

H. B. 2425

(By Delegates Howell, McGeehan, Blair, Westfall, R. Smith,
Eldridge, Kessinger, Border, Hamilton, Trecoast and Pasdon)

[Introduced January 27, 2015; referred to the
Committee on Education.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-2-6 and of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil's transcript that the pupil has passed the test.

Be it enacted by the Legislature of West Virginia:

That §18-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) The state board shall promulgate rules for the accreditation, classification and standardization of all schools in the state, except institutions of higher education, and shall determine

1 the minimum standards for granting diplomas and certificates of proficiency by those schools.

2 (1) The certificates of proficiency shall include specific information regarding the graduate's
3 skills, competence and readiness for employment or honors and advanced education and shall be
4 granted, along with the diploma, to every eligible high school graduate.

5 (2) The certificate of proficiency shall include the program of study major completed by the
6 student only for those students who have completed the required major courses, or higher level
7 courses, advanced placement courses, college courses or other more rigorous substitutes related to
8 the major, and the recommended electives.

9 (3) Beginning in the 2016-2017 school year, one of the minimum standards for granting
10 diplomas and certificates of proficiency shall include a requirement that, in order to graduate from
11 high school or obtain a General Educational Development (GED) diploma, a pupil must correctly
12 answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion
13 of the naturalization test used by the United States Citizenship and Immigration Services. The
14 school shall document on the pupil's transcript that the pupil has passed a test that is identical to the
15 civics portion of the naturalization test used by the United States Citizenship and Immigration
16 Services as required by this subdivision.

17 (b) An institution of less than collegiate or university status may not grant any diploma or
18 certificate of proficiency on any basis of work or merit below the minimum standards prescribed by
19 the state board.

20 (c) A charter or other instrument containing the right to issue diplomas or certificates of
21 proficiency may not be granted by the State of West Virginia to any institution or other associations
22 or organizations of less than collegiate or university status within the state until the condition of

1 granting or issuing the diplomas or other certificates of proficiency has first been approved in writing
2 by the state board.

3 (d) The state board shall promulgate a rule for the approval of alternative education programs
4 for disruptive students who are at risk of not succeeding in the traditional school structure.

5 (1) This rule may provide for the waiver of other policies of the state board, the establishment
6 and delivery of a nontraditional curriculum, the establishment of licensure requirements for
7 alternative education program teachers, and the establishment of performance measures for school
8 accreditation.

9 (2) This rule shall provide uniform definitions of disruptive student behavior and uniform
10 standards for the placement of students in alternative settings or providing other interventions
11 including referrals to local juvenile courts to correct student behavior so that they can return to a
12 regular classroom without engaging in further disruptive behavior.

13 (e) The state board shall establish up to five pilot projects at the elementary or middle school
14 levels, or both, that employ alternative schools or other placements for disruptive students to learn
15 appropriate behaviors so they can return to the regular classroom without further disrupting the
16 learning environment. The state board shall report to the Legislative Oversight Commission on
17 Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and
18 by December 1 in each year after that for the duration of the pilot projects on the effect of the
19 projects on maintaining student discipline.

20 (f) If a student attends an approved alternative education program or the Mountaineer
21 Challenge Academy, which is designated as a special alternative education program pursuant to
22 section twenty-four, article one-b, chapter fifteen of this code, and the student graduates or passes

1 the General Equivalency Development (GED) Tests within five years of beginning ninth grade, that
2 student shall be considered graduated for the purposes of calculating the high school graduation rate
3 used for school accreditation and school system approval, subject to the following:

4 (1) The student shall be considered graduated only to the extent that this is not in conflict
5 with any provision of federal law relating to graduation rates;

6 (2) If the state board determines that this is in conflict with a provision of federal law relating
7 to graduation rates, the state board shall request a waiver from the United States Department of
8 Education; and

9 (3) If the waiver is granted, notwithstanding the provisions of subdivision (1) of this
10 subsection, the student graduating or passing the General Educational Development (GED) Tests
11 within five years shall be considered graduated.

12 (g) The state board shall promulgate a rule to support the operation of the National Guard
13 Youth Challenge Program operated by the Adjutant General and known as the "Mountaineer
14 Challenge Academy" which is designated as a special alternative education program pursuant to
15 section twenty-four, article one-b, chapter fifteen of this code, for students who are at risk of not
16 succeeding in the traditional school structure. The rule shall set forth policies and procedures
17 applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the
18 following:

19 (1) Implementation of provisions set forth in section twenty-four, article one-b, chapter
20 fifteen of this code;

21 (2) Precedence of the policies and procedures designated by the National Guard Bureau for
22 the operation of the Mountaineer Challenge Academy special alternative education program;

1 (3) Consideration of a student participating in the Mountaineer Challenge Academy special
2 alternative education program at full enrollment status in the referring county for the purposes of
3 funding and calculating attendance and graduation rates, subject to the following:

4 (A) The student shall be considered at full enrollment status only for the purposes of
5 calculating attendance and graduation rates to the extent that this is not in conflict with any provision
6 of federal law relating to attendance or graduation rates;

7 (B) If the state board determines that this is in conflict with a provision of federal law relating
8 to attendance or graduation rates, the state board shall request a waiver from the United States
9 Department of Education;

10 (C) If the waiver is granted, notwithstanding the provisions of paragraph (A) of this
11 subdivision, the student shall be considered at full enrollment status in the referring county for the
12 purposes of calculating attendance and graduation rates; and

13 (D) Consideration of the student at full enrollment status in the referring county is for the
14 purposes of funding and calculating attendance and graduation rates only. For any other purpose,
15 a student participating in the academy is considered withdrawn from the public school system;

16 (4) Articulation of the knowledge, skills and competencies gained through alternative
17 education so that students who return to regular education may proceed toward attainment or may
18 attain the standards for graduation without duplication; and

19 (5) Consideration of eligibility to take the General Educational Development (GED) Tests
20 by qualifying within the extraordinary circumstances provisions established by state board rule for
21 a student participating in the Mountaineer Challenge Academy special alternative education program
22 who does not meet any other criteria for eligibility.

1 (h) Nothing in this section or the rules promulgated under this section compels the
2 Mountaineer Challenge Academy to be operated as a special alternative education program or to be
3 subject to any other laws governing the public schools except by its consent.

4 (i) The Legislature makes the following findings regarding students at-risk:

5 (1) Defeated and discouraged learners:

6 (A) Any child who is unlikely to graduate on schedule with both the skills and self esteem
7 necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs and
8 personal relationships may be defined as being an at-risk student;

9 (B) Problems associated with students at-risk often begin for them in the early grades as they
10 gradually fall further behind in the essential skills of reading, writing and math;

11 (C) These problems may be accompanied by such behavior patterns as poor attendance,
12 inattentiveness, negative attitudes and acting out in class. These patterns are both symptoms of and
13 added catalysts for students to become increasingly defeated and discouraged learners;

14 (D) By the middle grades, students with growing skill deficits, usually know they are behind
15 other students and have good reason to feel discouraged. A growing lack of self confidence and self
16 worth, limited optimism for the future, avoidance of school and adults and a dimming view of the
17 relationship between effort and achievement are among the characteristics of defeated and
18 discouraged learners;

19 (E) Public schools are expected to address the needs of all students, minimizing the
20 likelihood that they will become at-risk and giving additional attention to those who do; however,
21 the circumstances involved with a child becoming at-risk often are complex and may include
22 influences both within and outside of the school environment; and

1 (F) In fragile homes, a child who is at-risk and is becoming a discouraged and defeated
2 learner often lacks adequate support and may develop peer relationships that further exacerbate the
3 difficulty of reengaging him or her in learning, school and responsible social behavior.

4 (2) The Legislature further finds that the public schools should not be deterred from seeking
5 and assisting with enrollment of students in an alternative program that helps remedy the
6 discouragement, lessens skill deficits and facilitates a successful return to public school.

7 (A) For this purpose, subject to approval of the county superintendent, a student enrolled in
8 the public schools of the county may continue to be enrolled while also enrolled in an alternative
9 program subject to the following conditions:

10 (1) The alternative program is approved by the state board;

11 (2) The student meets the general description of an at-risk student and exhibits behaviors and
12 characteristics associated with a discouraged and defeated learner;

13 (3) The alternative program complies with all requests of the county superintendent for
14 information on the educational program and progress of the student;

15 (4) The alternative program includes a family involvement component in its program. This
16 component shall include, but is not limited to, providing for student and parent participation in
17 activities that help address the challenging issues that have hindered the student's engagement and
18 progress in learning;

19 (5) The alternative program includes an on site boarding option for students;

20 (6) The alternative program provides an individualized education program for students that
21 is designed to prepare them for a successful transition back into the public schools; and

22 (7) The parents or legal guardian of the student make application for enrollment of the

- 1 student in the alternative program, agree to the terms and conditions for enrollment, and enroll the
- 2 student in the program.

NOTE: The purpose of this bill is to require that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. The bill requires a school to document on the pupil's transcript that the pupil has passed the test.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.