

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

House Bill 4183

BY DELEGATES ESPINOSA, R. ROMINE, UPSON, HIGGINBOTHAM,

ROHRBACH, KELLY, COOPER, WESTFALL AND DEAN

[Passed March 8, 2018; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2018 MAR 22 P 5:35

FILED

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1 AN ACT to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating
2 generally to testing requirements for nonpublic schools; requiring a nationally normed
3 standardized achievement test be administered at the same grade levels and in the same
4 subject areas as required in the public schools; requiring test to be published or normed
5 within the last ten years; requiring the student participation rate on the standardized
6 achievement test be the same as that required in the public schools; removing exemption
7 for nonpublic schools that exclusively teach special education students or students with
8 learning disabilities from provisions pertaining to accountability for the school's composite
9 test results falling below the 40th percentile; requiring for those schools assessment to be
10 made of students at the same grade levels and in the same subject areas as required in
11 the public schools; allowing testing in additional subject areas or grade levels at sole
12 discretion of school; and conforming provisions pertaining to accountability for a school's
13 composite test results falling below the 40th percentile.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A
RELIGIOUS ORDER.**

§18-28-3. Standardized testing requirements.

1 (a) Each private, parochial or church school or school of a religious order or other
2 nonpublic school electing to operate under this statute in lieu of the approval requirements set
3 forth as part of §18-8-1(b) of this code, shall administer during each school year a nationally
4 normed standardized achievement test which test shall be selected by the chief administrative
5 officer of each school. The test shall be administered to students at the same grade levels and in
6 the same subject areas as required in the public schools of the state for administration of the
7 state-wide summative assessment. The selected test shall be published or normed within the last
8 ten years and shall be administered under standardized conditions as set forth by the published

9 instructions of the selected test. The student participation rate on the standardized achievement
10 test must be the same as that required in the public schools for a school's composite score to be
11 considered valid.

12 (b) Notwithstanding subsection (a) of this section, any private, parochial, church school,
13 school of a religious order or other nonpublic school that exclusively teaches special education
14 students or children with learning disabilities shall academically assess students by one or more
15 of 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
18 county superintendent, parent(s) or legal guardian(s) and the school. The assessment shall be
19 made of students at the same grade levels and in the same subject areas as required in the public
20 schools of the state for administration of the state-wide summative assessment,

21 (c) Nothing in this section prohibits a private parochial, church school, school of a religious
22 order or other nonpublic 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 of a duly authorized
26 representative of the West Virginia Department of Education, the school's composite results shall
27 be furnished by the school or by a parents organization composed of the parents or guardians of
28 children enrolled in said school to the State Superintendent of Schools.

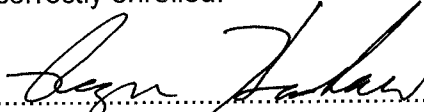
29 (e) Each school to which this article applies shall:


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

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

34 (f) If the school's composite test results for any single year fall below the fortieth percentile
35 on the selected standardized achievement test or a comparable level established by the state
36 board for assessment methods authorized pursuant to subsection (b) of this section, the school
37 shall initiate a remedial program to foster achievement above that level. If after two consecutive
38 calendar years school composite test results are not above the fortieth percentile or comparable
39 level, attendance at the school no longer satisfies the compulsory school attendance requirement
40 of §18-8-1(k) of this code, until the percentile standards herein set forth are met.

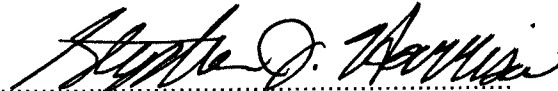
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



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Chairman, House Committee

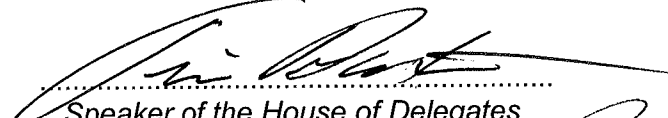

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Member Chairman, Senate Committee

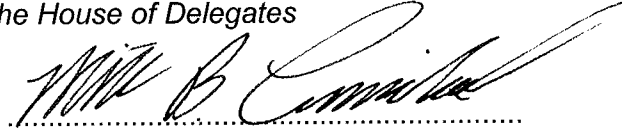
Originating in the House.

In effect ninety days from passage.


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Clerk of the House of Delegates

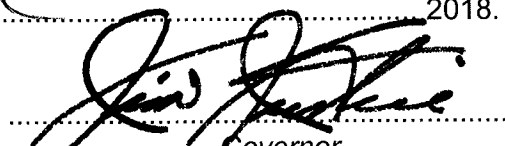

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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within is approved this the 22nd
March day of 2018.


.....
Governor

PRESENTED TO THE GOVERNOR

Time 1:28 pm