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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

Com. Sub. For
HOUSE BILL No. 2050

(By Delegate *Kiss (By Request)*)



Passed *March 11*, 1995

In Effect *Ninety Days From* Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 2050

(BY DELEGATE KISS) (By Request)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article twenty-eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exempting private, parochial and religious schools who exclusively service special education students or students with learning disabilities from complying with the requirements that they administer only group tests and that achievement be above the fortieth percentile.

Be it enacted by the Legislature of West Virginia:

That section three, article twenty-eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§18-28-3. Standardized testing requirements.

- 1 (a) Each private, parochial or church school or school
- 2 of a religious order or other nonpublic school electing to
- 3 operate under this statute in lieu of the approval require-
- 4 ments set forth as part of section one, article eight, chapter
- 5 eighteen, exemption A shall administer on an annual basis
- 6 during each school year to every child enrolled therein
- 7 between the ages of seven and sixteen years either the
- 8 comprehensive test of basic skills, the California achieve-

9 ment test, the Stanford achievement test or the Iowa tests
10 of basic skills tests of achievement and proficiency, which
11 test will be selected by the chief administrative officer of
12 each school in the subjects of English, grammar, reading,
13 social studies, science and mathematics; and shall be
14 administered under standardized conditions as set forth by
15 the published instructions of the selected test: *Provided*,
16 That any private, parochial, church school, school of a
17 religious order or other nonpublic school that exclusively
18 teaches special education students or children with learn-
19 ing disabilities shall not be required to comply with this
20 subsection or subsection (d) of this section, but shall
21 academically assess every child enrolled therein between
22 the ages of seven and sixteen years on an annual basis
23 during each school year by one or more of the following
24 methods: (1) A standardized group achievement test; (2)
25 a standardized individual achievement test; (3) a written
26 narrative of an evaluation of a portfolio of samples of a
27 child's work; (4) an alternative academic assessment of the
28 child's proficiency as mutually agreed by the county
29 superintendent, parent(s) or legal guardian(s) and the
30 school.

31 (b) Each child's testing results and the school compos-
32 ite test results shall be made available to such child's
33 parents or legal guardians. Upon request of a duly
34 authorized representative of the West Virginia department
35 of education, the school composite test results shall be
36 furnished by the school or by a parents organization
37 composed of the parents or guardians of children enrolled
38 in said school to the state superintendent of schools.

39 (c) Each school to which this article applies shall:

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

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

46 (d) If such school composite test results for any single
47 year for English, grammar, reading, social studies, science

48 and mathematics fall below the fortieth percentile on the
49 selected tests, the school as herein described shall initiate a
50 remedial program to foster achievement above that level.
51 If after two consecutive calendar years school composite
52 test results are not above the fortieth percentile level,
53 attendance at the school may no longer satisfy the com-
54 pulsory school attendance requirement exemption of
55 exemption K, section one, article eight, chapter eighteen,
56 until such time as the percentile standards herein set forth
57 are met.



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

Randy Shannon
Chairman Senate Committee

Ernest C Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage

Darrell R. Riffe
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Earl Ray Swisher
President of the Senate

Earl R. Cullen
Speaker of the House of Delegates

The within *is approved* this the *24th*
day of *March* 1995.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date

3/24/95

Time

3:51 PM