WEST VIRGINIA CODE: §18-28-3

§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.

WV Legislature

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

WV Legislature