

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 914

BY SENATORS ROBERTS, RUCKER, TAYLOR, AND WILLIS

[Reported March 31, 2025, from the Committee on
Education]

1 A BILL to amend and reenact §18-28-2 and §18-28-3 of the Code of West Virginia, 1931, as
2 amended, relating to certain nonpublic 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 800 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; removing 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 ~~one hundred eighty days~~
4 ~~with an average of five hours of instruction per day~~ 800 hours per school year;

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

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

(d) Attendance by a child at any school which complies with this article satisfies the 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 nonpublic 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 nonpublic 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 nonpublic 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 by the school or by a parents organization composed of the parents or guardians of children enrolled in said school 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.

~~(f) If the school's composite test results for any single year fall below the fortieth percentile on the selected standardized achievement test or a comparable level established by the state board for assessment methods authorized pursuant to subsection (b) of this section, the school shall initiate a remedial program to foster achievement above that level. If after two consecutive calendar years school composite test results are not above the fortieth percentile or comparable level, attendance at the school no longer satisfies the compulsory school attendance requirement of §18-8-1(k) of this code, until the percentile standards herein set forth are met.~~