

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4183**

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

[Introduced January 18, 2018; 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  
3 restrictions on specific forms of nationally normed achievement tests that must be  
4 administered; requiring standardized tests to be administered to nonpublic students at  
5 same grade levels and subject areas required in public schools; requiring standardized  
6 achievement test administered to be published or normed within ten years from the date  
7 of administration; allowing additional testing at sole discretion of school; limiting  
8 accountability for composite scores to grade levels and subject areas required in public  
9 schools; removing requirement that every child be tested; and requiring minimum student  
10 participation rate on test for composite score to be valid.

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

12 of the test and shall be administered under standardized conditions as set forth by the published  
13 instructions of the selected test. ~~Provided, That~~ The student participation rate on the standardized  
14 achievement test must be the same as that required in the public schools for a composite score  
15 to be considered valid.

16 (b) Notwithstanding subsection (a) of this section, any private, parochial, church school,  
17 school of a religious order or other nonpublic school that exclusively teaches special education  
18 students or children with learning disabilities shall ~~not be required to comply with this subsection~~  
19 ~~or subsection (d) of this section, but shall academically assess every child enrolled therein~~  
20 ~~between the ages of seven and sixteen years on an annual basis during each school year~~  
21 academically assess students by one or more of the following methods: (1) A standardized group  
22 achievement test; (2) a standardized individual achievement test; (3) a written narrative of an  
23 evaluation of a portfolio of samples of a child's work; (4) an alternative academic assessment of  
24 the child's proficiency as mutually agreed by the county superintendent, parent(s) or legal  
25 guardian(s) and the school. The assessment shall be made of students at the same grade levels  
26 and in the same subject areas as required in the public schools of the state for administration of  
27 the state-wide summative assessment.

28 (c) Nothing in this section prohibits a private parochial, church school, school of a religious  
29 order or other nonpublic school from administering standardized achievement tests in additional  
30 subject areas or at additional grade levels as they may choose at their sole discretion.

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

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

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

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

41 ~~(d)~~ (f) If ~~such school~~ the school's composite test results for any single year ~~for English,~~  
42 ~~grammar, reading, social studies, science and mathematics~~ fall below the fortieth percentile on  
43 the selected ~~tests~~ standardized achievement test or a comparable level established by the state  
44 board for assessment methods authorized pursuant to subsection (b) of this section, the school  
45 ~~as herein described~~ shall initiate a remedial program to foster achievement above that level. If  
46 after two consecutive calendar years school composite test results are not above the fortieth  
47 percentile or comparable level, attendance at the school ~~may~~ does no longer satisfy the  
48 compulsory school attendance requirement ~~exemption of exemption K of §18-8-1(k)~~ of §18-8-1(k) of this code,  
49 until ~~such time as~~ the percentile standards herein set forth are met.

NOTE: The purpose of this bill is to remove certain restrictions on achievement tests that must be administered to nonpublic students.

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