

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Engrossed**

## **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  
13 diploma, Test Assessing Secondary Completion (TASC) diploma or equivalent shall include  
14 correctly answering at least sixty questions of a one hundred-question civics test: *Provided, That*  
15 any necessary modifications pursuant to any student's individualized education plan (IEP) or

16 education plan established pursuant to Section 504 of the Rehabilitation Act of 1973, as amended,  
17 29 U. S. C. §794, shall apply.

18 (A) For the purposes of this subdivision, "civics test" means the one hundred questions  
19 that officers of the United States Citizenship and Immigration Services use to test applicants for  
20 naturalization in order that the applicants can demonstrate a knowledge and understanding of the  
21 fundamentals of United States history and the principles and form of United States government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103           (1) Defeated and discouraged learners:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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