



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-013C

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Non-public School Accreditation (2330)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/14/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dustin Lambert, Coordinator, WVDE Middle and Secondary Learning Services

ADDRESS: Capitol Bldg. 6, Room 221, 1900 Kanawha Blvd. E
Charleston, West Virginia 25305

EMAIL: dllambert@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 2330 establishes the procedure and regulations for the accreditation of non-public schools

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The proposed amendments are to clarify and articulate expectations to facilitate the transfer of students from an accredited non-public school to a public school within the state. WVDE recognition of an accredited non-public school is based on the school attaining official status with an independent accrediting body approved by the WVBE. The additions to this policy are to clarify the expectations regarding WVBE approval of accrediting agencies, WVDE acceptance of those credentials, and what is to occur in the transfer process.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no impact on revenues of state government as a result of the proposed amendment of W. Va. 126CSR13C, Policy 2330.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no impact on special revenue accounts as a result of the proposed amendment of W. Va. 126CSR13C, Policy 2330.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no impact on the state or its residents as a result of the proposed amendment of W. Va. 126CSR13C, Policy 2330.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of W. Va. 126CSR13C, Policy 2330.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2330, Non-public School Accreditation
Executive Summary**

**West Virginia Department of Education
Office Teaching and Learning / Middle and Secondary Learning Services**

Policy Cycle: 30 Day Comment Period Adoption of Policy

Policy Process: Revision Repeal and Replace New

Introduction: This is a proposed revision of WVBE Policy 2330. The proposed amendments are to clarify and articulate expectations to facilitate the transfer of students from an accredited non-public school to a public school within the state. WVDE recognition of an accredited non-public school is based on the school attaining official status with an independent accrediting body approved by the WVBE. The additions to this policy are to clarify the expectations regarding WVBE approval of accrediting agencies, WVDE acceptance of those credentials, and what is to occur in the transfer process.

Background: Policy 2330 was last revised in 2013 after first being approved in 1990. The original policy had the WVDE issuing certificates of accreditation to non-public schools that voluntarily sought recognition through the Office of Accreditation. When the state legislature created the Office of Education Performance Audits (OEPA), the WVDE lost its mechanism and ability to accredit non-public schools. As a result, the policy went dormant. The OEPA was eventually dismantled by the West Virginia Legislature, returning non-public accreditation to the WVBE.

The policy was revised in 2013 to provide non-public schools accredited by an independent body, a pathway for their students to retain their grade level placement and credits earned if they transferred into the public-school system. The recognition of the accrediting body by the WVBE was based on defined components which evaluated faculty and administration; curriculum and assessment; health and safety; leadership and continuous improvements; school resources and communication with parents and students.

The current stakeholder group is comprised administrative representatives of both exemption b and exemption k schools, as defined in W. Va. Code 18-8-1(b) and (k) which are also accredited by this policy, a representative of the West Virginia Christian Education Association, and county central office staff. Stakeholders were initially brought together during the inauguration of the Non-Public School Coalition meeting on March 25, 2021, where Policy 2330 was discussed. During that meeting the WVDE alerted Coalition members that Policy 2330 was coming up for revision and we would be holding an additional stakeholders meeting. At that time an initial discussion was held with Coalition members to gather comments, suggestions, and questions regarding the current form of Policy 2330. On April 12, 2021, a virtual meeting was held to discuss modifications introduced by the WVDE based on years of working with the current form of the policy and questions that have arisen from non-public schools, public schools, and county officials. Through active dialogue with members of the Coalition, several of the suggested revisions were kept and compromises were reached on others.

Proposed Changes:

- Section 3.1.a.2.H. is being recommended because it was communicated to the counties that for the WVBE to add an independent accrediting organization to the maintained list, components sections 3.1.a.2.A-G had to be met and an onsite review of the candidate school had to be conducted. However, section 3.1.a.2 did not delineate an onsite review was part of the

**Policy 2330, Non-public School Accreditation
Executive Summary**

components. Because of the input received from the stakeholders, the use of the term evaluation was substituted to reflect current practices of accrediting bodies due to the current global pandemic. We believe this term provides flexibility if the accrediting body must make a real-time virtual visit instead of an onsite visit due extenuating circumstances.

- Section 3.1.c.1 clarifies when a non-public school completes the accreditation process the notification is to go to the WVDE since the Department maintains the list of recognized and accredited schools and not the WVBE. Additionally, it defines what documentation is needed to demonstrate the school has achieved full accreditation status. It also provides the WVDE the ability to request a copy of the accreditation report if the non-public school's status falls into question.
- Section 3.1.c.2 proposes that the requirement of annually notifying the WVDE of the school's continued accreditation status be struck and language added that requires the accredited non-public school to notify the WVDE if its status has been revoked or suspended by the accrediting body. This revision was made due to stakeholder input about length of the accreditation status when granted and the interim review process by the accrediting agency.
- Section 3.1.c.3 clearly defines the transfer of grade level and/or course credits from an accredited West Virginia non-public school to a West Virginia public school. For the public school to provide equal grade placement and to transfer credits successfully, an academic record is needed from the accredited non-public school so WVEIS can be updated and for school officials to know how to properly place the student.

Impact: The proposed changes will provide relief to the accredited non-public schools in annual reporting requirements while maintaining the integrity of the policy. Additionally, the changes clearly articulate the necessary documents needed to verify the accreditation status of the non-public schools. The academic record required in section 3.1.c.3 ensures public schools have the necessary documentation to successfully place students in a course of study as they transition into public school.

Action:

- Release for 30 day public comment
- Approve by WVBE with effective date of ____/____/20__

Policy 2330, Non-public School Accreditation
List of Stakeholders

West Virginia Department of Education

External Stakeholders

- Carol Cole, New Life Christian Academy, Nicholas County, Math/Social Studies Teacher
- Dan Brokke, Ed.D., West Virginia Christian Education Association, Executive Director, Kanawha County
- George Aulenbacher, Ed.D., Assistant Superintendent, Kanawha County Schools
- Eric Kerns, Faith Christian Academy, Berkeley County, Principal
- Jack Davis, Teays Valley Christian, Putnam County, Principal
- Justin Zimmerman, The Linsly School, Ohio County, Headmaster
- Mary Ann Deschaine, Superintendent of Catholic Schools, Ohio County

Internal Stakeholders

- Robert Wiseman, Director, Middle and Secondary Learning Services
- Dustin Lambert, Social Studies and Non-Public Schools Coordinator, Middle and Secondary Learning Services
- Natalie Proctor, Executive Secretary to the Deputy Superintendent (Technical assistant to non-public schools.)

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 13C
NON-PUBLIC SCHOOL ACCREDITATION (2330)

§126-13C-1. General.

1.1. Scope. -- This legislative rule establishes the procedure ~~and regulations~~ for the accreditation of non-public schools.

1.2. Authority. -- W. Va. Constitution, Article 12, §2, and W. Va. Code §§18-2-5, 18-2-6(d), 18-2E-5, 18-3-11, and 18-5-18.

1.3. Filing Date. -- ~~May 10, 2103,~~

1.4. Effective Date. -- ~~June 10, 2013,~~

1.5. Repeal of Former Rule. -- This legislative rule ~~repeals and replaces~~ amends W. Va. 126CSR13, Policy 2330, "Non-public School Accreditation" (2330) filed ~~August 17, 1990~~ May 10, 2013, and effective ~~September 28, 1990~~ June 10, 2013.

§126-13C-2. Purpose.

2.1. ~~The purpose of t~~This policy is to establish guidelines for the procedure for accrediting of non-public schools to obtain accreditation. Accreditation ~~for the purpose of this policy~~ is defined as the process by which a non-public school [W. Va. Code §18-8-1(b) (~~hereinafter~~ exemption b)] and W. Va. Code §18-8-1(k) (~~hereinafter~~ exemption k)] assesses its ~~entire~~ educational program, seeks independent confirmation ~~(through an approved accrediting organization)~~ that it has substantially achieved its goals and objectives, and demonstrates quality teaching and learning as evidenced by student achievement.

2.2. Accreditation for non-public schools is voluntary and is not a condition for continuing exemption b or exemption k status.

2.3. A non-public school which has been accredited through a national or regional accreditation agency, approved by the West Virginia Board of Education (~~hereinafter~~ WVBE), shall be accepted to meet the criteria for West Virginia non-public school accreditation. The ~~s~~State ~~s~~Superintendent of Schools and West Virginia Department of Education (~~hereinafter~~ WVDE) shall maintain a list of approved accrediting organizations.

2.4. Accreditation in this manner shall ~~satisfy the normal expectation for~~ assure the transfer of grade level and/or course credits ~~for~~ from an accredited West Virginia non-public school ~~students transferring in to a~~ West Virginia public schools.

§126-13C-3. General Responsibilities.

3.1. The responsibility for the accrediting of non-public schools is shared as follows:

3.1.a. Responsibility of the WVBE: The WVBE has the responsibility of approving accrediting organizations for the purpose of this policy.

3.1.a.1. The procedures for approving accrediting organizations shall be communicated to local boards of education, exemption b schools, and exemption k schools.

3.1.a.2. At a minimum, the approved accrediting organization must include the following components as part of the accreditation process and review:

3.1.a.2.A. professionally qualified faculty members and administrators,

3.1.a.2.B. curriculum, instruction, and assessment,

3.1.a.2.C. student attendance and achievement,

3.1.a.2.D. library/media and technology resources and support,

3.1.a.2.E. leadership and continuous improvement,

3.1.a.2.F. parent/community outreach and communication,

3.1.a.2.G. health, safety, facilities, and transportation, and

3.1.a.2.H. on-site evaluation, in-person or virtual, by the accrediting organization.

3.1.b. Responsibility of the WVDE: The WVDE has the primary responsibility for:

3.1.b.1. maintaining the list of the WVBE-approved accrediting organizations;

3.1.b.2. verifying continued accreditation status for applicable schools; and

3.1.b.3. publishing an annual list of all registered non-public schools, including the identification of those accredited by WVBE-approved organizations,

3.1.b.3.A. Schools may be added to the published list as they achieve accreditation,

3.1.b.3.B. Schools may be removed from the published list in the event the accreditation organization revokes the accreditation status,

3.1.c. Responsibility of the Non-public School: The applicable exemption b or exemption k school has the primary responsibility for:

3.1.c.1. notifying the ~~WVBE~~ WVDE when ~~they have~~ it has completed the accreditation process through one of the ~~WVBE~~-approved accrediting organizations and

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communicating the result of that process by providing an electronic copy of the original letter stating the school has achieved full status and the period it is active. When the school accreditation is in question, the WVDE may request a copy of the full accreditation report;

3.1.c.2: providing to the WVDE annual verification from the accrediting organization that the school's accreditation process is continued. Providing notification to the WVDE when an approved accrediting organization has revoked or suspended the full accreditation status of the school; and

3.1.c.3: providing, at minimum, an academic record documenting course of study with evidence of student's level of progress to facilitate the efficient and successful transition of non-public school students into the public school as outline in section 2.4.

§126-13C-4. Severability.

4.1. If any provision of this ~~rule~~ policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of this ~~rule~~ policy.

**W. Va. 126CSR13C, Policy 2330, Non-public School Accreditation
Comment Response Form**

Comment Period Ends: June 14, 2021

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2330, Non-public School Accreditation**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|---|
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Higher Educator | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§126-13C-2. Purpose.
§126-13C-3. General Responsibilities.

Please direct all comments to:

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Office of Teaching and Learning
West Virginia Department of Education
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