

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1044

BY SENATORS GRADY, WOELFEL, GARCIA, AND DEEDS

[Introduced February 21, 2026; 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; and to
2 amend the code by adding a new section, designated §18-2-6c, relating to requiring the
3 West Virginia Board of Education to promulgate a rule that sets forth common graduation
4 requirements for all students as well as additional requirements for the various graduation
5 pathways which include an Academic (College-Preparatory) Pathway, a Workforce
6 Pathway, a Career and Technical Education and Skilled Trades Pathway, and a Military
7 Pathway; and making legislative findings.

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~~ prescribing the
3 minimum requirements for graduation from the public schools of the state for various graduation
4 pathways pursuant to §18-2-6c of this code, and shall to determine the minimum standards for
5 granting diplomas, ~~advanced certifications, and~~ certificates of proficiency by those schools.

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

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

13 (3) Students who have completed a secondary education program in a public, private, or
14 home school and have continued to be enrolled in a program leading to an advanced certification

15 or an advanced career education program shall be considered adults enrolled in regular
16 secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State
17 Superintendent of Schools, the Chancellor for the Council for Community and Technical College
18 Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the
19 Department of Commerce may designate additional programs that provide valuable workplace
20 credentials and students enrolled in such programs shall also be considered adults enrolled in
21 regular secondary programs in accordance with §18-9A-2(i) of this code.

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

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

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

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

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

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

48 (f) If a student attends an approved alternative education program or the Mountaineer
49 ChalleNGe Academy, which is designated as a special alternative education program pursuant
50 to §15-1B-24 of this code, and the student graduates or passes the high school equivalency tests
51 within five years of beginning ninth grade, that student shall be considered graduated for the
52 purposes of calculating the high school graduation rate used for school accreditation and school
53 system approval, subject to the following:

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

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

59 (3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the
60 student graduating or passing the high school equivalency tests within five years shall be
61 considered graduated.

62 (g) The state board shall promulgate a rule to support the operation of the National Guard
63 Youth Challenge Program operated by the Adjutant General and known as the Mountaineer
64 ChalleNGe Academy which is designated as a special alternative education program pursuant to
65 §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school

66 structure. The rule shall set forth policies and procedures applicable only to the Mountaineer
67 ChalleNGe Academy that provide for, but are not limited to, the following:

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

69 (2) Precedence of the policies and procedures designated by the National Guard Bureau
70 for the operation of the Mountaineer ChalleNGe Academy special alternative education program;

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

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

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

80 (C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code,
81 the student shall be considered at full enrollment status in the referring county for the purposes
82 of calculating attendance and graduation rates; and

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

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

89 (5) Consideration of eligibility to take the high school equivalency tests by qualifying within
90 the extraordinary circumstances provisions established by state board rule for a student

91 participating in the Mountaineer ChalleNGe Academy special alternative education program who
92 does not meet any other criteria for eligibility; and

93 (6) Payment of tuition by a county board to the Mountaineer ChalleNGe Academy for each
94 student graduating from the academy with a high school diploma that resides in that county
95 board's school district. For purposes of this subdivision, "tuition" means an amount equal to 75
96 percent of the amount allotted per pupil under the school aid formula.

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

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

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

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

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

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

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

115 (E) Public schools are expected to address the needs of all students, minimizing the
116 likelihood that they will become at risk and giving additional attention to those who do; however,

117 the circumstances involved with a becoming at risk often are complex and may include influences
118 both within and outside of the school environment; and

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

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

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

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

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

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

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

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

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

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

§18-2-6c. High school graduation requirements; multiple graduation pathways.

1 (a) The Legislature finds that:

2 (1) West Virginia students pursue diverse post-secondary goals, including higher
3 education, immediate employment, skilled trades, and military service;

4 (2) Existing graduation requirements do not sufficiently recognize or support all post-
5 secondary outcomes valued by the state; and

6 (3) Graduation requirements and accountability measures must be modernized while
7 maintaining rigorous academic expectations.

8 (b) The state board shall promulgate a rule pursuant to §29A-3B-1 et seq. of this code that
9 sets forth common graduation requirements for all students as well as additional requirements for
10 various graduation pathways as set forth in this section. The rule shall expressly prohibit the
11 designation of any pathway as remedial, alternative, or of lesser rigor or value. It also shall
12 strengthen Personalized Education Plan requirements to ensure that each student selects a
13 graduation pathway no later than ninth grade.

14 (c) The state board rule shall require all students seeking a regular high school diploma
15 regardless of the graduation pathway to complete the following common graduation requirements:

16 (1) Four credits of English Language Arts;

17 (2) Three credits of Mathematics, including Algebra I;

18 (3) Three credits of Science;

19 (4) Three credits of Social Studies, including United States History and Civics;

20 (5) Physical Education and Health pursuant to §18-2-7a and §18-2-9 of this code;

21 (6) Financial Literacy; and

22 (7) Any additional requirements determined by the board consistent with this section.

23 (d) The state board rule shall establish and define the following graduation pathways, each
24 of which shall culminate in the award of a regular high school diploma:

25 (1) Academic (College-Preparatory) Pathway;

26 (2) Workforce Pathway;

27 (3) Career and Technical Education and Skilled Trades Pathway; and

28 (4) Military Pathway.

29 (e) The state board policy shall establish an Academic Pathway which requires students
30 to successfully:

31 (1) Complete advanced mathematics coursework, including Algebra II or higher;

32 (2) Complete laboratory science coursework;

33 (3) Complete world language credits;

34 (4) Complete Advanced Placement, honors, or dual-credit coursework; and

35 (5) Attain College readiness benchmarks aligned with benchmarks established by the
36 West Virginia Higher Education Policy Commission.

37 (f) The state board shall establish a Workforce Pathway which requires students to
38 successfully:

39 (1) Complete career-focused coursework aligned with state and regional workforce
40 demand;

41 (2) Attain industry-recognized credentials approved by the West Virginia Department of
42 Education;

43 (3) Participate in work-based learning experiences, including internships, apprenticeships,
44 or job shadowing; and

45 (4) Complete career readiness assessments and receive employability skills instruction.

46 (g) The state board rule shall establish the Career and Technical Education and Skilled
47 Trades Pathway which requires students to successfully:

48 (1) Complete an approved Career and Technical Education program of study;

49 (2) Participate in Simulated Workplace or an equivalent instructional model;

50 (3) Have opportunities to earn industry-recognized credentials or certifications;

51 (4) Complete dual-credit or articulated coursework with community and technical colleges;

52 and

53 (5) A capstone project or skills-based assessment.

54 (h) The state board rule shall establish the Military Pathway which requires students to

55 successfully complete:

56 (1) Military career exploration and counseling;

57 (2) Leadership development and citizenship instruction;

58 (3) Physical fitness preparation consistent with military standards;

59 (4) ASVAB testing or equivalent military readiness assessments; and

60 (5) Participation in Junior Reserve Officers' Training Corps programs when available.