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SENATE BILL NO. 1159

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 26, 2017)

(Patron Prior to Substitute—Senator Reeves)

A BILL to amend and reenact §§ 22.1-253.13:4 and 22.1-254 of the Code of Virginia, relating to public schools; career and technical education credential.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:4 and 22.1-254 of the Code of Virginia are 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 meet the requirements prescribed by the Board of Education 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. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. 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 requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

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 graduation requirements 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 graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements 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. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and

60 credentialing.

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

64 5. Require students to complete at least one course in fine or performing arts or career and technical
65 education, one course in United States and Virginia history, and two sequential elective courses chosen
66 from a concentration of courses selected from a variety of options that may be planned to ensure the
67 completion of a focused sequence of elective courses that provides a foundation for further education or
68 training or preparation for employment.

69 6. Graduation requirements shall include a requirement that students either (i) complete an Advanced
70 Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education
71 credential that has been approved by the Board, except when a career and technical education credential
72 in a particular subject area is not readily available or appropriate or does not adequately measure student
73 competency, in which case the student shall receive satisfactory competency-based instruction in the
74 subject area to earn credit. The career and technical education credential, when required, could include
75 the successful completion of an industry certification, a state licensure examination, a national
76 occupational competency assessment, *the Armed Services Vocational Aptitude Battery*, or the Virginia
77 workplace readiness skills assessment.

78 7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be
79 trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external
80 defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary
81 resuscitation.

82 8. Make provision in its regulations for students with disabilities to earn a diploma.

83 9. Require students to complete one virtual course, which may be a noncredit-bearing course.

84 10. Provide that students who complete elective classes into which the Standards of Learning for any
85 required course have been integrated and achieve a passing score on the relevant Standards of Learning
86 test for the relevant required course receive credit for such elective class.

87 11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with
88 the recommendation of the division superintendent, without completing the 140-hour class, to obtain
89 credit for such class upon demonstrating mastery of the course content and objectives and receiving a
90 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude
91 relevant school division personnel from enforcing compulsory attendance in public schools.

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

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

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

103 In addition, the Board may:

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

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

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

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

120 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of
121 instruction 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, *the Armed Services Vocational Aptitude Battery*, 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. 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. 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. 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.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private,

183 denominational, or parochial educational pre-kindergarten program.

184 Instruction in the home of a child or children by the parent, guardian, or other person having control
185 or charge of such child or children shall not be classified or defined as a private, denominational or
186 parochial school.

187 The requirements of this section shall apply to (i) any child in the custody of the Department of
188 Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii)
189 any child whom the division superintendent has required to take a special program of prevention,
190 intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The
191 requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed
192 in an adult correctional facility when such person is actively pursuing the achievement of a passing
193 score on a high school equivalency examination approved by the Board of Education but is not enrolled
194 in an individual student alternative education plan pursuant to subsection E, and (b) any child who has
195 obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing
196 score on a high school equivalency examination approved by the Board of Education, or who has
197 otherwise complied with compulsory school attendance requirements as set forth in this article.

198 B. A school board shall excuse from attendance at school:

199 1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is
200 conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious
201 training or belief" does not include essentially political, sociological or philosophical views or a merely
202 personal moral code; and

203 2. On the recommendation of the juvenile and domestic relations district court of the county or city
204 in which the pupil resides and for such period of time as the court deems appropriate, any pupil who,
205 together with his parents, is opposed to attendance at a school by reason of concern for such pupil's
206 health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension
207 for personal safety when such concern or apprehension in that pupil's specific case is determined by the
208 court, upon consideration of the recommendation of the principal and division superintendent, to be
209 justified.

210 C. Each local school board shall develop policies for excusing students who are absent by reason of
211 observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any
212 award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test
213 or examination, for any which he missed by reason of such absence, if the absence is verified in a
214 manner acceptable to the school board.

215 D. A school board may excuse from attendance at school:

216 1. On recommendation of the principal and the division superintendent and with the written consent
217 of the parent or guardian, any pupil who the school board determines, in accordance with regulations of
218 the Board of Education, cannot benefit from education at such school; or

219 2. On recommendation of the juvenile and domestic relations district court of the county or city in
220 which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at
221 such school.

222 E. Local school boards may allow the requirements of subsection A to be met under the following
223 conditions:

224 For a student who is at least 16 years of age, there shall be a meeting of the student, the student's
225 parents, and the principal or his designee of the school in which the student is enrolled in which an
226 individual student alternative education plan shall be developed in conformity with guidelines prescribed
227 by the Board, which plan must include:

228 a. Career guidance counseling;

229 b. Mandatory enrollment and attendance in a preparatory program for passing a high school
230 equivalency examination approved by the Board of Education or other alternative education program
231 approved by the local school board with attendance requirements that provide for reporting of student
232 attendance by the chief administrator of such preparatory program or approved alternative education
233 program to such principal or his designee;

234 c. Mandatory enrollment in a program to earn a Board of Education-approved career and technical
235 education credential, such as the successful completion of an industry certification, a state licensure
236 examination, a national occupational competency assessment, *the Armed Services Vocational Aptitude*
237 *Battery*, or the Virginia workplace readiness skills assessment;

238 d. Successful completion of the course in economics and personal finance required to earn a Board
239 of Education-approved high school diploma;

240 e. Counseling on the economic impact of failing to complete high school; and

241 f. Procedures for reenrollment to comply with the requirements of subsection A.

242 A student for whom an individual student alternative education plan has been granted pursuant to this
243 subsection and who fails to comply with the conditions of such plan shall be in violation of the
244 compulsory school attendance law, and the division superintendent or attendance officer of the school

division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

I. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § 22.1-271.2;

3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;

4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and

5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.