

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 394**

BY SENATORS PLYMALE AND MARONEY

[Introduced February 22, 2017; 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 generally applied associate of science degrees that target workforce needs; authorizing  
3 certain schools to grant applied associate of science degrees that target workforce needs;  
4 requiring the West Virginia State Board of Education to promulgate rules setting the  
5 minimum standards for granting applied associate of science degrees that target  
6 workforce needs; and limiting the schools that grant applied associate of science degrees  
7 that target workforce needs to vocational technical schools which are accredited by the  
8 appropriate nationally recognized accrediting agency or association approved by the  
9 United States Department of Education.

*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, applied associate of science degrees  
4 that target workforce needs and certificates of proficiency by those 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) The applied associate of science degrees that target specific workforce needs shall  
13 only be granted by vocational technical schools which are accredited by the appropriate nationally  
14 recognized accrediting agency or association approved by the United States Department of  
15 Education.

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

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

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

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

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

35 (e) The state board shall establish up to five pilot projects at the elementary or middle  
36 school levels, or both, that employ alternative schools or other placements for disruptive students

37 to learn appropriate behaviors so they can return to the regular classroom without further  
38 disrupting the learning environment. The state board shall report to the Legislative Oversight  
39 Commission on Education Accountability by December 1, 2010, on its progress in establishing  
40 the pilot projects and by December 1 of each year after that for the duration of the pilot projects  
41 on the effect of the projects on maintaining student discipline.

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (5) Consideration of eligibility to take the General Educational Development (GED) Tests  
86 by qualifying within the extraordinary circumstances provisions established by state board rule for  
87 a student participating in the Mountaineer Challenge Academy special alternative education  
88 program who does not meet any other criteria for eligibility; and

89           (6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each  
90 student graduating from the academy with a high school diploma that resides in that county  
91 board's school district. For purposes of this subdivision, "tuition" means an amount equal to  
92 seventy-five percent of the amount allotted per pupil under the school aid formula.

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

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

97           (1) *Defeated and discouraged learners.* —

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

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

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

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

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

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

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

121 For this purpose, subject to approval of the county superintendent, a student enrolled in  
122 the public schools of the county may continue to be enrolled while also enrolled in an alternative  
123 program subject to the following conditions:

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to authorize certain schools to grant applied associate of science degrees that target workforce needs; require the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limit the schools that grant applied associate of science degrees that target workforce needs to vocational technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education.

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