

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 41

BY SENATOR KARNES

[Introduced January 12, 2022; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-28-8, relating to allowing any private, parochial, or church school with an
 3 enrollment of 25 or fewer students to operate as a nonpublic micro-school; requiring micro-
 4 school to be governed by a governing board; requiring annual notification to the county
 5 board of operation as a micro-school; declaring that attendance at a micro-school
 6 complying with certain requirements satisfies compulsory school attendance; requiring
 7 annual academic assessment of students; requiring micro-school to provide certain
 8 information to the county superintendent upon request; requiring attendance and
 9 academic records for each student to be made and maintained; imposing certain
 10 requirements on micro-schools pertaining to curriculum objectives, the provision of an
 11 instructional program, and the provision of an individualized progress report; setting forth
 12 consequences for composite test and portfolio assessment results falling below the fourth
 13 stanine; requiring any child enrolled in a micro-school that fails to meet certain
 14 requirements to satisfy homeschool exemption requirements; and declaring that no micro-
 15 school meeting certain requirements is subject to any other law relating to education.

Be it enacted by the Legislature of West Virginia:

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

**§18-28-8. Nonpublic micro-schools; private, parochial, or church schools with enrollment
 of 25 students or fewer.**

1 Any private, parochial, or church school with an enrollment of 25 or fewer students may
 2 elect to operate as a nonpublic micro-school in compliance with this section. No other
 3 requirements of this article shall apply to a nonpublic micro-school operated pursuant to this
 4 section unless otherwise provided for in this section. The following applies to nonpublic micro-
 5 schools:

6 (1) The micro-school shall be governed by a governing board with a majority of members
7 who are parents or legal guardians of students who are enrolled in the school;

8 (2) The micro-school shall annually notify the county board that it is operating the micro-
9 school pursuant to this section;

10 (3) Attendance by a child at any micro-school which complies with this section satisfies
11 the requirements of compulsory school attendance pursuant to §18-8-1(k) of this code;

12 (4) Annually, the micro-school shall obtain an academic assessment of students for the
13 previous year in one of the following ways:

14 (A) Each student takes a nationally normed standardized achievement test published or
15 normed not more than 10 years from the date of administration and administered under the
16 conditions as set forth by the published instructions of the selected test and by a person qualified
17 in accordance with the test's published guidelines in the subjects of reading, language,
18 mathematics, science and social studies. A student is considered to have made acceptable
19 progress when the mean of the student's test results in the required subject areas for any single
20 year is within or above the fourth stanine or, if below the fourth stanine, shows improvement from
21 the previous year's results;

22 (B) A portfolio of samples of a student's work is reviewed by a certified teacher or a person
23 who holds a master's degree related to elementary or secondary education who determines
24 whether the student's academic progress for the year is in accordance with the student's abilities.
25 The teacher or holder of the master's degree shall provide a written narrative about the student's
26 progress in the areas of reading, language, mathematics, science and social studies and shall
27 note any areas which, in the professional opinion of the reviewer, show need for improvement or
28 remediation. The narrative shall score the students overall progress on a stanine scale according
29 to the student's ability. If the narrative indicates that the student's academic progress for the year
30 is in accordance with the student's abilities, the student is considered to have made acceptable
31 progress; or

32 (C) A combination of the methods set forth in paragraphs (A) and (B) of this subdivision
33 may be used by the micro-school to ensure each student is assessed in the manner most
34 appropriate for the student.

35 (5) Upon request of the county superintendent, a micro-school shall furnish to the county
36 board a list of the names and addresses of all children enrolled in the school between the ages
37 of seven and 16 years;

38 (6) Each micro-school shall make and maintain attendance and academic records for each
39 student enrolled and these records shall be made available to the parents or legal guardians of
40 the student;

41 (7) Each micro-school shall:

42 (A) Establish curriculum objectives, the attainment of which will enable students to develop
43 the potential for becoming literate citizens; and

44 (B) Provide an instructional program that will make possible the acquisition of
45 competencies necessary to become a literate citizen; and

46 (C) Provide not less than twice annually an individualized progress report to the parent of
47 each student. The progress report shall indicate areas of excellence and areas which need
48 additional attention, so parents are able to assist their child in making academic progress. The
49 style, format and indicators of the report shall be approved by the governing board.

50 (8) If the micro-school's composite test and portfolio assessment results for any year fall
51 below the fourth stanine the school shall initiate a remedial program to foster achievement above
52 that level. If after two consecutive test administrations a school's composite test and portfolio
53 assessment results are not above the fourth stanine, attendance at the micro-school shall no
54 longer satisfy the compulsory school attendance requirement of §18-8-1(k) of this code, until the
55 stanine standards herein set forth are met.

56 (9) Any child enrolled in a micro-school that has failed to meet the requirements of this
57 section shall be considered to be homeschooling and shall be required to satisfy the provisions

58 of §18-8-1(c) of this code.

59 (10) No micro-school which complies with the requirements of this section shall be subject

60 to any other provision of law relating to education.

NOTE: The purpose of this bill is to allow for the creation of micro-schools and to set academic progress requirements for micro-schools.

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