

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2425

FISCAL  
NOTE

2015 Carryover

(BY DELEGATES HOWELL, BLAIR, WESTFALL, R. SMITH,  
ELDRIDGE, KESSINGER, BORDER, HAMILTON AND  
TRECOST)

[Introduced January 13, 2016; referred to the  
Committee on Education.]

1 A BILL to amend and reenact §18-2-6 and of the Code of West Virginia, 1931, as amended,  
 2 relating to requiring that, in order to graduate from high school or obtain a General  
 3 Educational Development (GED) diploma, a pupil must correctly answer at least sixty of  
 4 the one hundred questions listed on a test that is identical to the civics portion of the  
 5 naturalization test used by the United States Citizenship and Immigration Services; and  
 6 requiring a school to document on the pupil's transcript that the pupil has passed the test.

*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 in the 2016-2017 school year, one of the minimum standards for granting  
13 diplomas and certificates of proficiency shall include a requirement that, in order to graduate from  
14 high school or obtain a General Educational Development (GED) diploma, a pupil must correctly  
15 answer at least sixty of the one hundred questions listed on a test that is identical to the civics  
16 portion of the naturalization test used by the United States Citizenship and Immigration Services.  
17 The school shall document on the pupil's transcript that the pupil has passed a test that is identical  
18 to the civics portion of the naturalization test used by the United States Citizenship and  
19 Immigration Services as required by this subdivision.

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

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

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

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

35           (2) This rule shall provide uniform definitions of disruptive student behavior and uniform

36 standards for the placement of students in alternative settings or providing other interventions  
37 including referrals to local juvenile courts to correct student behavior so that they can return to a  
38 regular classroom without engaging in further disruptive behavior.

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

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

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

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

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

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

67 (1) Implementation of provisions set forth in section twenty-four, article one-b, chapter  
68 fifteen 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 special  
72 alternative education program at full enrollment status in the referring county for the purposes of  
73 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 paragraph (A) of this  
81 subdivision, the student shall be considered at full enrollment status in the referring county for the  
82 purposes 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  
85 purpose, a student participating in the academy is considered withdrawn from the public school  
86 system;

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

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

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

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

98 (1) Defeated and discouraged learners:

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

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

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

107 (D) By the middle grades, students with growing skill deficits, usually know they are behind

108 other students and have good reason to feel discouraged. A growing lack of self confidence and  
109 self worth, limited optimism for the future, avoidance of school and adults and a dimming view of  
110 the relationship between effort and achievement are among the characteristics of defeated and  
111 discouraged learners;

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

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

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

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

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

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

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

130 (4) The alternative program includes a family involvement component in its program.

131 This component shall include, but is not limited to, providing for student and parent participation

132 in activities that help address the challenging issues that have hindered the student's engagement  
133 and progress in learning;

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

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

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

NOTE: The purpose of this bill is to require that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. The bill requires a school to document on the pupil's transcript that the pupil has passed the test.

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