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SENATE BILL NO. 489

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 20, 2012)

(Patron Prior to Substitute—Senator Ruff)

A *BILL to amend and reenact §§ 22.1-253.13:4 and 22.1-254 of the Code of Virginia, relating to secondary school graduation requirements; diplomas.*

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 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 shall be awarded special 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 of this title.

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 standard, advanced studies, modified standard, special, or general achievement 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.) of this title, 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, modified standard, or 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. ~~Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment, shall be identified in the Academic and Career Plan as described in Board of Education regulations, and shall be developed~~

60 by the school division, consistent with Board of Education guidelines and as approved by the local
61 school board. Such focused sequence of elective courses shall provide a foundation for further education
62 or training or preparation for employment. The advanced studies diploma shall be the recommended
63 diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma
64 shall prepare students for post-secondary education and the career readiness required by the
65 Commonwealth's economy.

66 Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the
67 standard diploma shall include a requirement to earn a career and technical education credential that
68 has been approved by the Board, that could include, but not be limited to, the successful completion of
69 an industry certification, a state licensure examination, a national occupational competency assessment,
70 or the Virginia workplace readiness skills assessment.

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

73 3. Establish the requirements for a technical diploma. This diploma shall meet or exceed the
74 requirements of a standard diploma and will include a concentration in career and technical education, as
75 established in Board regulations. A student who meets the requirement for the advanced studies diploma
76 who also fulfills a concentration in career and technical education shall receive an advanced technical
77 diploma, or if he chooses, he shall receive an advanced studies diploma. The Board may develop or
78 designate assessments in career and technical education for the purposes of awarding verified credit
79 pursuant to subdivision 6. Provide, in the requirements to earn a standard or advanced studies diploma,
80 the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.

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

87 5. 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 demonstration of mastery of the course content and objectives. Having
90 received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning
91 assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall
92 preclude relevant school division personnel from enforcing compulsory attendance in public schools.

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

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

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

104 In addition, the Board may:

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

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

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

119 E. In the exercise of its authority to recognize exemplary academic performance by providing for
120 diploma seals, the Board of Education shall develop criteria for recognizing exemplary performance in
121 career and technical education programs by students who have completed the requirements for a

standard, standard technical, advanced studies, or advanced technical 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 standard, standard technical, advanced studies, and advanced technical 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 modified standard, standard, standard technical, advanced studies, and advanced technical 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.

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 the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (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. 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.

§ 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, denominational, or parochial educational pre-kindergarten program.

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

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

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

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

183 personal moral code; and

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

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

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

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

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

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

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

209 a. Career guidance counseling;

210 b. Mandatory enrollment and attendance in a general educational development preparatory program or
211 other alternative education program approved by the local school board with attendance requirements
212 that provide for reporting of student attendance by the chief administrator of such GED preparatory
213 program or approved alternative education program to such principal or his designee;

214 c. *Mandatory enrollment in a program to earn a Board of Education-approved career and technical
215 education credential, such as the successful completion of an industry certification, a state licensure
216 examination, a national occupational competency assessment, or the Virginia workplace readiness skills
217 assessment;*

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

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

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

222 A student for whom an individual student alternative education plan has been granted pursuant to this
223 subsection and who fails to comply with the conditions of such plan shall be in violation of the
224 compulsory school attendance law, and the division superintendent or attendance officer of the school
225 division in which such student was last enrolled shall seek immediate compliance with the compulsory
226 school attendance law as set forth in this article.

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

229 F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et
230 seq.) of Chapter 14 of this title and upon a finding that a school-age child has been (i) charged with an
231 offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons,
232 alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that
233 resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to
234 the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended
235 pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or
236 § 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program
237 as provided in § 22.1-209.1:2 or § 22.1-277.2:1.

238 G. Whenever a court orders any pupil into an alternative education program, including a program of
239 general educational development, offered in the public schools, the local school board of the school
240 division in which the program is offered shall determine the appropriate alternative education placement
241 of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its
242 school division.

243 The juvenile and domestic relations district court of the county or city in which a pupil resides or in
244 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.

2. That the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment.