

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2152

BY DELEGATES HOWELL, HOTT, FAST, AND MARTIN

[Introduced February 10, 2021; 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 requiring that, in order to graduate from high school or obtain a General Educational
3 Development (GED) diploma, a pupil must correctly answer at least 60 of the 100
4 questions listed on a test that is identical to the civics portion of the naturalization test used
5 by the United States Citizenship and Immigration Services; and requiring a school to
6 document on the pupil's transcript that the pupil has passed the test.

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, advanced certifications and certificates
4 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) Students who have completed a secondary education program in a public, private or
13 home school and have continued to be enrolled in a program leading to an advanced certification
14 or an advanced career education program shall be considered adults enrolled in regular
15 secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State

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

21 (4) Beginning in the 2022-2023 school year, one of the minimum standards for granting
22 diplomas and certificates of proficiency shall include a requirement that, in order to graduate from
23 high school or obtain a General Educational Development (GED) diploma, a pupil must correctly
24 answer at least 60 of the 100 questions listed on a test that is identical to the civics portion of the
25 naturalization test used by the United States Citizenship and Immigration Services. The school
26 shall document on the pupil's transcript that the pupil has passed a test that is identical to the
27 civics portion of the naturalization test used by the United States Citizenship and Immigration
28 Services as required by this subdivision.

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

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

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

40 (1) This rule may provide for the waiver of other policies of the state board, the
41 establishment and delivery of a nontraditional curriculum, the establishment of licensure

42 requirements for alternative education program teachers, and the establishment of performance
43 measures for school accreditation.

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

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

55 (f) If a student attends an approved alternative education program or the Mountaineer
56 Challenge Academy, which is designated as a special alternative education program pursuant to
57 §15-1B-24 of this code, and the student graduates or passes the high school equivalency tests
58 within five years of beginning ninth grade, that student shall be considered graduated for the
59 purposes of calculating the high school graduation rate used for school accreditation and school
60 system approval, subject to the following:

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

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

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

68 considered graduated.

69 (g) The state board shall promulgate a rule to support the operation of the National Guard
70 Youth Challenge Program operated by the Adjutant General and known as the Mountaineer
71 Challenge Academy which is designated as a special alternative education program pursuant to
72 §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school
73 structure. The rule shall set forth policies and procedures applicable only to the Mountaineer
74 Challenge Academy that provide for, but are not limited to, the following:

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

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

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

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

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

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

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

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

96 (5) Consideration of eligibility to take the high school equivalency tests by qualifying within
97 the extraordinary circumstances provisions established by state board rule for a student
98 participating in the Mountaineer Challenge Academy special alternative education program who
99 does not meet any other criteria for eligibility; and

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

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

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

108 (1) Defeated and discouraged learners. —

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

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

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

117 (D) By the middle grades, students with growing skill deficits usually know they are behind
118 other students and have good reason to feel discouraged. A growing lack of self-confidence and

119 self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of
120 the relationship between effort and achievement are among the characteristics of defeated and
121 discouraged learners;

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

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

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

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

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

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

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

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

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

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

147 (7) The parents or legal guardian of the student make application for enrollment of the
148 student in the alternative program, agree to the terms and conditions for enrollment, and enroll
149 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 60 of the 100 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 a heading or the present law, and underscoring indicates new language that would be added.