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SENATE BILL NO. 786

Offered January 10, 2018

A *BILL to amend and reenact §§ 22.1-212.27 and 22.1-253.13:4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1.4 of Chapter 13 of Title 22.1 a section numbered 22.1-212.27:1, relating to online courses and virtual programs; tuition and access.*

Patron—Surovell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.27 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1.4 of Chapter 13 of Title 22.1 a section numbered 22.1-212.27:1 as follows:

§ 22.1-212.27. Students enrolled in online courses and virtual programs.

A. Any student enrolled in any online course or virtual program offered by a local school division shall be enrolled in a public school in Virginia as provided in § 22.1-3.1.

B. A student's parent or guardian shall give written permission prior to the enrollment of the student in any full-time virtual program offered by a local school division.

C. A student shall not be charged tuition or fees for enrolling in any online course or virtual program that is required or is offered by the school division in which he resides, pursuant to § 22.1-3. However, tuition or fees may be charged to students who do a student who (i) is not eligible for free or reduced price meals in the federally funded lunch program and (ii) does not reside within the boundaries of the school division offering such course or program, pursuant to § 22.1-5.

§ 22.1-212.27:1. Free computers for online courses and virtual programs.

No local school board shall offer and no student shall be required to take any online course or virtual program unless every student enrolled in the course is provided or offered, free of charge, a computer or other electronic device necessary to take the course.

§ 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

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59 graduation requirements as provided in the standards for accreditation. If such student who does not
60 graduate or complete such requirements is a student for whom English is a second language, the local
61 school board shall notify the parent of the student's opportunity for a free public education in accordance
62 with § 22.1-5.

63 D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of
64 Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who
65 enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a
66 junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the
67 Board shall:

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

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

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

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

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

86 6. Require that students either (i) complete an Advanced Placement, honors, or International
87 Baccalaureate course or (ii) earn a career and technical education credential that has been approved by
88 the Board, except when a career and technical education credential in a particular subject area is not
89 readily available or appropriate or does not adequately measure student competency, in which case the
90 student shall receive satisfactory competency-based instruction in the subject area to earn credit. The
91 career and technical education credential, when required, could include the successful completion of an
92 industry certification, a state licensure examination, a national occupational competency assessment, the
93 Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment.

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

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

99 9. ~~Require~~ *Except as provided in § 22.1-212.27:1, require* students to complete one virtual course,
100 which may be a noncredit-bearing course.

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

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

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

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

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

120 In addition, the Board may:

a. For the purpose of awarding 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, appropriate 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.

13. 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.

14. 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.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of 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.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

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

182 such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or
183 local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the
184 graduation rate required by this subsection.
185 I. The Board may promulgate such regulations as may be necessary and appropriate for the
186 collection, analysis, and reporting of such data required by subsections G and H.