

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 854

By Senators Roberts and Rucker

[Introduced March 20, 2025; referred
to the Committee on Education]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-2L-1, §18-2L-2, and §18-2L-3, relating to creating the Academic Quality in Public Education Act; and requiring the same minimum standards for public schools for attendance and test scores as are required for private, parochial, or church schools, or schools of a religious order.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2L. ACADEMIC QUALITY IN PUBLIC EDUCATION ACT.

§18-2L-1. Short Title.

This article shall be named the " Academic Quality in Public Education Act".

§18-2L-2. Public schools: attendance; health and safety regulations.

The following is applicable to all public schools:

(1) Each school shall observe a minimum instructional term of 180 days with an average of five hours of instruction per day;

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

(3) 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

(4) 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.

§18-2L-3. Standardized testing requirements.

(a) Each public school in this state shall administer during each school year a nationally normed standardized achievement test according to federal guidelines which shall be selected by the chief administrative officer of each school. The test shall be administered to students at the

4 same grade levels and in the same subject areas as required in the public schools of the state for
5 administration of the state-wide summative assessment. The selected test shall be published or
6 normed within the last 10 years and shall be administered under standardized conditions as set
7 forth by the published instructions of the selected test. The student participation rate on the
8 standardized achievement test must be the same as that required in the public schools for a
9 school's composite score to be considered valid.

10 (b) Each child's testing or assessment results and the school composite results shall be
11 made available to the child's parents or legal guardians. The school's composite results shall be
12 furnished by the school or by a parents organization composed of the parents or guardians of
13 children enrolled in said school to the State Superintendent of Schools.

14 (c) Each public school shall:

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

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

19 (c) If the school's composite test results for any single year fall below the fortieth percentile
20 on the selected standardized achievement test or a comparable level established by the state
21 board for assessment methods authorized pursuant to subsection (a) of this section, the school
22 shall initiate a remedial program to foster achievement above that level. If after two consecutive
23 calendar years school composite test results are not above the fortieth percentile or comparable
24 level, attendance at the school no longer satisfies the compulsory school attendance requirement
25 of §18-8-1 et seq. of this code, and the students shall all be considered delinquent.

NOTE: The purpose of this bill is to establish the Academic Quality in Public Education Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.