

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2651**

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

[Introduced February 22, 2017; referred  
to the Committee on Education.]

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 2 generally to standardized testing requirements for nonpublic schools; removing outdated  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 between  
 4 the ages of seven and seventeen; requiring the test administered to be a nationally  
 5 normed standardized achievement test; requiring that the test administered by published  
 6 or normed within ten years from the date of administration; and providing testing  
 7 alternatives to nonpublic students between the ages of seven and seventeen with learning  
 8 disabilities.

*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 seventeen years ~~either the comprehensive test of basic skills, the California~~  
 6 ~~achievement test, the Stanford achievement test or the Iowa tests of basic skills tests of~~  
 7 ~~achievement and proficiency~~ a nationally normed standardized achievement test which will be  
 8 selected by the chief administrative officer of each school in the subjects of English, grammar,  
 9 reading, social studies, science and mathematics; the selected test shall be published or normed  
 10 not more than ten years from the date of administration and shall be administered under  
 11 standardized conditions as set forth by the published instructions of the selected test: *Provided,*

12 That any private, parochial, church school, school of a religious order or other nonpublic school  
13 that exclusively teaches special education students or children with learning disabilities shall not  
14 be required to comply with this subsection or subsection (d) of this section, but shall academically  
15 assess every child enrolled therein between the ages of seven and ~~sixteen~~ seventeen years on  
16 an annual basis during each school year by one or more of the following methods: (1) A  
17 standardized group achievement test; (2) a standardized individual achievement test; (3) a written  
18 narrative of an evaluation of a portfolio of samples of a child's work; (4) an alternative academic  
19 assessment of the child's proficiency as mutually agreed by the county superintendent, parent(s)  
20 or legal guardian(s) and the school.

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

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

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

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

31 (d) If such school composite test results for any single year for English, grammar, reading,  
32 social studies, science and mathematics fall below the fortieth percentile on the selected tests,  
33 the school as herein described shall initiate a remedial program to foster achievement above that  
34 level. If after two consecutive calendar years school composite test results are not above the  
35 fortieth percentile level, attendance at the school may no longer satisfy the compulsory school  
36 attendance requirement exemption of exemption K, section one, article eight, chapter eighteen,  
37 until such time as the percentile standards herein set forth are met.

NOTE: The purpose of this bill is to require standardized test to be administered to nonpublic students between the ages of seven and seventeen; require the test administered to be a nationally normed standardized achievement test; require that the test administered be published or normed within ten years from the date of administration; and provide testing alternatives to nonpublic students between the ages of seven and seventeen with learning disabilities.

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