

## WEST VIRGINIA

<b>Compulsory Attendance Ages:</b>	Begins with the school year in which the sixth birthday is reached before July 1 starting in the 2019-2020 school year, or upon enrolling in a publicly supported kindergarten program, and continues to the seventeenth birthday. W. Va. Code § 18-8-1a. Children in Cabell, Marshall, Monroe, and Wyoming Counties are subject to compulsory attendance until age 18. W. Va. Code § 18-5A-3a. W. Va. Code § 18-5B-10. (Younger and older students are subject to compulsory attendance while actually enrolled in a public school. W. Va. Code § 18-5-44(f)(1) and § 18-8-1a.)
<b>Required Days of Instruction:</b>	Option 1, 180 days. W. Va. Code § 18-5-45. Option 2, none.
<b>Required Subjects:</b>	Under Option 1 (“Approval Option”), school board has discretion concerning which subjects are required. Under Option 2 (“Notice Option”), reading, language, mathematics, science and social studies. W. Va. Code § 18-8-1(c).

**Home School Statute:** W. Va. Code § 18-8-1(c) creates two homeschool options.

**Option 1 (“Approval Option”):** Subsection (c)(1) allows a school board to approve homeschooling. Instruction must be in a place approved by the board; instruction must be for a time equal to the school term of the county; if requested, the family must furnish attendance, instruction and progress information; the school board may deny approval for “good and reasonable justification” (denial must be in writing).

**Option 2 (“Notice Option”):** Under subsection (c)(2), a parent files a notice of intent on or before the date home instruction is to begin. In the notice the parent must assure that the child will be instructed in reading, language, mathematics, science, and social studies and assessed annually. The notice must include the child’s name, address, and age. The person providing instruction must notify the superintendent if home instruction is terminated. If a new county of residence is established, the person providing instruction must notify the previous superintendent and submit a new notice to the superintendent of the new county.

### **Alternative Statutes Allowing for Home Schools:**

A group of parents may form a private, parochial, church, religious or “other nonpublic school” under W. Va. Code § 18-8-1(k). The school must comply with W. Va. Code §§ 18-28-1–18-28-7.

### **Teacher Qualifications:**

**Option 1:** Instruction must be by a person who, in the judgment of the county superintendent and county board, is qualified to give instruction in subjects required to be taught in public elementary schools.

**Option 2:** The person providing home instruction shall submit evidence of a high school diploma or equivalent, or a post-secondary degree or certificate from a regionally accredited institution.

**Assessments/Standardized Tests:** None for the “approval” option. For the “notice” option, an annual assessment is required. Parent must maintain copies of the assessment for 3 years. Parent must submit the

results of the 3<sup>rd</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 11<sup>th</sup> grade assessment to superintendent by June 30. Four alternatives are available under W. Va. Code § 18-8-1(c)(2)(C):

*Standardized Test:* Use any nationally-normed, standardized achievement test published or normed no more than 10 years before the date the test is administered in accordance with the test publisher's guidelines or instructions. The test must assess reading, language, mathematics, science, and social studies. The child is considered to have made acceptable progress when the mean of the child's test results in the required subject areas for any single year is within or above the fourth stanine (at or above the 23<sup>rd</sup> percentile) or, if below the fourth stanine, shows improvement from the previous year's results.

*Portfolio:* "A portfolio of samples of the child's work is reviewed by a certified teacher who determines whether the child's academic progress for the year is in accordance with the child's abilities. The teacher shall provide a written narrative about the child's progress in the areas of reading, language, mathematics, science, and social studies, and shall note any areas which, in the professional opinion of the reviewer, show need for improvement or remediation. If the narrative indicates that the child's academic progress for the year is in accordance with the child's abilities, the child is considered to have made acceptable progress."

*State Testing Program:* A child may participate in "the testing program currently in use in the state's public schools." Test must be administered at local public school. "Acceptable progress" is based on "current guidelines of the state testing program."

*Alternative Assessment:* "The child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the county superintendent."

**Remediation:** If the assessment under one of the options above does not show acceptable progress, contact HSLDA for advice. In the event of a failure to show acceptable progress, W. Va. Code § 18-8-1(c)(2)(D) states that the county must, upon request, notify parents in writing of services available to assess eligibility for special education services. The person providing home instruction is required to initiate a remedial program of instruction to foster acceptable progress. The program does not need to be submitted to or approved by the school system. If acceptable progress is not shown for a second consecutive year, the person providing home instruction must submit to superintendent "additional evidence" that appropriate instruction is being provided.

**Due Process:** A child who is exempt from compulsory school attendance under this section is not subject to prosecution under section two of this article, nor is such a child a status offender as defined by section two hundred two, article one, chapter forty-nine of this code. With probable cause, a county superintendent may seek an order from the county circuit court denying a child's home instruction. The order may be granted upon a showing of clear and convincing evidence that the child will suffer neglect in his or her education or that there are other compelling reasons to deny home instruction. W. Va. Code § 18-8-1(c)(2).

**Diploma:** W.Va. Code §18-8-12 provides that a parent may issue a diploma or appropriate credential to a student who completes the program of secondary education. The diploma issued under this section demonstrates that a person has a high school diploma or its equivalent, and no state agency or institution of higher learning may treat a person differently on account of the source of the diploma.