

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 253

FISCAL
NOTE

BY SENATORS PLYMALE, UNGER, AND BOSO

[Introduced January 11, 2018; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating
2 generally to 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:

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 in 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 §15-1B-24 of this code, and the student graduates or passes the General Equivalency
45 Development (GED) Tests within five years of beginning ninth grade, that student shall be
46 considered graduated for the purposes of calculating the high school graduation rate used for
47 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 §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school
60 structure. The rule shall set forth policies and procedures applicable only to the Mountaineer
61 Challenge Academy that provide for, but are not limited to, the following:

62 (1) Implementation of provisions set forth in §15-1B-24 of this code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 (2) The Legislature further finds that the public schools should not be deterred from

117 seeking and assisting with enrollment of students in an alternative program that helps remedy the
118 discouragement, lessens skill deficits and facilitates a successful return to public school.

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

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

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

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

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

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

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

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