

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2651**

BY DELEGATES ESPINOSA, ROMINE, R., WESTFALL,  
DEAN, UPSON, HIGGINBOTHAM, KELLY, HARSHBARGER,  
COOPER, WAGNER AND ROHRBACH

[Originating in the Committee on Education]

February 27, 2017

1 A BILL to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating  
2 generally to standardized testing requirements for nonpublic schools; removing outdated  
3 language; requiring standardized test to be administered to nonpublic students at same  
4 grade levels and subject areas required in public schools; requiring the test administered  
5 to be a nationally normed standardized achievement test published or normed within ten  
6 years from the date of administration; allowing additional testing at sole discretion of  
7 school; limiting accountability for composite scores to grade levels and subject areas  
8 required in public schools; removing requirement that every child be tested; and requiring  
9 minimum student participation rate on test for composite score to be valid.

*Be it enacted by the Legislature of West Virginia:*

1 That §18-28-3 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**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 section one, article eight, chapter eighteen, exemption A shall administer on an  
4 annual basis during each school year to ~~every child enrolled therein between the ages of seven  
5 and sixteen years either the comprehensive test of basic skills, the California achievement test,  
6 the Stanford achievement test or the Iowa tests of basic skills tests of achievement and proficiency~~  
7 students at the same grade levels as those required in the public schools of the state for  
8 administration of the state-wide summative assessment a nationally normed standardized  
9 achievement test which will be selected by the chief administrative officer of each school in the  
10 subjects of English, grammar, reading, social studies, science and mathematics required in the

11 public schools of the state for administration of the state-wide summative assessment. The  
12 selected test shall be published or normed not more than ten years from the date of administration  
13 and shall be administered under standardized conditions as set forth by the published instructions  
14 of the selected test: *Provided*, That any private, parochial, church school, school of a religious  
15 order or other nonpublic school that exclusively teaches special education students or children  
16 with learning disabilities shall not be required to comply with this subsection or subsection (d) of  
17 this section, but shall academically assess ~~every child enrolled therein between the ages of seven~~  
18 ~~and sixteen years~~ students at the same grade levels as those required in the public schools of  
19 the state for administration of the state-wide summative assessment on an annual basis during  
20 each school year by one or more of the following methods: (1) A standardized group achievement  
21 test; (2) a standardized individual achievement test; (3) a written narrative of an evaluation of a  
22 portfolio of samples of a child's work; (4) an alternative academic assessment of the child's  
23 proficiency as mutually agreed by the county superintendent, parent(s) or legal guardian(s) and  
24 the school: *Provided, However, That nothing in this subsection prohibits any private parochial,*  
25 *church school, school of a religious order or other nonpublic school from administering*  
26 *standardized achievement tests in additional subject areas or at additional grade levels as they*  
27 *may choose at their sole discretion.*

28 (b) Each child's testing results and the school composite test results shall be made  
29 available to such child's parents or legal guardians. Upon request of a duly authorized  
30 representative of the West Virginia Department of Education, the school composite test results  
31 shall be furnished by the school or by a parents organization composed of the parents or  
32 guardians of children enrolled in said school to the State Superintendent of Schools.

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

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

36 (2) Provide an instructional program that will make possible the acquisition of

37 competencies necessary to become a literate citizen.

38 (d) If such school composite test results for any single year for ~~English, grammar, reading,~~  
39 ~~social studies, science and mathematics~~ the standardized achievement tests administered in the  
40 same subject areas and grade levels as required in the public schools of the state for  
41 administration of the state-wide summative assessment fall below the fortieth percentile on the  
42 selected tests, the school as herein described shall initiate a remedial program to foster  
43 achievement above that level. If after two consecutive calendar years school composite test  
44 results are not above the fortieth percentile level, attendance at the school may no longer satisfy  
45 the compulsory school attendance requirement exemption of exemption K, section one, article  
46 eight, chapter eighteen, until such time as the percentile standards herein set forth are met. For  
47 the purposes of this subsection, the student participation rate on a standardized achievement test  
48 must be at least ninety percent for a composite score to be considered valid.

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