obtaining postsecondary technical education or training, attending college, graduate, or professional school, or combining these objectives; and

WHEREAS, the Standards of Quality direct school boards to infuse throughout the K through 12 curricula career education programs that "promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, and career education schools, and emphasize the advantages of completing school with marketable skills"; and

WHEREAS, pursuant to §22.1-209, local school boards are required to "make available to secondary students employment counseling and placement services to furnish information relating to the employment opportunities available to students graduating from or leaving the public schools in the school division which shall include all types of employment opportunities, including, but not limited to, apprenticeships, the military, and career education schools"; and

WHEREAS, supplementing these career planning efforts are programs created pursuant to §22.1-209.01 to prepare students for "postsecondary education eligibility, employment, and advanced technical skills training," as well as career guidance counseling designed to "furnish information on available employment opportunities to all students," as required by §22.1-253.13:1 D, and pupil personnel services for grades K through 12 to aid students in their educational, social, and career development pursuant to §22.1-253.13:2 D; and

WHEREAS, recognizing the importance of workforce development training programs, the Governor of Virginia has directed the Secretary of Commerce and Trade to review such programs in an effort to promote economic development efforts in the Commonwealth; and

WHEREAS, the President of the State Board of Education has acknowledged the need for all students to be held to a standard of learning that will enhance the skills and abilities of students entering the workforce or pursuing higher education; and

WHEREAS, to increase the quality of public education in Virginia and to improve coordination between public education and workforce development training, it is imperative to build on those existing and revised standards, programs, and initiatives that ensure the greatest educational and professional development opportunities; and

WHEREAS, while Virginia has made great progress in increasing educational quality and in preparing its young people for the world of work with the implementation of revised Standards of Learning for mathematics, English, science, and history and social science in 1995, new Standards of Accreditation for public schools in 1997, and in a broad range of workforce training initiatives, further study is needed to determine ways to enhance linkages between public education and workforce development and to assist students in acquiring necessary work habits, developing marketable skills, coordinating courses of study, and identifying career goals; and

WHEREAS, Senate Joint Resolution No. 498 (1999) establishes the Commission on Educational Accountability, which has been charged to address a myriad of issues related to and impacting the Standards of Quality, the Standards of Learning, and the Standards of Accreditation; and

WHEREAS, due to the complexity of the issues and the interaction of public policies affecting public education, it is necessary that a special task force be established to assist the Commission in its work, and that the Commission collaborate and coordinate its work with other legislative study committees examining related matters to avoid duplication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a special task force of the Commission on Educational Accountability to study the educational needs of the 21st century be established. The special task force shall be composed of 15 members, which shall include 5 legislative members, 5 nonlegislative members, and 5 ex officio members as follows: three members of the House of Delegates, of whom two shall also be appointed to serve on the Commission on Educational Accountability, pursuant to SJR No. 498 (1999), in accordance with the principles of Rule 16 of the Rules of the House of Delegates, to be appointed by the Speaker of the House; two members of the Senate, of whom one shall also be appointed to serve on the Commission on Educational Accountability, pursuant to SJR No. 498 (1999), to be appointed by the Senate Committee on Privileges and Elections; five citizens representing business, education, and industry, to be appointed by the Governor; the Secretary of Education; the Secretary of Commerce and Trade; the Superintendent of Public Instruction; the Chancellor of the Virginia Community College System; and the Director of the State Council of Higher Education, who shall serve ex officio with full voting privileges.

The special task force shall study (i) the integration of the Standards of Learning with middle and high school curricula and programs that focus on workforce development skills; (ii) the availability of these middle and high school workforce development opportunities to students across the Commonwealth; (iii) the adequacy of current curricula, program resources, and technology in the public schools statewide; (iv) staffing and state and local funding levels for middle and high school workforce development programs; (v) the efficacy of current state and local coordination and governance of middle and high school workforce development programs; (vi) the need for training and technical assistance for workforce development educators; (vii) the use of the Standards of Learning and national business and industry standards to enhance the quality of such curricula and programs; and (viii) such other issues as it deems appropriate. The special task force shall regularly apprise the Commission on Educational Accountability regarding its deliberations, findings, and recommendations on a schedule to be determined by the Commission.

The Division of Legislative Services shall provide staff support for the study. The Department of Education, the Virginia Business Education Partnership, the Virginia Community College System, and the State Council of Higher Education shall provide technical assistance for the study. All agencies of the Commonwealth shall provide assistance to the special task force, upon request.

The direct costs of this study shall not exceed \$20,000.

The special task force shall submit its interim findings and recommendations to the Commission on Educational Accountability by November 1, 2000, and its final report by November 1, 2001.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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**SENATE JOINT RESOLUTION NO. 344**

Directing the Commission on Educational Accountability to study the effects on the Commonwealth's young people of failure to obtain a diploma pursuant to the requirements of the Standards of Accreditation for Public Schools in Virginia.

Agreed to by the Senate, February 4, 1999  
Agreed to by the House of Delegates, February 25, 1999

WHEREAS, the Board of Education revised the Standards of Learning (SOL) for English, social studies, mathematics, and science in 1995; and

WHEREAS, beginning in 1996 the Board initiated development of tests to measure the achievement of the educational objectives set forth in the SOL; and

WHEREAS, in 1997 the Board revised its regulations for the Standards for Accrediting Public Schools in Virginia with a focus on accountability for student achievement; and

WHEREAS, in 1997 the Board also completed the development of the end-of-grade and end-of-course SOL tests; and

WHEREAS, in the spring of 1997, the SOL assessments were field-tested throughout Virginia and, in the spring of 1998, the first administration of the SOL tests took place; and

WHEREAS, on October 30, 1998, the Board of Education established passing scores for each of the 27 SOL end-of-grade and end-of-course tests; and

WHEREAS, students in grades 3, 5 and 8 are expected to achieve passing scores on end-of-grade tests; and

WHEREAS, public schools are required by the Board's Standards for Accrediting Public Schools to consider SOL test scores when establishing requirements for grade promotion; and

WHEREAS, these local decisions will be inconsistent and will undoubtedly affect the ability of many students in the Commonwealth to progress according to their age and social development, even if their classroom performance has been satisfactory; and

WHEREAS, all high school students will be required to take Algebra I in order to obtain any diploma and many of the Commonwealth's teachers are not prepared to teach this broad population; and

WHEREAS, the Board's revised Standards for Accrediting Public Schools require the graduating class of 2004 to pass a minimum of six end-of-course high school SOL tests to obtain a diploma; and

WHEREAS, the Board's Standards for Accrediting Public Schools also require that, beginning in the 2006-2007 academic year, school accreditation will be conditioned on 70 percent of the school's students passing the applicable SOL tests; and

WHEREAS, many school divisions are striving to train their teachers and develop materials and curricula to ensure that students are taught the concepts and information contained in the SOL; and

WHEREAS, other less affluent school divisions do not have the resources to provide the materials, curricula, and teacher training that may be needed to assist their students with the passage of the SOL tests; and

WHEREAS, although some transfer students will not be required to achieve passing scores on the SOL tests to get a diploma, most students, including students for whom English is not the first language and students who are at risk of academic failure, will face the challenge of passing the requisite number of high school end-of-course tests in order to obtain a diploma; and

WHEREAS, recently published Board of Education data indicates that only 39, or 2.2 percent, of the Commonwealth's more than 1,800 public schools currently meet the requirements for 70 percent of the students to achieve passing scores on the SOL tests; and

WHEREAS, in Virginia compliance with the Standards of Quality, upon which the school funding formula is based, is required, and such compliance includes maintaining accreditation of all schools under the supervision of the local school board; and

WHEREAS, many experts in Virginia have speculated about the possibility of fiscal penalties for failure to maintain accreditation; and

WHEREAS, the accreditation requirements will, in the coming years, pressure schools to find ways to retain their accreditation which could include unanticipated consequences, such as increases in identification of students with disabilities, unconscious encouragement for dropping out, and the adjustment of curricula to focus primarily on the SOL objectives; and

WHEREAS, the most dramatic consequences of the accountability requirements will be experienced by students who cannot pass the required tests to obtain a diploma; and

WHEREAS, the SOL test requirements for obtaining a diploma could mean that many students will drop out of school at the first opportunity; and

WHEREAS, while some of these students may obtain a General Education Development (G.E.D.) certificate and go on to lead productive lives, many will still be faced with a hopeless and bleak future; and

WHEREAS, this personal impact will probably mean that many students at risk of educational failure, including late-bloomers, recent immigrants and others for whom English is not the first language, and students who are struggling with family dysfunction and poverty, will be ineligible to attend college or other postsecondary educational institutions, unable to qualify for any decent job, and literally locked out of the American dream; and

WHEREAS, policy makers are in agreement that high standards are essential for Virginia's public schools and their students; and

WHEREAS, it is nevertheless imperative that the Commonwealth begin now to plan for solutions to the problems which may result from the implementation of these high standards; and

WHEREAS, Senate Joint Resolution No. 498 (1999) establishes the Commission on Educational Accountability; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on Educational Accountability be directed to study the effects on the Commonwealth's young people of failure to obtain a diploma pursuant to the requirements of the Standards of Accreditation for Public Schools in Virginia.

In conducting its study, the Commission shall (i) review the history and development of the new Standards of Learning and Standards of Accreditation and their relationship to the Standards of Quality; (ii) review the results from the first SOL tests administration; (iii) evaluate whether the public, particularly parents and students in the graduating class of 2004, have received adequate notice of the pending graduation requirements, as well as the course requirements already in effect; (iv) examine the progress of Virginia's school divisions in training teachers and developing materials and curricula to assist students to master the SOL; (v) examine the legal ramifications of this high-stakes testing on the students, their parents, the school divisions, and the Commonwealth; (vi) evaluate the adequacy of current state funding to assist local school divisions in achieving the requirements of the Standards of Accreditation; (vii) assess the willingness of local governing bodies to assist school divisions in funding the additional programs that may be necessary to assist students and schools to meet the diploma and accreditation requirements; (viii) determine whether students who will be affected by the new diploma requirements will have sufficient opportunities and time to learn the components of the SOL; (ix) determine whether additional funding or resources, including technical assistance, should be made available to local school divisions that do not have the resources to develop the necessary training, curricula and materials to assist students in achieving passing scores on the SOL tests; (x) determine the impact of the test requirements on elementary and secondary students, including increased retention, the potential for increased drop-outs, and the economic and personal impact of failure to obtain a diploma; (xi) evaluate any state planning to assist students who cannot achieve passing scores on the required SOL tests; (xii) evaluate the development at the local division level of SOL materials and curricula designed to assist students at risk of failure on the tests to determine the effectiveness of such materials and curricula; and (xiii) any other matter relating to the Standards of Quality, the Standards for Accrediting Public Schools, and the SOL tests which will impact the future of the Commonwealth's young people.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.



**SENATE JOINT RESOLUTION NO. 389**

Directing the Commission on Educational Accountability to study the efficacy, appropriateness, and application of the Commonwealth's statutes, regulations, and policies governing the academic assessment of students who transfer into Virginia's public schools.

Agreed to by the Senate, February 4, 1999

Agreed to by the House of Delegates, February 25, 1999

WHEREAS, the Standards of Accreditation (SOA), revised in 1997, set forth new criteria and processes for individual school accreditation, and clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores of "eligible students" on the Standards of Learning (SOL) tests and other assessments; and

WHEREAS, the SOA define "eligible students," for accreditation purposes, as the total number of students enrolled in the school at the grade level for the SOL tests, with the exception of those pupils whose individualized education plan (IEP), 504 Plan, or limited English proficiency (LEP) committee excludes them from test participation; and

WHEREAS, pursuant to Standard 4 of the Standards of Quality, local school boards are to 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"; and

WHEREAS, Standard 4 also requires that provisions shall be made for "students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the standards for accreditation" and also provides for "reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed"; and

WHEREAS, while students transferring from a school outside the Commonwealth prior to the ninth grade must pass the Literacy Passport Test (LPT) for promotion to the ninth grade, statutory exceptions are made for certain disabled students and for students for whom English is a second language (ESL) who have been identified as having limited English proficiency and have been enrolled in a Virginia public school for fewer than three years; and

WHEREAS, this latter group of students must achieve passing scores on the first literacy tests administered after three years of enrollment in Virginia public school to remain classified as ninth graders or above, although the SOA do not include this second exception; and

WHEREAS, examination of these SOL and LPT test requirements, as well as specific credit and assessment requirements for a high school diploma as set forth in the SOA, is necessary to discern possible creation of different educational standards for public school students and those students who may transfer to Virginia public schools after private school attendance or home instruction; and

WHEREAS, Senate Joint Resolution No. 498 (1999) establishes a Commission on Educational Accountability; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on Educational Accountability be directed to study the efficacy, appropriateness, and application of the Commonwealth's statutes, regulations, and policies governing the academic assessment of students who transfer into Virginia's public schools.

In conducting its study, the Commission shall examine, among other things, current course and assessment requirements articulated in the Standards of Quality and the Standards of Accreditation, as well as current accommodations granted to certain student populations, such as ESL students; specific data regarding numbers and grade levels of nonpublic school students transferring to Virginia's public schools; testing practices and graduation requirements for transfer students in other states; and other matters it deems appropriate.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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**HOUSE JOINT RESOLUTION NO. 586**

Offered January 20, 1999

Requesting the Department of Education to examine the impact of the Standards of Accreditation on local school division budgets.

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Patron-- Dillard

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Referred to Committee on Rules  
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WHEREAS, Article VIII, § 2 of the Virginia Constitution directs the Board of Education to establish standards of quality, while granting the General Assembly the dual responsibilities of revising and funding these standards:

WHEREAS, the Standards of Quality, initially codified in 1972, direct the Board of Education to promulgate regulations pursuant to the Administrative Process Act establishing standards for the accreditation of public schools; and

WHEREAS, the accreditation standards for public schools must include student outcome measures, requirements and guidelines for instructional programs, staffing levels, pupil personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements, as well as "the philosophy, goals, and objectives of public education in Virginia"; and

WHEREAS, cited in the initial Standards of Quality, the Standards of Accreditation (SOA) are "designed to ensure that an effective educational program is established and maintained in Virginia's public schools"; and

WHEREAS, the SOA are organized in eight parts, addressing broad areas, such as school and community communications, instructional programs and leadership, student achievement, school facilities and safety, accreditation, and goals and objectives; and

WHEREAS, while acknowledging that the "mission of the public education system, first and foremost," is to prepare students with "essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free," the SOA also include mandates for course offerings, school year and day standards, and staff levels and responsibilities; and

WHEREAS, the 1997 revisions to the SOA set forth new criteria and processes for individual school accreditation, and clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores on the Standards of Learning tests and other assessments; and

WHEREAS, to meet the constitutional directive that the Commonwealth and localities jointly provide and support "an educational program of high quality," the General Assembly apportions the state and local share for the Standards of Quality, which necessarily includes the requirements imposed by the Standards of Accreditation; and

WHEREAS, various provisions of the Standards of Accreditation, such as the graduation requirements, mandated course offerings and staffing levels, and the addition of SOL assessments have compounded space and staffing needs in some school divisions, as well as prompted increased demand for instructional time, remediation, teacher re-training, and new instructional materials and textbooks; and

WHEREAS, careful examination of the Standards of Accreditation and the costs of providing the required programs, instruction, and staffing is necessary to determine the fiscal impact of these regulations on local school divisions, which may have widely disparate resources and educational needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Education be requested to examine the impact of the Standards of Accreditation on local school division budgets. In pursuing its study, the Department shall consider, among other things, current funding levels for meeting the Standards of Accreditation; specific needs and challenges identified by Virginia school divisions in striving to achieve and maintain accreditation; the varying fiscal capacities and demographics of the Commonwealth's school divisions; the constitutional, fiscal, and policy implications of maintaining separate regulations and statutes imposing minimum standards for public schools in Virginia; and such other issues as it deems appropriate.

All agencies of the Commonwealth shall provide assistance to the Department, upon request.

The Department shall complete its work in time to report its findings and recommendations to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance by December 1999 and shall submit such findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.



**HOUSE JOINT RESOLUTION NO. 593**

Offered January 20, 1999

Establishing a joint subcommittee to study the feasibility and appropriateness of establishing a certificate of completion for certain vocational programs in public high schools.

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Patrons-- Moran, Brink, Christian, Darner, Plum, Puller, Scott, Van Lanningham and Van Yahres; Senator: Ticer  
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Referred to Committee on Rules  
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WHEREAS, pursuant to Standard 3 of the Standards of Quality, the Standards of Accreditation promulgated by the Board of Education are to include, among other things, requirements and guidelines for instructional programs, course and credit requirements for graduation from high school, and the philosophy, goals, and objectives of public education in Virginia; and

WHEREAS, Standard 4 provides that students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas; and

WHEREAS, the Board of Education shall develop criteria for recognizing exemplary performance in vocational studies by students who have completed the requirements for a standard or advanced studies diploma, and shall award seals on the diplomas of students meeting such criteria; and

WHEREAS, to meet the demands of an increasingly technological workplace, many high school students may elect to pursue vocational-technical studies; and

WHEREAS, creating a Certificate of Completion in vocational-technical studies, incorporating training and instruction to promote workplace readiness, may prove an attractive and appropriate alternative for many students who may not qualify for a high school diploma but who desire to pursue and acquire those skills necessary to enter the workforce; and

WHEREAS, developing any new certificate requirements reflecting such workplace readiness requires careful examination of a variety of educational, fiscal, and policy issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the feasibility and appropriateness of establishing a certificate of completion for certain vocational programs in public high schools.

The joint subcommittee shall be composed of seven members as follows: four members of the House of Delegates, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the joint subcommittee shall examine, among other things, current diploma and certificate requirements in the Commonwealth's public schools; numbers of students pursuing vocational-technical studies in Virginia's



public high schools, and any data regarding their postsecondary or workplace pursuits; appropriate means of assessing student academic performance and mastery of skills in such a proposed program of study; similar initiatives in other states; and other matters it deems appropriate.

The direct costs of this study shall not exceed \$4,200.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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**HOUSE JOINT RESOLUTION NO. 657**

Offered January 21, 1999

Establishing a joint subcommittee to study the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality for public schools.

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Patrons-- Van Landingham, Almand, Baskerville, Bennett, Brink, Christian, Councill, Crittenden, Darner, Davies, Day, Deeds, Diamonstein, Dillard, Hamilton, Hull, Jackson, Jones, J.C., Keating, Moran, Plum, Puller, Rhodes, Spruill, Tata, Van Yahres, Wagner and Watts; Senators: Gartlan, Houck, Howell, Ticer, Walker and Whipple

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Referred to Committee on Rules  
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WHEREAS, under Article VIII, § 1 of the Virginia Constitution, ultimate responsibility for public education rests with the General Assembly, which is specifically charged with the duties of not only establishing a public school system but also striving to ensure its quality; and

WHEREAS, responding to the constitutional directive, the Board of Education adopted the first Standards of Quality (SOQ) on August 7, 1971, which were revised and enacted by the 1972 Session of the General Assembly; and

WHEREAS, repeatedly described as the "foundation" of educational policy for the Commonwealth's public schools, the Standards of Quality set forth broad policies and goals rather than detailed procedures; and

WHEREAS, the Standards of Quality establish minimum educational goals and requirements, and localities may, and often do, surpass these Standards; and

WHEREAS, recognizing that fiscal authority must bolster the Commonwealth's renewed commitment to quality education, the framers of the 1971 Constitution clarified that the legislative branch must not only revise the SOQ prescribed by the Board, but also determine the method of financing public education, and agreed that while the General Assembly would apportion costs, responsibility for funding public schools would be shared with localities; and

WHEREAS, to meet the constitutional directive that the Commonwealth and localities jointly provide and support "an educational program of high quality," the General Assembly has crafted a complex methodology for the apportionment of the state and local share for the Standards of Quality; and

WHEREAS, the product of countless studies and deliberations, Virginia's method for apportioning state and local fiscal responsibility for SOQ programs has evolved over the years to recognize the actual costs of education as well as local fiscal capacity; and WHEREAS, simply described, the Commonwealth's funding plan for SOQ programs requires the calculation of SOQ costs, based on a per pupil cost and average daily membership, an amount to which a weighted formula--the Composite Index of Local Ability to Pay--is applied to determine local ability to pay for these mandated programs as well as the Commonwealth's appropriate contribution for each locality; and WHEREAS, pursuant to guidelines established by the Department of Education, SOQ costs are generally assessed on the basis of quantified standards, such as per pupil instructional staffing requirements detailed in the Standards of Accreditation, and, in the case of other expenditures such as salaries and support costs that are not necessarily tied to quantified standards or student population, on the basis of "prevailing" costs--the expenditure level "around which most of the school divisions in the State tend to cluster"; and

WHEREAS, created in 1974, the Composite Index of Local Ability to Pay compares three local measures of wealth--real property values, adjusted gross income, and local option sales taxes--to statewide averages and adjusts these indicators by student population and total population; and WHEREAS, the Composite Index of Local Ability to Pay is sometimes criticized because it does not reflect variations among local revenue sources or local needs for services; and

WHEREAS, more than a decade has passed since the Composite Index was the subject of a comprehensive review, and questions remain whether it is the most accurate and appropriate measure through which to distribute state appropriations for public education; and

WHEREAS, any revision to the Commonwealth's mechanism for funding the Standards of Quality necessitates careful examination of a plethora of educational, financial, legal, and policy issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be appointed to study the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality for public schools. The joint subcommittee shall examine, among other things, current statutory, constitutional, and budget provisions governing the calculation of SOQ costs and funding; the adequacy of the current Standards of Quality, including the degree to which school divisions surpass these Standards; relevant judicial rulings regarding the Commonwealth's method of funding public education; school funding formulas in other states; and such other issues as the joint subcommittee deems appropriate.

The joint subcommittee shall be comprised of nine members to be appointed as follows: five members of the House of Delegates, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$ 6,750.

The Division of Legislative Services, the Department of Education, and the staffs of the House Appropriations and Senate Finance Committees shall provide staff support for the study. Technical assistance shall be provided by the staff of the Joint Legislative Audit and Review Commission. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request. The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.



**HOUSE JOINT RESOLUTION NO. 691**

Directing the Commission on Educational Accountability to examine the instructional needs of students and teachers in the public schools of the Commonwealth.

Agreed to by the House of Delegates, February 25, 1999

Agreed to by the Senate, February 23, 1999

WHEREAS, the Commonwealth's recently revised Standards of Learning (SOL), heralded as among the most demanding curriculum standards nationwide, signify a renewed commitment to rigorous academic pursuit, clearly defining what students must learn and what teachers must teach; and

WHEREAS, bolstering these Standards of Learning are new assessments that will measure academic progress and help make our schools more accountable for student learning; and

WHEREAS, essential to improved educational performance in Virginia's public schools is a renewed commitment to increasing capacity as students, educators, schools, and divisions must be given the tools necessary to achieve educational excellence; and

WHEREAS, to meet this imperative, students must be given every opportunity to meet heightened educational challenges and preservice training and continuing professional development opportunities must be available for teachers and administrators to address academic and curriculum standards and to promote effective, innovative instructional methods that support application of knowledge; and

WHEREAS, pursuant to §22.1-253.13:3 of the Code of Virginia, the Standards of Accreditation (SOA) for public schools must include student outcome measures; requirements and guidelines for instructional programs, staffing levels, pupil

personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements; and "the philosophy, goals, and objectives of public education in Virginia"; and

WHEREAS, acknowledging that the "mission of the public education system, first and foremost," is to prepare students with "essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free," the SOA also include mandates for course offerings, school year and day standards, and staff levels and responsibilities; and

WHEREAS, the 1997 revisions to the SOA set forth new criteria and processes for individual school accreditation and clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores on the SOL tests and other assessments; and

WHEREAS, various provisions of the Standards of Accreditation, such as the graduation requirements, mandated course offerings and staffing levels, and the addition of SOL assessments have compounded space and staffing needs in some school divisions, as well as prompted increased demand for instructional time, remediation, teacher retraining, and new instructional materials and textbooks; and

WHEREAS, while the Standards of Quality already acknowledge that "effective educational leadership and personnel and appropriate programs of professional development are essential for the advancement of public education in the Commonwealth," meeting the challenges of increasingly rigorous curriculum and accreditation standards may necessitate further examination of a variety of issues, such as specific teacher training needs and additional instructional time, the adequacy of the current school year and day, and the optimum balance of teaching duties and development opportunities; and

WHEREAS, Senate Joint Resolution No. 498 (1999) establishes a Commission on Educational Accountability; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Educational Accountability be directed to examine the instructional needs of students and teachers in the public schools of the Commonwealth.

The Commission shall consider, among other things, (i) current training requirements and professional development opportunities for educational personnel in the Commonwealth; (ii) the efficacy and appropriateness of the current school year and day to meet the goals and standards set by the Standards of Quality, the Standards of Accreditation, and the Standards of Learning; (iii) the interplay of current instructional hours, length of school year, and teacher contract requirements; (iv) optimum instructional loads, including classroom instruction, student assessment, lesson plan development, safety and disciplinary responsibilities, and in-service training; and (v) such other issues as it deems appropriate.

The Division of Legislative Services shall provide staff support for the study. The staffs of the House Committee on Appropriations and the Senate Committee on Finance shall provide technical assistance for the study. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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**HOUSE JOINT RESOLUTION NO. 721**

Offered January 21, 1999

Establishing a joint subcommittee to examine the impact of the Standards of Learning and the Standards of Accreditation on students and localities.

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Patrons-- Crittenden, Abbitt, Barlow, Baskerville, Behm, Brink, Christian, Cranwell, Darner, Day, DeBoer, Hall, Jones, D.C., Jones, J.C., McEachin, Melvin, Phillips, Puller, Spruill, Van Latingham and Van Yahres; Senators: Lambert, Lucas, Maxwell and Miller, Y.B.  
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Referred to Committee on Rules  
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WHEREAS, Article VIII, § 2 of the Virginia Constitution directs the Board of Education to establish standards of quality, while granting the General Assembly the dual responsibilities of revising and funding these standards; and

WHEREAS, the Standards of Quality (SOQ), initially codified in 1972, direct the Board of Education to promulgate regulations pursuant to the Administrative Process Act establishing standards for the accreditation of public schools; and

WHEREAS, the accreditation standards for public schools must include student outcome measures, requirements and guidelines for instructional programs, staffing levels, pupil personnel services, special education program standards, auxiliary programs such as library and media services, community relations, and graduation requirements, as well as "the philosophy, goals, and objectives of public education in Virginia"; and

WHEREAS, cited in the initial Standards of Quality, the Standards of Accreditation (SOA) are "designed to ensure that an effective educational program is established and maintained in Virginia's public schools"; and

WHEREAS, the SOA are organized in eight parts, addressing broad areas, such as school and community communications, instructional programs and leadership, student achievement, school facilities and safety, accreditation, and goals and objectives; and

WHEREAS, while acknowledging that the "mission of the public education system, first and foremost," is to prepare students with "essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free," the SOA also include mandates for course offerings, school year and day standards, and staff levels and responsibilities; and

WHEREAS, the 1997 revisions to the SOA set forth new criteria and processes for individual school accreditation, and clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores on the Standards of Learning (SOL) tests and other assessments; and

WHEREAS, to meet the constitutional directive that the Commonwealth and localities jointly provide and support "an educational program of high quality," the General Assembly apportions the state and local share for the Standards of Quality, which necessarily includes the requirements imposed by the Standards of Accreditation; and

WHEREAS, various provisions of the Standards of Accreditation, such as the graduation requirements, mandated course offerings and staffing levels, and the addition of SOL assessments have compounded space and staffing needs in some school divisions, as well as prompted increased demand for instructional time, remediation, teacher re-training, and new instructional materials and textbooks; and

WHEREAS, the Standards of Quality, the Standards of Learning, and the Standards of Accreditation are interactive standards which constitute the foundation for the Commonwealth's public policy in education, and the new SOL and SOA may have an unintended negative effect on urban and small rural school divisions and their students; and

WHEREAS, recent preliminary SOL tests results indicate that only two percent of the public schools meet the SOA requirements for SOL assessments; and

WHEREAS, because failure to meet these new requirements will significantly affect the lives and aspirations of students and teachers, and the viability of schools, it is critical that all issues, problems, and concerns about the new standards be thoroughly and thoughtfully considered and evaluated; and

WHEREAS, students who are already educationally at-risk and localities which are burdened by local fiscal stress face a steep mountain fraught with many obstacles to satisfy the new SOL and SOA requirements, including providing teacher training on the SOL, the purchase of new textbooks and materials which are consistent with the SOL, remediation and/or acceleration of students who fail the SOL tests, possible changes in the school day to accommodate more teacher planning time, notification of parents and the community, and preparation for and the re-allocation of previously dedicated resources to ensure school accreditation; and

WHEREAS, concerted attention must be given to this dilemma and appropriate solutions should be implemented to ensure that no child is left behind; and

WHEREAS, careful examination of the impact of the Standards of Learning and the Standards of Accreditation, and the costs of providing the required programs, instruction, and staffing is necessary to determine the educational and fiscal impact of these regulations on students, teachers, and local school divisions, which may have widely disparate resources and educational needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to examine the impact of the Standards of Learning and the Standards of Accreditation on students and localities. The joint subcommittee shall be composed of seven members as follows: four members of the House of Delegates, to be appointed by the Speaker of the House in accordance with the provisions of Rule 16 of the House Rules; and three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

In pursuing its study, the joint subcommittee shall consider, among other things, current funding levels for meeting the Standards of Accreditation; specific needs and challenges identified by Virginia school divisions in striving to achieve and maintain accreditation; the varying fiscal capacities and demographics of the Commonwealth's school divisions; the constitutional, fiscal, and policy implications of maintaining separate regulations and statutes imposing minimum standards for public schools in Virginia; the impact of the SOL and SOA on educationally at-risk students, teachers, and urban and small rural school divisions; and such other issues as it deems appropriate.

The direct costs of this study shall not exceed \$6,300.

The Division of Legislative Services shall provide staff support for the study. Technical assistance for the study shall be provided by the Department of Education, and the staff of the House Appropriations Committee. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to report its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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