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HOUSE BILL NO. 936**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on February 10, 2016)

(Patron Prior to Substitute—Delegate Toscano)

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

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 training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the

60 Commonwealth's economy.

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

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

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

75 *The Board shall make provision in its regulations for flexibility for any student with limited English*
76 *proficiency to earn the credits required for a diploma. Such flexibility shall permit local school divisions*
77 *to award credit to such students who have failed reading, writing, or mathematics Standards of*
78 *Learning assessments by a narrow margin, as defined by the Board.*

79 3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful
80 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, "career and technical education completer" means 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 8. Consider all computer science course credits earned by students to be science course credits,
120 mathematics course credits, or career and technical education credits. The Board of Education shall
121 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.