



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL  
RULE**

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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 16, 2021

**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.**

126CSR13C

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 for the accreditation of non-public schools.

1.2. Authority. -- W. Va. Constitution, Article XII, §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. -- July 14, 2021.

1.4. Effective Date. -- August 16, 2021.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR13, Policy 2330, Non-public School Accreditation, filed May 10, 2013, and effective June 10, 2013.

**§126-13C-2. Purpose.**

2.1. This policy establishes the procedure for non-public schools to obtain accreditation. Accreditation is defined as the process by which a non-public school [W. Va. Code §18-8-1(b) (exemption b)] and W. Va. Code §18-8-1(k) (exemption k) assesses its 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 (WVBE), shall be accepted to meet the criteria for West Virginia non-public school accreditation. The State Superintendent of Schools and West Virginia Department of Education (WVDE) shall maintain a list of approved accrediting organizations.

2.4. Accreditation in this manner shall assure the transfer of grade level and/or course credits from an accredited West Virginia non-public school 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:

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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 WVDE when it has completed the accreditation process through one of the WVBE-approved accrediting organizations and 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;

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3.1.c.2. 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 policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of this policy.