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**SENATE BILL NO. 1159**

Offered January 11, 2017

Prefiled January 9, 2017

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

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Patron—Reeves

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Referred to Committee on Education and Health

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

**1. That §§ 22.1-254 and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:**

**§ 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 the achievement of a passing score on a high school equivalency examination approved by the Board of Education 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 has achieved a passing score on a high school equivalency examination approved by the Board of Education, 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 personal moral code; and

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

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test

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59 or examination, for any which he missed by reason of such absence, if the absence is verified in a  
60 manner acceptable to the school board.

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

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

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

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

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

74 a. Career guidance counseling;

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

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

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

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

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

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

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

95 F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et  
96 seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense  
97 relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol  
98 or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that  
99 resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to  
100 the superintendent of the school division pursuant to subsection G of § 16.1-260; (iii) suspended  
101 pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or  
102 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program  
103 as provided in § 22.1-209.1:2 or 22.1-277.2:1.

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

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

117 This subsection shall not be construed to limit the authority of school boards to expel, suspend, or  
118 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.  
119 As used in this subsection, the term "charged" means that a petition or warrant has been filed or is  
120 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.

**§ 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. (For expiration date, see Acts 2016, cc. 720 and 750) 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

182 approved by the Board to satisfy graduation credit requirements, which shall include Standards of  
183 Learning testing, as necessary.

184 2. Establish the requirements for a standard and an advanced studies high school diploma, which  
185 shall each include at least one credit in fine or performing arts or career and technical education and one  
186 credit in United States and Virginia history. The requirements for a standard high school diploma shall,  
187 however, include at least two sequential electives chosen from a concentration of courses selected from a  
188 variety of options that may be planned to ensure the completion of a focused sequence of elective  
189 courses. Such focused sequence of elective courses shall provide a foundation for further education or  
190 training or preparation for employment. The advanced studies diploma shall be the recommended  
191 diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma  
192 shall prepare students for post-secondary education and the career readiness required by the  
193 Commonwealth's economy.

194 Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the  
195 standard diploma shall include a requirement to earn a career and technical education credential that has  
196 been approved by the Board, except when a career and technical education credential in a particular  
197 subject area is not readily available or appropriate or does not adequately measure student competency,  
198 in which case the student shall receive satisfactory competency-based instruction in the subject area to  
199 satisfy the standard diploma requirements. The career and technical education credential, when required,  
200 could include the successful completion of an industry certification, a state licensure examination, a  
201 national occupational competency assessment, *the Armed Services Vocational Aptitude Battery*, or the  
202 Virginia workplace readiness skills assessment.

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

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

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

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

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

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

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

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

235 In addition, the Board may:

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

239 b. Permit students completing career and technical education programs designed to enable such  
240 students to pass such industry certification examinations or state licensure examinations to be awarded,  
241 upon obtaining satisfactory scores on such industry certification or licensure examinations, the  
242 appropriate verified units of credit for one or more career and technical education classes into which  
243 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.

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.

D. (For effective date, see Acts 2016, cc. 720 and 750) 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 credentialing.

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

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses 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 that provides a foundation for further education or training or preparation for employment.

6. Graduation requirements shall include a requirement that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include 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.

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

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

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

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

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

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

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, *the Armed Services Vocational Aptitude Battery assessments passed*, Virginia

workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

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

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.

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

367 formula prescribed by the Board.

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

373 I. The Board may promulgate such regulations as may be necessary and appropriate for the  
374 collection, analysis, and reporting of such data required by subsections G and H.