



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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3/14/2013 10:23:41 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Education

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 126-
RULE NAME Nonpublic School Accrediation (2330) 013C

CITE 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)

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, April 15, 2013 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Betty Jo Jordan, Executive Assistant
West Virginia Department of Education
Capitol Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Charles K Heinlein -- 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.



Title-Series: 126-013C



Rule Id: 8983



Document: 24659



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Education

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 126-
RULE NAME Nonpublic School Accreditation (2330) 013C

CITE 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)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Policy 2330 establishes a process for the West Virginia Board of Education (WVBE) to recognize the accreditation of non-public schools achieved through WVBE approved regional and national accrediting organizations. Such approved accrediting organizations could include AdvancEd; Association of Christian Schools International (ACSI); American Association of Christian Schools; and Independent Schools Association of the Central States (ISACS). The policy clearly states accreditation for non-public schools is voluntary and does not affect the schools existing exemption b or exemption k status. (W. Va. Code §18-8-1) Policy 2330 defines the process for accreditation of non-public schools and establishes a statewide standard for the transfer or grade level standing and course credit when non-public school students transfer to public schools.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-
RULE NAME Nonpublic School Accreditation (2330) 013C

CITE 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)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
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
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Education**

RULE TYPE **Legislative Exempt** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **126-**
RULE NAME **Nonpublic School Accrediation (2330)** **013C**

CITE 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)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

This rule, Policy 2330, has no fiscal impact.

Charles K Heinlein -- 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.



Title-Series: 126-013C



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Education**

RULE TYPE **Legislative Exempt** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **126-**
RULE NAME **Nonpublic School Accrediation (2330)** **013C**

CITE 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)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

This rule, Policy 2330, has no fiscal impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Charles K Heinlein -- 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.



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EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 2330, *Non-public School Accreditation*

Background: In 1990, Policy 2330 established a process for the accreditation of non-public schools. However, that process was in place for only a short period of time due to the transfer of the Office of Education Performance Audits to an independent office outside the West Virginia Department of Education (WVDE). This legislative rule will repeal and replace W. Va. 126CSR13C “Non-public School Accreditation” (2330) filed August 17, 1990 and effective September 28, 1990. A list of groups and individual stakeholders having input into the proposed revision is attached.

Major Revisions or Reason for New Policy: Policy 2330 establishes a process for the West Virginia Board of Education (WVBE) to recognize the accreditation of non-public schools achieved through WVBE approved regional and national accrediting organizations. Such approved accrediting organizations could include AdvancEd; Association of Christian Schools International (ACSI); American Association of Christian Schools; and Independent Schools Association of the Central States (ISACS). The policy clearly states accreditation for non-public schools is voluntary and does not affect the school’s existing exemption b or exemption k status (W. Va. Code §18-8-1)

Impact: Policy 2330 defines the process for accreditation of non-public schools and establishes a statewide standard for the transfer or grade level standing and course credit when non-public school students transfer to public schools.

Stakeholders

Jack Davis, Teays Valley Christian Academy, Putnam County

Erik Kerns, Faith Christian Academy, Berkeley County

Deborah Sullivan, Charleston Catholic High School, Kanawha County

Chad Barnett, Linsly School, Ohio County

Dr. Jerry Fisher, West Virginia Christian Education Association

Randy Keathley, Superintendent of Schools, Mingo County

Dr. Pat Law, Superintendent of Schools, Wood County

Dr. Cindy Daniel, Assistant Superintendent of Schools, Putnam County

Dr. Thomas Williams, Assistant Superintendent of Schools, Kanawha County

Robert Hull, Associate Superintendent, West Virginia Department of Education

Betty Jo Jordan, Executive Assistant to State Superintendent, West Virginia Department of Education

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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, 18-3-11, 18-5-18, 18-2E-5 and 18-2-6(d).

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Repeal of Former Rule. - This legislative rule repeals and replaces W. Va. 126CSR13C "Non-public School Accreditation" (2330) filed August 17, 1990 and effective September 28, 1990.

§126-13C-2. Purpose.

2.1. The purpose of this policy is to establish guidelines for the accrediting of non-public schools. 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 state superintendent and West Virginia Department

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of Education (hereinafter WVDE) shall maintain a list of approved accrediting organizations.

2.4. Accreditation in this manner shall satisfy the normal expectation for transfer of grade level and/or course credit for West Virginia non-public school students transferring into 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 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

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

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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 when they have completed the accreditation process through one of the WVBE approved accrediting organizations and communicating the result of that process

3.1.c.2. providing to the WVDE annual verification from the accrediting organization that the school's accreditation process is continued

§126-13C-4. Severability.

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

POLICY 2330, Non-public School Accreditation

COMMENT PERIOD ENDS: April 15, 2013

COMMENT RESPONSE FORM

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: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| ☐ School System Superintendent | ☐ School System Staff | ☐ Parent/Family |
| ☐ Principal | ☐ Teacher | ☐ Business/Industry |
| ☐ Professional Support Staff | ☐ Service Personnel | ☐ Community Member |

COMMENTS/SUGGESTIONS
§126-13C-1. General.
§126-13C-2. Purpose.
§126-13C-3. General Responsibilities.
§126-13C-4. Severability.

Please direct all comments to:

Betty Jo Jordan, Executive Assistant to the State Superintendent
West Virginia Department of Education
Capitol Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: bjjordan@access.k12.wv.us
Fax No.: (304) 558-0048