

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 669

BY SENATORS BOLEY, PLYMALE AND BLAIR

[Introduced February 22, 2016;

Referred to the Committee on Education]

1 A BILL to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating
2 to the demonstration of proficiency in civics as a condition of receiving a high school
3 diploma or General Educational Development diplomas.

Be it enacted by the Legislature of West Virginia:

1 That §18-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 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.**

1 (a) The state board shall promulgate rules for the accreditation, classification and
2 standardization of all schools in the state, except institutions of higher education, and shall
3 determine the minimum standards for granting diplomas and certificates of proficiency by those
4 schools.

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

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

12 (3) Beginning with the 2016-2017 school year, a minimum standard for receiving a diploma
13 or General Educational Development (GED) diploma shall include correctly answering at least
14 sixty questions of a one hundred-question civics test.

15 (A) For the purposes of this subdivision, "civics test" means the one hundred questions
16 that officers of the United States Citizenship and Immigration Services use to test applicants for

17 naturalization in order that the applicants can demonstrate a knowledge and understanding of the
18 fundamentals of United States history and the principles and form of United States government.

19 (B) A student may take the test at any time after enrolling in grade nine and may repeat
20 the test as often as necessary to demonstrate proficiency.

21 (C) Neither the state or county superintendent of schools nor the state or county board of
22 education may impose or collect any fees or charges in connection with this subdivision.

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

26 (c) A charter or other instrument containing the right to issue diplomas or certificates of
27 proficiency may not be granted by the State of West Virginia to any institution or other associations
28 or organizations of less than collegiate or university status within the state until the condition of
29 granting or issuing the diplomas or other certificates of proficiency has first been approved in
30 writing by the state board.

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

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

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

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

49 (f) If a student attends an approved alternative education program or the Mountaineer
50 Challenge Academy, which is designated as a special alternative education program pursuant to
51 section twenty-four, article one-b, chapter fifteen of this code, and the student graduates or
52 passes the General Equivalency Development (GED) tests within five years of beginning ninth
53 grade, that student shall be considered graduated for the purposes of calculating the high school
54 graduation rate used for school accreditation and school system approval, subject to the following:

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

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

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

63 (g) The state board shall promulgate a rule to support the operation of the National Guard
64 Youth Challenge Program operated by the Adjutant General and known as the Mountaineer
65 Challenge Academy which is designated as a special alternative education program pursuant to
66 section twenty-four, article one-b, chapter fifteen of this code for students who are at risk of not
67 succeeding in the traditional school structure. The rule shall set forth policies and procedures

68 applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the
69 following:

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

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

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

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

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

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

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

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

92 (5) Consideration of eligibility to take the General Educational Development (GED) tests
93 by qualifying within the extraordinary circumstances provisions established by state board rule for

94 a student participating in the Mountaineer Challenge Academy special alternative education
95 program who does not meet any other criteria for eligibility.

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

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

100 (1) Defeated and discouraged learners:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139 (7) The parents or legal guardian of the student make application for enrollment of the
140 student in the alternative program, agree to the terms and conditions for enrollment, and enroll
141 the student in the program.

NOTE: The purpose of this bill is to require students to demonstrate proficiency in civics as a condition of receiving a high school diploma or General Education Development (GED) diploma.

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

EDUCATION COMMITTEE AMENDMENT

On page one, section six, line twelve, after the word "diploma" by inserting a comma and striking out the words "or General Educational Development (GED) diploma" and inserting in lieu thereof the words "Test Assessing Secondary Completion (TASC) diploma or equivalent".