

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 914

BY SENATORS ROBERTS, RUCKER, TAYLOR, AND WILLIS

[Passed April 12, 2025; in effect from passage]

1 AN ACT to amend and reenact §18-28-2 and §18-28-3 of the Code of West Virginia, 1931, as
2 amended, relating to certain non-public schools; replacing the minimum 180-day
3 instructional term and average of five hours of instruction per day requirements with a
4 minimum instructional term requirement of 900 hours per school year; adding requirement
5 that upon request, the school composite results be made available to the parents or legal
6 guardians of a prospective enrollee in the school; preserving the requirement that, upon
7 request of the West Virginia Department of Education, the school's composite results be
8 furnished to the State Superintendent of Schools; and removing ramifications of a school's
9 composite test results falling below the 40th percentile.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A
RELIGIOUS ORDER.**

§18-28-2. Attendance; health and safety regulations.

1 The following is applicable to private, parochial, or church schools or schools of a religious
2 order:

3 (a) Each school shall observe a minimum instructional term of 900 hours per school year;

4 (b) Each school shall make and maintain annual attendance and disease immunization
5 records for each pupil enrolled and regularly attending classes. The attendance records shall be
6 made available to the parents or legal guardians;

7 (c) Upon the request of the county superintendent, a school (or a parents' organization
8 composed of the parents or guardians of children enrolled in the school) shall furnish to the county
9 board a list of the names and addresses of all children enrolled in the school between the ages
10 of seven and 16 years;

11 (d) Attendance by a child at any school which complies with this article satisfies the
12 requirements of compulsory school attendance;

(e) Each school is subject to reasonable fire, health, and safety inspections by state, county, and municipal authorities as required by law, and is required to comply with the West Virginia school bus safety regulations; and

(f) Each school shall establish, file, and update a school specific crisis response plan which complies with the requirements established for it by the state board and the Division of Homeland Security and Emergency Management pursuant to §18-9F-9 of this code.

§18-28-3. Standardized testing requirements.

(a) Each private, parochial, or church school or school of a religious order or other non-public school electing to operate under this statute in lieu of the approval requirements set forth as part of §18-8-1(b) of this code shall administer during each school year a nationally normed standardized achievement test which test shall be selected by the chief administrative officer of each school. The test shall be administered to students at the same grade levels and in the same subject areas as required in the public schools of the state for administration of the statewide summative assessment. The selected test shall be published or normed within the last 10 years and shall be administered under standardized conditions as set forth by the published instructions of the selected test. The student participation rate on the standardized achievement test must be the same as that required in the public schools for a school's composite score to be considered valid.

(b) Notwithstanding subsection (a) of this section, any private, parochial, church school, school of a religious order, or other non-public school that exclusively teaches special education students or children with learning disabilities shall academically assess students by one or more of the following methods: (1) A standardized group achievement test; (2) a standardized individual achievement test; (3) a written narrative of an evaluation of a portfolio of samples of a child's work; (4) an alternative academic assessment of the child's proficiency as mutually agreed by the county superintendent, parent(s) or legal guardian(s) and the school. The assessment shall be

made of students at the same grade levels and in the same subject areas as required in the public schools of the state for administration of the statewide summative assessment.

(c) Nothing in this section prohibits a private parochial, church school, school of a religious order, or other non-public school from administering standardized achievement tests in additional subject areas or at additional grade levels as they may choose at their sole discretion.

(d) Each child's testing or assessment results and the school composite results shall be made available to the child's parents or legal guardians. Upon request, the school composite results also shall be made available to the parents or legal guardians of a prospective enrollee in the school. Upon request of a duly authorized representative of the West Virginia Department of Education, the school's composite results shall be furnished to the State Superintendent of Schools.

(e) Each school to which this article applies shall:

(1) Establish curriculum objectives, the attainment of which will enable students to develop the potential for becoming literate citizens.

(2) Provide an instructional program that will make possible the acquisition of competencies necessary to become a literate citizen.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2025.

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Governor