| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: F

## Date: March 22, 2018

### Title: First Review of Revisions to Student Eligibility Criteria for Expedited Retakes of Standards of Learning Tests

#### Presenter: Mrs. Shelley Loving-Ryder, Assistant Superintendent of Student Assessment and School Improvement

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## Purpose of Presentation:

Action required by Board of Education regulation.

## Executive Summary:

Since 2000, the Virginia Board of Education has permitted students who need to pass an end-of-course Standards of Learning (SOL) test for a verified credit to immediately retake a test if the following criteria are met:

“The student must: need the test for verified credit, have passed the course associated with the test, and have met one of the following:

* Failed the test by a narrow margin, or
* Failed the test by any margin and have extenuating circumstances that would warrant retesting, or
* Did not sit for the regularly scheduled test for legitimate reasons.

The “narrow margin” criterion shall be defined as a scaled score of 375-399. The division superintendent will be responsible for making the determination of what constitutes “extenuating circumstances” and “legitimate reasons” for the purposes of establishing eligibility for an expedited retest of an end-of-course Standards of Learning test.”

In 2015, the board adopted a resolution to extend the opportunity for expedited retakes to lower grade students who were taking SOL tests for grades 3-8. The board adopted the same criteria for these expedited retakes as had been in place for end-of-course tests needed for verified credit. Additionally the board required parental permission for students to retake a failed SOL test under the expedited retake policy.

Originally, the definition of “extenuating circumstances” in the criteria was left up to the division superintendent to provide as much flexibility as possible for student to meet graduation requirements. However, with the expansion of expedited retakes to include the lower grade SOL tests, school divisions expressed concern to Virginia Department of Education staff that the criteria used to determine extenuating circumstances for these tests varied widely across the Commonwealth.

Department staff briefed the board on this issue at the November 15, 2017, School and Division Accountability Committee meeting, and the Board asked staff to prepare revisions to the expedited retake criteria. On January 19, 2018, Department staff engaged the members of the State Superintendent’s Leadership Council in a discussion about potential changes to the criteria, and on January 31, all local superintendents were invited to participate in a conference call regarding this topic. Input was also sought from local Division Directors of Testing (DDOTs) at meetings held on February 7 and 15, and a smaller group of DDOTs convened via conference call on February 28 to provide more specific guidance to Department staff. Proposed revisions to the expedited retake eligibility criteria based on these discussions are found in Attachment A.

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

April 26, 2018

## Superintendent’s Recommendation:

The Acting Superintendent of Public Instruction recommends that the Board receive for first review the proposed revisions to the expedited retake criteria.

**Previous Review or Action:**

No previous review or action.

## Background Information and Statutory Authority:

The 2017 *Standards of Accreditation* authorizes school divisions to provide expedited retakes of failed SOL tests for students who meet certain criteria.

***Expedited Retakes for the SOL Tests for Grades 3-8 and for End-of-Course Tests Needed for Federal Accountability***

***8VAC20-131-30. Student achievement expectations.***

*B. In kindergarten through eighth grade, where the administration of Virginia Assessment Program tests is required by the board, each student shall be expected to take the tests following instruction. Students who are accelerated shall take the test aligned with the highest grade level, following instruction in the content. No student shall take more than one test in any content area in each year, except in the case of expedited retakes as provided for in this section. Schools shall use the Virginia Assessment Program test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the Virginia Assessment Program tests unless they are retained in grade and have not previously passed the related tests.*

*The board shall provide the same criteria for eligibility for an expedited retake of any SOL test, with the exception of the writing SOL tests, to each student regardless of grade level or course….*

*E. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. The division superintendent shall certify to the Department of Education that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid end-of-course SOL tests. Students who achieve a passing score on an end-of-course SOL test shall be awarded a verified unit of credit in that course in accordance with the provisions of*[*8VAC20-131-110*](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/)*. Students may earn verified units of credit in any courses for which end-of-course SOL tests are available. Students shall not be required to take an end-of-course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary in order for the school to meet federal accountability requirements. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade. However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test. The board may approve additional tests to verify student achievement in accordance with guidelines adopted for verified units of credit described in*[*8VAC20-131-110*](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/)*.*

## *Expedited Retakes for End-of-Course Tests*

## *8VAC20-131-110. Standard and verified units of credit.*

*D…With such funds as are appropriated by the General Assembly the board shall provide opportunities for students who meet criteria adopted by the board to have an expedited retake of a SOL test to earn verified credit.*

## Timetable for Further Review/Action:

It is anticipated that the Board will have final review at the April 26, 2018 meeting.

## Impact on Fiscal and Human Resources:

Any costs associated with the implementation of the revised student eligibility criteria for eligibility for expedited retakes of SOL tests will be covered by existing funds.

# Attachment A

## Proposed Revisions to the Criteria for the Determination of Student Eligibility for Expedited Retakes of Standards of Learning (SOL) Tests

### Expedited Retakes of the Grades 3-8 SOL tests and End-of Course Tests Administered to Meet Federal Accountability Requirements Only:

**8VAC20-131-30. Student achievement expectations.**

*B. In kindergarten through eighth grade, where the administration of Virginia Assessment Program tests is required by the board, each student shall be expected to take the tests following instruction. Students who are accelerated shall take the test aligned with the highest grade level, following instruction in the content. No student shall take more than one test in any content area in each year, except in the case of expedited retakes as provided for in this section. Schools shall use the Virginia Assessment Program test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the Virginia Assessment Program tests unless they are retained in grade and have not previously passed the related tests.*

*The board shall provide the same criteria for eligibility for an expedited retake of any SOL test, with the exception of the writing SOL tests, to each student regardless of grade level or course….*

*E. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. The division superintendent shall certify to the Department of Education that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid end-of-course SOL tests. Students who achieve a passing score on an end-of-course SOL test shall be awarded a verified unit of credit in that course in accordance with the provisions of*[*8VAC20-131-110*](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/)*. Students may earn verified units of credit in any courses for which end-of-course SOL tests are available. Students shall not be required to take an end-of-course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary in order for the school to meet federal accountability requirements. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade. However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test. The board may approve additional tests to verify student achievement in accordance with guidelines adopted for verified units of credit described in*[*8VAC20-131-110*](https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section110/)*.*

#### Guidance:

The following criteria shall be used in determining the eligibility of students for an expedited retake of 1) an SOL test for grades 3-8 OR 2) an end-of-course SOL test administered to meet federal accountability requirements only.

The student must have a passing grade in the class associated with the test and one of the following:

* The student failed the test by a narrow margin as defined as a scaled score of 375-399 OR
* The student failed the test with a scaled score below 375 AND had a documented extenuating circumstance that prevented him/her from performing at the expected level.

Extenuating Circumstance:   
An extenuating circumstance is defined as an unusual and uncontrollable event that negatively impacted a student’s test performance. Examples of extenuating circumstances may include, but are not limited to, the recent death of a family member, friend, or pet; a traumatic home situation, or other significant personal distress or disruption that does not qualify for irregularity retesting. Generally, school staff identify such situations before the student begins testing so that the testing session may be rescheduled. However, there are incidences where the circumstances affecting the student are not known until after testing has begun.

Evidence that the SOL test score is not reflective of the student’s typical achievement may be used to support the presence of an extenuating circumstance. Data use to establish the student’s typical performance may include previous SOL test data in the same content area or evidence of the student’s current academic achievement.

Required Documentation:   
School divisions will submit documentation of the unusual circumstances experienced for each student retested under the extenuating circumstances provision to the Department of Education. Submitted evidence should include data used as evidence of the student’s typical level of achievement, if applicable. Documentation will be subject to periodic review by Department staff on behalf of the Board. Information gathered during the reviews will be used to provide technical assistance to school divisions and may be shared in summary form with the Board.

Parental Permission:   
Prior to any expedited retake for students who have failed an SOL test for grades 3-8, school divisions shall obtain and thereafter maintain documentation annually of affirmative parental consent and permission for their child to take an expedited retake. Parents of eligible students shall be notified (a) of the opportunity to retake the test(s); (b) that the decision not to retake any or all of the test(s) will not impact their child’s grade or academic record and (c) of the opt-in requirement.

### Expedited Retakes for End-of-Course Tests Needed for Verified Credits

***8VAC20-131-110. Standard and verified units of credit.***

*D…With such funds as are appropriated by the General Assembly board shall provide opportunities for students who meet criteria adopted by the board to have an expedited retake of a SOL test to earn verified credit*

#### Guidance:

The following criteria shall be used in determining the eligibility of students for an expedited retake of an end-of-course test for verified credit.

The student must need the test for verified credit, have a passing grade in the course associated with the test, and have met one of the following:

* + Failed the test by a narrow margin defined as a scaled score of 375-399, or
  + Failed the test by any margin and had extenuating circumstances that would warrant retesting

Extenuating circumstances will be defined by the local school division superintendent but must be restricted to situations that specifically affect the student who is being retested.