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**HOUSE BILL NO. 936**

Offered January 13, 2016

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*A BILL to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to certain students with limited English proficiency; standard diploma; credit accommodations.*

Patrons—Toscano, Bell, John J., Boysko, Keam and Lopez

Referred to Committee on Education

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

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

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

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

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

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

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

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

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

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

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

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

2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide a foundation for further education or

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59 training or preparation for employment. The advanced studies diploma shall be the recommended  
60 diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma  
61 shall prepare students for post-secondary education and the career readiness required by the  
62 Commonwealth's economy.

63 Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the  
64 standard diploma shall include a requirement to earn a career and technical education credential that has  
65 been approved by the Board, except when a career and technical education credential in a particular  
66 subject area is not readily available or appropriate or does not adequately measure student competency,  
67 in which case the student shall receive satisfactory competency-based instruction in the subject area to  
68 satisfy the standard diploma requirements. The career and technical education credential, when required,  
69 could include the successful completion of an industry certification, a state licensure examination, a  
70 national occupational competency assessment, or the Virginia workplace readiness skills assessment.

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

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

77 *The Board shall make provision in its regulations for credit accommodations for any student with*  
78 *limited English proficiency who entered and established residence in the United States for the first time*  
79 *during the summer immediately preceding his sixth grade year or later to earn a standard diploma.*  
80 *Such credit accommodations shall permit local school divisions to award verified units of credit to such*  
81 *students who have failed English or mathematics Standards of Learning assessments by a narrow*  
82 *margin.*

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

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

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

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

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

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

108 In addition, the Board may:

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

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

120 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.

8. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

9. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board 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.

2. 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.

3. The Board shall 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) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

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

G. (Effective until July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

G. (Effective July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. (Effective July 1, 2016) The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. (Effective July 1, 2016) The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.