WEST VIRGINIA CODE CHAPTER 18 ARTICLE 28

WV Legislature

§18-28-1. Policy.

In conformity with the Constitutions of the United States and of West Virginia, it is the public policy of the state in matters of education that no human authority shall, in any case whatever, control or interfere with the rights of conscience or with religious liberty and that no person shall be enforced, restrained, molested or burdened, in body or goods, or otherwise suffer, on account of his or her religious opinions or belief, but all people shall be free to profess, and by argument, to maintain their opinions in matters of religion; and further be free to select their religious instructor, and to make for his or her support, such private contract as they shall please, and that religion, morality and knowledge being necessary to good government and the happiness of humankind, the means of education shall forever be encouraged.

WV Legislature

§18-28-2. Attendance; health and safety regulations.

The following is applicable to private, parochial, or church schools, or schools of a religious order:

(a) Each school shall observe a minimum instructional term of 900 hours per school year: *Provided*, That the school may deliver instruction through alternative methods that count toward up to 25 hours of instructional time when schools are closed due to inclement weather or other unforeseen circumstance and these hours of instruction shall count toward meeting the 900 hour instructional time requirement notwithstanding the closure of the school;

(b) 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;

(c) Upon the request of the county superintendent, a school (or a parents' organization composed of the parents or guardians of children enrolled in the school) shall furnish to the county board a list of the names and addresses of all children enrolled in the school between the ages 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.

WV Legislature

§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.

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

WV Legislature

§18-28-4. Voluntary participation in state programs.

Any private, parochial or church school or school of a religious order or other nonpublic school complying with the provisions of this article may, on a voluntary basis, participate in any state operated or state sponsored program otherwise made available to such schools by law.

WV Legislature

§18-28-5. New school notice requirements; termination.

(a) Any new school to which this article relates shall send to the State Superintendent of Schools of the State of West Virginia a notice of intent to operate, name and address of the school, and name of the school's chief administrator.

(b) Any school to which this article applies shall notify the State Superintendent of Schools of the State of West Virginia upon termination.

WV Legislature

§18-28-6. Requirements exclusive.

No private, parochial or church school or school operated by any other religious group or body as part of its religious ministry or other nonpublic school which complies with the requirements of this article shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization.

WV Legislature

§18-28-7. Waiver of required assessment for certain students attending parochial school.

The state superintendent may waive the assessment requirement for parochial schools set forth in section three of this article if the state superintendent determines that a court of law has held that the assessment requirement would violate a provision of the state or federal Constitution.

WV Legislature