

EXPEDITED RETAKES REGULATIONS

November 1, 2024



TRANSMITTAL LETTER



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VA 23218-2120

November 1, 2024

The Honorable Ghazala Hashmi, Chair
Senate Education and Health Committee
P.O. Box 296
Richmond, VA 23218

The Honorable Sam Rasoul, Chair
House Education Committee
P.O. Box 13842
Roanoke, VA 24037

Dear Senator Hashmi and Delegate Rasoul,

I am pleased to submit the enclosed Report on the Revisions to Standards of Learning Assessment Regulations on Expedited Retakes. [Chapter 612, Enactment Clause 1 \(Regular Session, 2024\)](#) directs the Virginia Board of Education to initiate regulatory change from 8VAC20-131-30 of the Virginia Administrative Code, to be repealed and replaced with 8VAC20-132-40.

The Board of Education shall revise its regulations relating to student eligibility for an expedited retake of any Standards of Learning assessment, with the exception of the writing Standards of Learning assessments, to (i) provide that any student in grades three through 12 who scores in the 375 to 399 range, or an equivalent range on an alternative scoring scale, on any such Standards of Learning assessment shall be eligible to retake such assessment on an expedited basis at least once prior to the next scheduled assessment administration and (ii) establish guidelines for and require each eligible student to complete prior to retaking any Standards of Learning assessment on an expedited basis a comprehensive remediation program based on such student's particular educational needs as identified by such student's results on such assessment. The Board of Education shall submit to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024, a report on its progress in revising its regulations in accordance with the provisions of this act. The Board of Education shall implement such revised regulations in accordance with the provisions of this act by January 1, 2025.

If you have questions or require additional information relating to this transmittal, please do not hesitate to contact, Dora Villarreal, Assistant Superintendent of Assessment and Accountability, at dora.villarreal@doe.virginia.gov.

Sincerely,

Dr. Lisa Coons
State Superintendent of Public Instruction

LC/mj

Enclosure

Background

The Assessment Team is part of the Office of Teaching and Learning at the Virginia Department of Education. This office manages test development, administration, scoring, and reporting results for Virginia's statewide assessments. The statewide assessments include the Standards of Learning assessments and the Virginia Alternate Assessment Program. Other assessments managed by the office include the English Language Proficiency Assessment for English Learners and the National Assessment of Education Progress. The office supports school divisions appropriate use of test results to increase student learning and achievement and provides school divisions with guidance on expedited retakes of assessments. The office provides divisions with the expedited retake option for students in grades three through 12 who score in the 375 to 399 range. Students that score below 375 are also provided the opportunity for an expedited retake if there is a documented extenuating circumstance or significant discrepancy in the test score and typical academic performance.

House Bill 1451 ([Chapter 612, Enactment Clause 1 \(Regular Session, 2024\)](#)) requires the Board of Education ("Board") to revise its regulations relating to student eligibility for an expedited retake of a Standards of Learning Assessment except for the writing Standard of Learning assessment. No provision of House Bill 1451 shall affect the Board of Education's regulations or policies relating to student eligibility for an expedite retake of any Standards of Learning assessment prior to January 1, 2025.

Board Action

On June 21, 2024, the Board of Education approved on first and final review its Unified Regulatory Plan of the State Board of Education for State Fiscal Year 2025. Included in the plan was an action aligning the Board's regulations with Chapter 612, the Standards of Learning assessments expedited retakes eligibility.

This regulatory action requires a change to 8VAC20-131-30 of the Virginia Administrative Code, which the Board repealed and replaced with Chapter 132 at the July Board of Education meeting. Due to the repeal and replacement of Chapter 131, specific regulatory language was not immediately initiated.

The effective date for Chapter 132 was September 25, 2024. With Chapter 132 being in effect, the Board of Education moved forward with initiating the corresponding regulatory change to the new section 8VAC20-132-40. The following changes to this chapter section include:

- (i) provide that any student in grades three through 12 who scores in the 375 to 399 range, or an equivalent range on an alternative scoring scale, on any such Standards of Learning Assessment shall be eligible to retake such assessment on an expedited basis at least once prior to the next scheduled assessment administration and
- (ii) establish guidelines for and require each eligible student to complete prior to retaking any Standards of Learning assessment on an expedited basis a comprehensive remediation program based on such student's particular educational needs as identified by such student's results on such assessment.

On [September 26, 2024](#), the Board voted to initiate a fast-track regulatory action [to amend the new Chapter 132 in accordance with Chapter 612](#), as well as make other changes required by legislation.

The implementation of the revised regulations will go into effect January 1, 2025.