

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2529**

BY DELEGATE FAST

[Passed April 7, 2021; in effect ninety days from passage.]



1 AN ACT to amend and reenact §18-8-12 and §18B-1-1e of the Code of West Virginia, 1931, as  
2 amended; all relating to nondiscrimination in the higher education admissions process;  
3 allowing an institution, once a student has been fully admitted, to administer placement  
4 tests or other assessments for certain purposes; prohibiting state institutions of higher  
5 education from discriminating against graduates of private, nonpublic, or home schools by  
6 requiring them to submit to alternative testing as a precondition for acceptance into the  
7 institution of higher education; and prohibiting institutions of higher education from  
8 rejecting a person with appropriate diploma or credentialing for admission to an institution  
9 of higher education solely because their secondary education was not accredited by the  
10 state Board of Education or agency the board approves.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 8. COMUPULSORY SCHOOL ATTENDANCE.**

#### **§18-8-12. Issuance of a diploma or other appropriate credential by public, private or home school administrator.**

1 A person who administers a program of secondary education at a public, private or home  
2 school that meets the requirements of this chapter may issue a diploma or other appropriate  
3 credential to a person who has completed the program of secondary education. Such diploma or  
4 credential is legally sufficient to demonstrate that the person meets the definition of having a high  
5 school diploma or its equivalent. No state agency or institution of higher learning in this state may  
6 reject or otherwise treat a person differently solely on the grounds of the source of such a diploma  
7 or credential. Nothing in this section prevents an institution, once a student has been fully  
8 admitted, from administering placement tests or other assessments to determine the appropriate  
9 placement of students into college-level course sequences or to assess the content thereof for  
10 the purposes of determining whether a person meets other requirements for a specific program.

## CHAPTER 18B. HIGHER EDUCATION.

### ARTICLE 1. GOVERNANCE.

#### **§18B-1-1e. Public education and higher education collaboration for the preparation of students for college and other post-secondary education.**

1 (a) *Purpose.* — The purpose of this section is as follows:

2 (1) To assist students in the planning and preparation for success in college and other  
3 post-secondary education if their education major interests require such formal education after  
4 high school;

5 (2) To establish the minimum expected level of knowledge, skill and competency a student  
6 must possess to be prepared fully for college and other post-secondary education at state  
7 institutions of higher education;

8 (3) To implement a method for communicating the minimum level of knowledge, skill and  
9 competency to students, parents, educators and counselors in the public schools, and admissions  
10 officers, advisors and faculty in the higher education institutions; and

11 (4) To assure that the teacher preparation programs in state institutions of higher  
12 education prepare educators to, at a minimum, deliver instruction necessary to prepare students  
13 fully for college and other post-secondary education or gainful employment consistent with the  
14 provisions of section eight, article two-e, chapter eighteen of this code.

15 (b) *Joint rule.* — On or before October 1, 1996, the higher education governing boards  
16 shall promulgate a joint rule to achieve the purposes of subsection (a) of this section. In the  
17 development of such rule, the governing boards shall consult with the state board and the jobs  
18 through education employer panel, established pursuant to section eight, article two-e, chapter  
19 eighteen of this code, and shall collaborate with the state board in the establishment of compatible  
20 practices within their separate systems.

21           (c) *Assessment of student readiness.* — To provide continuous assessment and program  
22 improvement in the preparation of high school students for success in college or other post-  
23 secondary education, the higher education governing boards shall communicate to the state  
24 board and the Legislative Oversight commission on education accountability by December 1, in  
25 each year, beginning in December, 1997, the number of graduates from the public schools in the  
26 state by high schools who were accepted in the last calendar year for enrollment at each of the  
27 state institutions of higher education within one year of graduation, and whose knowledge, skill  
28 and competency were below the minimum expected levels for full preparation as defined by the  
29 governing boards. The governing boards also shall report the areas in which the knowledge, skill  
30 and competency of the students were below the minimum expected level. The state board shall  
31 provide information to each of the high schools of the state for graduates from the high school.

32           (d) *Nondiscrimination in admission process.* —

33           (1) State institutions of higher education may not require a person who has obtained a  
34 diploma or other appropriate credentialing from private, nonpublic, or home schooling, and who  
35 has acceptable test results on ACT, SAT or other tests recognized by the institution of higher  
36 education which would qualify the person for admission, to submit to alternate testing as a  
37 condition of admission.

38           (2) A person who has obtained a diploma or other appropriate credentialing may not be  
39 rejected for admission to an institution of higher education solely because their secondary  
40 education was not accredited by the state Board of Education or any accrediting agency approved  
41 by the board.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2021.

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*Governor*