

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 216

By Senator Hart

[Introduced January 14, 2025; referred

to the Select Committee on School Choice]

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 education; clarifying attendance, health, and safety regulations; and
3 creating the Restoring Private Schools Act of 2026.

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 of
10 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;

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

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

§18-28-3. Standardized testing requirements ~~Freedom of private, parochial, or church schools~~

schools to determine standards.

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

12 (b) Notwithstanding subsection (a) of this section, any private, parochial, church school,
13 school of a religious order, or other non-public school that exclusively teaches special education
14 students or children with learning disabilities shall academically assess students by one or more of
15 the following methods: (1) A standardized group achievement test; (2) a standardized individual
16 achievement test; (3) a written narrative of an evaluation of a portfolio of samples of a child's work;
17 (4) an alternative academic assessment of the child's proficiency as mutually agreed by the county
18 superintendent, parent(s) or legal guardian(s) and the school. The assessment shall be made of
19 students at the same grade levels and in the same subject areas as required in the public schools
20 of the state for administration of the statewide summative assessment.

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

24 (d) Each child's testing or assessment results and the school composite results shall be

25 ~~made available to the child's parents or legal guardians. Upon request, the school composite~~
26 ~~results also shall be made available to the parents or legal guardians of a prospective enrollee in~~
27 ~~the school. Upon request of a duly authorized representative of the West Virginia Department of~~
28 ~~Education, the school's composite results shall be furnished to the State Superintendent of~~
29 ~~Schools.~~

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

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

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

35 ~~(a) As autonomous entities free of governmental oversight of instruction, private, parochial,~~
36 ~~or church, schools may implement such measures for instruction and assessment of pupils as~~
37 ~~leadership of such schools may deem appropriate.~~

38 (b) This act shall be known and cited as the "Restoring Private Schools Act of 2026."

NOTE: The purpose of this bill is to create the Restoring Private Schools Act of 2026.

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