

14102592D

**HOUSE BILL NO. 1110**

Offered January 10, 2014

*A BILL to amend and reenact §§ 22.1-101.1 and 22.1-253.13:4 of the Code of Virginia, relating to children placed in child-caring institutions or group homes; reimbursement of costs to educate.*

Patron—Toscano

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-101.1 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-101.1. Increase of funds for certain nonresident students; how increase computed and paid; billing of out-of-state placing agencies or persons.**

A. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a child with disabilities and who is not a resident of such school division under the following conditions:

1. When such child has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school division.

B. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child with disabilities who is not a resident of such school division under the following conditions:

1. When the child with disabilities has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child with disabilities has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child with disabilities, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 which is located within the geographical boundaries of the school division.

C. Each school division shall keep an accurate record of the number of days which any child, identified in subsection A or B above, was enrolled in its public schools, the required local expenditure per child, the handicapping condition, if applicable, the placing agency or person and the jurisdiction from which the child was sent. Each school division shall certify this information to the Board of Education by July 1 following the end of the school year in order to receive proper reimbursement. No school division shall charge tuition to any such child.

D. When a child who is not a resident of Virginia, whether disabled or not, has been placed by an out-of-state agency or a person who is the resident of another state in foster care or other custodial care or in a child-caring institution or group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 located within the geographical boundaries of the school division, the school division shall not be reimbursed for the cost of educating such child from funds appropriated by the General Assembly. The school division in which such child has been enrolled shall bill the sending agency or person for the cost of the education of such child as provided in subsection C of § 22.1-5.

The costs of the support and maintenance of the child shall include the cost of the education provided by the school division; therefore, the sending agency or person shall have the financial responsibility for the educational costs for the child pursuant to Article V of the Interstate Compact on the Placement of Children as set forth in Chapters 10 (§ 63.2-1000 et seq.) and 11 (§ 63.2-1100 et seq.) of Title 63.2. Upon receiving the bill for the educational costs from the school division, the sending agency or person shall reimburse the billing school division for providing the education of the child. Pursuant to Article III of the Interstate Compact on the Placement of Children, no sending agency or person shall send, bring, or cause to be sent or brought into this Commonwealth any child for placement unless the sending agency or person has complied with this section by honoring the financial

INTRODUCED

HB1110

59 responsibility for the educational cost as billed by a local school division.

60 *E. To the extent that such funds are not appropriated by the General Assembly for such purpose*  
61 *pursuant to subsection A or B, a school division shall be reimbursed by (i) the school division in which*  
62 *a child's custodial parent or guardian resides or (ii) in the case of a child who has been placed in the*  
63 *custody of the Department of Social Services, the school division in which the parent or guardian who*  
64 *had custody immediately preceding the placement resides, for the costs of educating such child, whether*  
65 *disabled or not, who has been placed, not solely for school purposes, in a child-caring institution or*  
66 *group home licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 that is*  
67 *located within the geographical boundaries of the school division to be reimbursed.*

68 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

69 A. Each local school board shall award diplomas to all secondary school students, including students  
70 who transfer from nonpublic schools or from home instruction, who earn the units of credit prescribed  
71 by the Board of Education, pass the prescribed tests, and meet such other requirements as may be  
72 prescribed by the local school board and approved by the Board of Education. Provisions shall be made  
73 to facilitate the transfer and appropriate grade placement of students from other public secondary  
74 schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation.  
75 Course credits earned for online courses taken in the Department of Education's Virtual Virginia  
76 program shall transfer to Virginia public schools in accordance with provisions of the standards for  
77 accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be  
78 provided for otherwise qualified students with disabilities as needed.

79 In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school  
80 students, a mechanism for calculating class rankings that takes into consideration whether the student has  
81 taken a required class more than one time and has had any prior earned grade for such required class  
82 expunged.

83 Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i)  
84 the number and subject area requirements of standard and verified units of credit required for graduation  
85 pursuant to the standards for accreditation and (ii) the remaining number and subject area requirements  
86 of such units of credit the individual student requires for graduation.

87 B. Students identified as disabled who complete the requirements of their individualized education  
88 programs shall be awarded special diplomas by local school boards.

89 Each local school board shall notify the parent of such students with disabilities who have an  
90 individualized education program and who fail to meet the requirements for a standard or advanced  
91 studies diploma of the student's right to a free and appropriate education to age 21, inclusive, pursuant  
92 to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

93 C. Students who have completed a prescribed course of study as defined by the local school board  
94 shall be awarded certificates of program completion by local school boards if they are not eligible to  
95 receive a Board of Education-approved diploma.

96 Each local school board shall provide notification of the right to a free public education for students  
97 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1  
98 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve the  
99 number of verified units of credit required for graduation as provided in the standards for accreditation.  
100 If such student who does not graduate or achieve such verified units of credit is a student for whom  
101 English is a second language, the local school board shall notify the parent of the student's opportunity  
102 for a free public education in accordance with § 22.1-5.

103 D. In establishing course and credit requirements for a high school diploma, the Board shall:

104 1. Provide for the selection of integrated learning courses meeting the Standards of Learning and  
105 approved by the Board to satisfy graduation credit requirements, which shall include Standards of  
106 Learning testing, as necessary.

107 2. Establish the requirements for a standard and an advanced studies high school diploma, which  
108 shall each include at least one credit in fine or performing arts or career and technical education and one  
109 credit in United States and Virginia history. The requirements for a standard high school diploma shall,  
110 however, include at least two sequential electives chosen from a concentration of courses selected from a  
111 variety of options that may be planned to ensure the completion of a focused sequence of elective  
112 courses. Such focused sequence of elective courses shall provide a foundation for further education or  
113 training or preparation for employment. The advanced studies diploma shall be the recommended  
114 diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma  
115 shall prepare students for post-secondary education and the career readiness required by the  
116 Commonwealth's economy.

117 Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the  
118 standard diploma shall include a requirement to earn a career and technical education credential that has  
119 been approved by the Board, that could include, but not be limited to, the successful completion of an  
120 industry certification, a state licensure examination, a national occupational competency assessment, or

the Virginia workplace readiness skills assessment.

Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.

3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

4. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.

5. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

6. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

7. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

E. In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

In addition, the Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

The Board shall also establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii)

182 related requirements as it deems appropriate.

183 F. The Board shall establish, by regulation, requirements for the award of a general achievement  
184 adult high school diploma for those persons who are not subject to the compulsory school attendance  
185 requirements of § 22.1-254 and have (i) achieved a passing score on the GED examination; (ii)  
186 successfully completed an education and training program designated by the Board of Education; (iii)  
187 earned a Board of Education-approved career and technical education credential such as the successful  
188 completion of an industry certification, a state licensure examination, a national occupational competency  
189 assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements  
190 as may be established by the Board for the award of such diploma.

191 G. To ensure the uniform assessment of high school graduation rates, the Board shall collect,  
192 analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

193 The Board may promulgate such regulations as may be necessary and appropriate for the collection,  
194 analysis, and reporting of such data. *For the purposes of collecting and reporting high school*  
195 *graduation and dropout data of students who have been placed in the custody of the Department of*  
196 *Social Services and who have enrolled in another school division as a result of the placement, the*  
197 *Board shall consider such students to be enrolled in the previous school division of residence until the*  
198 *student has been enrolled in the current school division of residence for one year.*