

SCHOOL CHOICE MATTERS

West Virginia Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in West Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>YES</p> <p>Mandatory policy requiring districts to accept all students where capacity exists</p>	<p>West Virginia Code requires county boards to establish open enrollment policies for nonresident students without charging tuition and without obtaining approval from the board of the county in which a student resides and transfers.</p> <p>Applications may only be denied due to lack of grade level capacity, lack of programs or services due to areas identified in the critical need policy, or certain inappropriate behavior as identified by the West Virginia Board of Education.</p> <p>(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)</p> <ul style="list-style-type: none"> • West Virginia has promulgated rules relating to Intercounty Transfer Arrangements. <p>West Virginia Administrative Rules establish the framework for implementing intercounty transfer arrangements.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Intercounty Transfer Arrangements (7200))</p>
<p>Transfers Within Districts</p>	<p>YES</p> <p>Mandatory policy allowing students to transfer schools</p>	<p>West Virginia Code provides that county boards <u>may permit</u> any eligible resident student, from elementary through high school, to apply for enrollment in any school with grade level capacity and existing programs and services currently outside any established attendance zone in which the student resides.</p> <p>Upon the request by a parent, the Superintendent <u>may grant</u> the resident student’s transfer request from one school or program to another, so long as the grade level capacity of the program and services exist at the time of the request.</p> <p>This decision may be appealed by the state superintendent of schools, whose decision will be final.</p>

		(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)
Year-round Transfer Window	YES Year-round transfer window and once-in always-in provision	<p>Open enrollment policies, per West Virginia Code, must clearly establish an open enrollment process and enrollment application period. This process must be clearly publicized to parents and the public.</p> <p>County boards are also required to establish an open enrollment process for nonresident students to enroll in any school within the district, on a case-by-case basis, at any time during the year.</p> <p>(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)</p>
Tuition-Free Public Schools	YES Prohibition on parent tuition	<p>West Virginia Code requires county boards to establish open enrollment policies for nonresident students without charging tuition and without obtaining approval from the board of the county in which a student resides and transfers.</p> <p>(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)</p> <ul style="list-style-type: none"> West Virginia has promulgated rules relating to Intercounty Transfer Arrangements. <p>West Virginia Administrative Rules authorizes county boards of education to enter into agreements with one another for the transfer and receipt of funds for students who are permitted or required to attend school in a county other than the county of their residence.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Intercounty Transfer Arrangements (7200))</p>
School Capacity Transparency	NO No transparency policy	West Virginia Code does not require school districts to publicly report capacity by school and grade level.
Transfer Data Transparency	LIMITED Information only collected and/or some data not reported	<p>Each county board must report annually to the State Department of Education, the number of resident and nonresident student transfers that have been approved by the county board for the preceding year. Reports must also include the number of resident and nonresident student transfer applications that have been denied and the reasons for those denials.</p> <p>This information is then compiled by the Department of Education and reported to the Legislative Oversight Commission on Education Accountability, but the report is not published.</p> <p>Each county board must include the number of student transfer approvals and denials on their websites.</p>

		(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)
Transparent Appeal Process	YES	The State Board is required in West Virginia Code to establish a process where a parent can appeal to the State Superintendent the refusal to accept the transfer of a student. (West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)

SOURCE CITATIONS

Statutes

[West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer](#)

Administrative Code

[West Virginia Legislative Rules, Title 126 Board of Education, Intercounty Transfer Arrangements \(7200\)](#)



Charter Schools in West Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>YES</p> <p>Multiple authorizers</p>	<p>West Virginia Code identifies the following authorizers:</p> <ul style="list-style-type: none"> • A county school board when the charter school or application to form a school includes a primary recruitment area that is wholly within the county over which the board has jurisdiction; • Two or more county school boards who must act together and function as a single authorizer when the public charter school or application to form a school includes a primary recruitment area that encompasses territory in the two or more counties over which the respective boards have jurisdiction; • The West Virginia Professional Charter School Board; or • The West Virginia Board of Education, in certain circumstances. <p>(West Virginia Code 18-5G-2 Definitions)</p> <p>Note that state statute limits the number of public charter schools that can operate in the state. Up until July 1, 2023, the total number authorized to be in operation was limited to 10 pilot public charter schools. Beginning July 1, 2023, and every 3 years after that, an additional 10 public charter schools may be authorized.</p> <p>(West Virginia 18-5G-1 Legislative purpose and intent; liberal interpretation; prohibiting conversion of private schools; prohibiting profit or monetary consideration by elected officials; limiting authorization of public charter schools; legislative audit)</p> <ul style="list-style-type: none"> • West Virginia Code 18-5G-5 requires the state board to promulgate rules relating to the requirements for public charter school funding. <p>West Virginia Administrative Code confirms the requirements established in statute.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300)</p>

<p>Charter Appeal Process</p>	<p>YES</p> <p>Independent appeals process</p>	<p>West Virginia Code provides that charter applicants may appeal a decision of the authorizer concerning the denial of a charter application to the State Board within 30 days of the authorizer’s decision.</p> <p>Statute notes, however, that the authority to appeal an authorizer’s decision does not apply to instances where the State Board is the authorizer that denied the application.</p> <p>(West Virginia Code 18-5G-13 Appeal of authorizer’s decision to West Virginia Board of Education)</p> <ul style="list-style-type: none"> • West Virginia Code 18-5G-13 requires the State Board to promulgate rules establishing the process and timeline for appeals that are filed. <p>Administrative Rules provide further details on how to appeal authorizer’s decisions to the West Virginia Board of Education.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300)</p>
<p>Charter Regulatory Flexibility</p>	<p>YES</p> <p>Automatic exemption from most state and local regulations</p>	<p>West Virginia Code gives charter schools autonomy over key decisions, including decisions concerning finance, personnel, scheduling, curriculum, and instruction. It provides that public charter schools are exempt from all statutes, state board policies, and rules applicable to noncharter public schools or boards of education, except the following:</p> <ol style="list-style-type: none"> (1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state; (2) State statutes relating to freedom of information and open governmental proceedings; (3) The same immunization requirements that apply to noncharter public schools; (4) The same compulsory school attendance requirements that apply to noncharter public schools; (5) The same minimum number of days or an equivalent amount of instructional time per year as required of noncharter public school students under statute; (6) The same student assessment requirements applicable to noncharter public schools in this state, but only to the extent that will allow the state board to measure the performance of public charter school students pursuant to §18-2E-5(d) and (e) of this code. (7) The West Virginia Student Data Accessibility, Transparency and Accountability Act; (8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

		<p>(9) Reporting information on student and school performance to parents, policymakers, and the general public in the same manner as noncharter public schools utilizing the electronic format established by the West Virginia Department of Education.</p> <p>(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles.</p> <p>(11) A criminal history check as required in statute for any staff person that would be required if the person was employed in a noncharter public school. But note, this does not require that employees in a charter school be certified or licensed as a condition of employment in a public charter school. A public charter school may, but is not required to, establish certification or licensure as a condition of employment by the school;</p> <p>(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;</p> <p>(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; and</p> <p>(14) The same student transportation safety laws applicable to public schools when transportation is provided.</p> <p>(West Virginia Code 18-5G-3 Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws)</p> <ul style="list-style-type: none"> • West Virginia Code 18-5G-5 requires the state board to promulgate rules relating to the requirements for public charter school funding. <p>West Virginia Administrative Code confirms the requirements established in statute.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300)</p>
<p>Equitable Charter Funding</p>	<p>YES</p> <p>Students are funded as in a traditional district school</p>	<p>As of the 2023-24 school year, West Virginia Code requires that 99% of the per pupil total basic foundation allowance must follow the student to the public charter school, with some additional requirements. Additional requirements include:</p> <ul style="list-style-type: none"> • Consideration for the allowance for student transportation; and • Designations of which county school district is required to pay for students attending public charter schools.

		<p>State statute also requires the State Board to establish a statewide formula for authorizer oversight funding, which applies uniformly to every authorizer in the state.</p> <p>(West Virginia Code 18-5G-5 State board rule relating to funding for public charter school enrollment and other necessary provisions; local education agency status; authorizer oversight fee; see also West Virginia Professional Charter School Board, Frequently Asked Questions)</p> <ul style="list-style-type: none"> West Virginia Code 18-5G-5 requires the state board to promulgate rules relating to the requirements for public charter school funding. <p>West Virginia Administrative Rules specify that 90% of the per pupil total basic foundation allowance follows the student to the charter school. The per pupil total basic foundation allowance amount is calculated annually by the West Virginia Department of Education.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>West Virginia Code establishes a Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs, such as renovating or remodeling existing buildings and structures, as well as costs to purchase school buses.</p> <p>(West Virginia Code 18-5G-17 Charter Schools Stimulus Funds)</p> <ul style="list-style-type: none"> West Virginia Code 18-5G-17 requires the State Board to promulgate rules related to the Charter Schools Stimulus Fund. <p>West Virginia Administrative Rules provide that if charter schools enter into a lease of public facilities, the charter school is solely responsible for the direct expenses related to the public facility lease, including utilities, insurance, maintenance, repairs, and remodeling.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300)</p> <p>West Virginia Administrative Rules also provide for financing plans for implementing improvements to facilities. These rules include various sources of funding to be used for public schools – public schools are defined to include charter schools.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Handbook on Planning School Facilities (6200))</p>

Options for High-Performing Charters	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	No laws on attracting high-performing charters
Charter Zoning Exemptions	<p>YES</p> <p>The same exemptions are provided</p>	<p>West Virginia Code provides as follows:</p> <p>“Public charter schools authorized...shall meet the following general criteria:</p> <p>(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;</p> <p>(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school.</p> <p>(West Virginia Code 18-5G-3 Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws)</p>

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>West Virginia Code, Chapter 18, Article 5G Public Charter Schools</p>	<p>West Virginia Legislative Rules, Title 126 Board of Education, Charter Public Schools 3300</p>	<p>West Virginia Department of Education, Charter Schools</p>	<p>West Virginia Professional Charter School Board</p> <p>West Virginia Professional Charter School Board, Frequently Asked Questions</p>



Private School Choice in West Virginia

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p>LIMITED</p> <p>Eligibility less than 100%</p>	<p>West Virginia Code establishes the Hope Scholarship, which is available to students who meet certain requirements.</p> <p>(West Virginia Code Chapter 18 Education, Article 31 Hope Scholarship Program)</p> <p>“Eligible recipient” is defined in West Virginia Code to mean students who are:</p> <ul style="list-style-type: none"> • Residents of the state; and • Enrolled full-time and attending a public elementary or secondary school program in the state for at least 45 calendar days during an instructional term at the time of application; or • Enrolled full-time in a public elementary or secondary school program in the state for the entire instructional term the previous year; or • Eligible to enroll in kindergarten. <p>The Code also specifies that if, on July 1, 2024, the participation rate of the combined number of students in the program and students eligible who have applied to participate during the previous school year is less than 5% of the net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements to participate in the program if they are enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in the state at the time of application.</p> <p>(West Virginia Code 18-31-2 Definitions)</p> <ul style="list-style-type: none"> • West Virginia enacted Administrative Rules to implement laws relating to the Hope Scholarship. <p>West Virginia confirms these requirements in Administrative Rules.</p> <p>(West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program)</p>

<p>Comparable Student Funding</p>	<p>LIMITED Funding below 90%</p>	<p>West Virginia Code specifies that the amount of funds made available to eligible recipients on a yearly basis are equal to “100 percent of the prior year’s statewide average net state aid share allocated per pupil based on net enrollment adjusted for state aid purposes...”</p> <p>Note that the Code also provides for a prorating of funds for eligible recipients who are awarded a Hope Scholarship account for less than a full fiscal year.</p> <p>(West Virginia Code 18-31-6 Funding of Hope Scholarships; program and expense funds)</p>
<p>Uncapped Student Access</p>	<p>YES</p>	<p>There are no funding or enrollment caps specified in West Virginia statute.</p> <p>West Virginia Code specifies that if the number of Hope Scholarship accounts increased significantly after any fiscal year, the Treasurer may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program Expense Fund.</p> <p>(West Virginia Code 18-31-6 Funding of Hope Scholarships; program and expense funds)</p>
<p>Extended Application Window</p>	<p>YES Application period or periods</p>	<p>The Hope Scholarship Board establishes the application window for the Hope Scholarship Program.</p> <p>(West Virginia Code 18-31-4 Powers of the Board; West Virginia Code 18-31-5 Award of Hope Scholarships)</p> <p>Parents must renew an eligible recipient's scholarship on an annual basis.</p> <p>(West Virginia Code 18-31-8 Renewal of Hope Scholarship accounts; participation in public school system)</p> <ul style="list-style-type: none"> West Virginia enacted Administrative Rules to implement laws relating to the Hope Scholarship. <p>According to an updated version of the West Virginia Rules, “The Board will accept enrollment applications from eligible students year-round...” The timing of the submission determines the scholarship amount received for the student’s initial year of participation.</p> <p>(West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program; Hope Scholarship West Virginia)</p>
<p>Student Testing Options</p>	<p>YES</p>	<p>Students who choose to attend participating schools must annually confirm their continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with.</p>

		<p>For those students who choose to do individualized instruction programs, West Virginia statute requires they take nationally normed standardized achievement tests of academic achievement.</p> <p>(West Virginia Code 18-31-8 Renewal of Hope Scholarship accounts; participation in public school)</p> <p>West Virginia’s private school statutes require private schools and other nonpublic schools to administer during each school year a nationally normed standardized achievement test, selected by the chief administrator officer of each school.</p> <p>(West Virginia Code 18-28-3 Standardized testing requirements)</p>
<p>School Autonomy</p>	<p>YES</p>	<p>West Virginia Code specifies that this program does not limit the independence or autonomy of an education service provider or make the actions of an education service provider the actions of the state government. Further, education service providers are to be given “maximum freedom to provide for the educational needs of Hope Scholarship students without governmental control.” Participating schools and education service providers are not required to alter the creed, practices, admissions policies, hiring policies, or curriculum to accept recipients whose parents pay tuition or fees from a Hope Scholarship account.</p> <p>(West Virginia Code 18-31-11 Requirement for and rights of education service providers)</p>
<p>Accessible School Participation</p>	<p>YES</p> <p>No accreditation requirement</p>	<p>Private schools must meet certain requirements established in West Virginia Administrative Rules; however, there are no requirements that the private school be accredited. For example, nonpublic schools must submit complete copies of tuition and fee schedule to the Board; the nonpublic school must provide notice when a Hope Scholarship student withdraws from the school or does not meet the school’s minimum attendance requirements. And the nonpublic school must provide notice regarding students’ participation in the program and those students who have graduated.</p> <p>(West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program)</p> <ul style="list-style-type: none"> • West Virginia has promulgated rules relating to nonpublic school accreditation. <p>West Virginia Administrative Rules confirm that accreditation for nonpublic schools is voluntary.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, Non-Public School Accreditation (2330))</p> <p>To meet compulsory attendance requirements, a private school must be approved by the county board. But accreditation does not appear as part of the requirements for the compulsory school attendance statutes.</p>

		<p>(West Virginia Code 18-801 Compulsory school attendance; exemptions)</p> <p>Private schools in the state also have general requirements to operate; however, none of the requirements include accreditation.</p> <p>(See West Virginia Code, Chapter 18 Education, Article 28 Private, Parochial or Church Schools, or Schools of a Religious Order)</p>
<p>ESAs and Parent-Directed Spending</p>		
<p>Freedom to Customize</p>	<p>YES</p>	<p>Funds from the student’s Hope Scholarship account may be used for the following qualifying expenses:</p> <ul style="list-style-type: none"> • Ongoing services provided by a public school district, including individual classes and extracurricular activities and programs; • Tuition and fees at a participating school; • Tutoring services, provided they are not provided by a member of the Hope Scholarship student’s immediate family; • Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for these exams; • Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need; • Tuition and fees for nonpublic online learning programs; • Tuition and fees for alternative education programs; • Fees for after-school or summer education programs; • Educational services and therapies, such as occupational, behavioral, physical, speech-language, and audiology therapies; • Curriculum, as defined in statute; • Fees for transportation paid to a fee-for-service transportation providers so the student can travel to and from an education service provider; • Any other qualified expenses as approved by the board. <p>(West Virginia Code 18-31-7 Qualifying expenses for Hope Scholarship accounts)</p>

		<ul style="list-style-type: none"> West Virginia enacted Administrative Rules to implement laws relating to the Hope Scholarship. <p>Administrative Rules specify that funds may also be used for tuition, fees, and materials for enrollment in dual credit or college level courses. Administrative Rules also allow funds to be used for technology equipment needed for an educational program, basic educational supplies, assistive technology, the cost of school uniforms, and others.</p> <p>Administrative Rules allow for account holders to submit a request for approval of another qualifying expense that is not on the list.</p> <p>(West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program)</p>
<p>Freedom to Access</p>	<p>YES</p>	<p>Funds from the student’s Hope Scholarship account may be used for the following qualifying expenses:</p> <ul style="list-style-type: none"> Ongoing services provided by a public school district, including individual classes and extracurricular activities and programs; Tuition and fees at a participating school; Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need; Tuition and fees for nonpublic online learning programs; Tuition and fees for alternative education programs; <p>(West Virginia Code 18-31-7 Qualifying expenses for Hope Scholarship accounts)</p>
<p>Carry-Over Funding</p>	<p>YES</p>	<p>West Virginia Code establishes that funds in a student’s Hope Scholarship Account at the end of a fiscal year may be carried over to the next fiscal year upon successful renewal of the account.</p> <p>The fund will terminate when the student successfully completes a secondary education program, or the student reaches 21 years of age.</p> <p>(West Virginia Code 18-31-6 Funding of Hope Scholarships; program and expense funds)</p> <ul style="list-style-type: none"> West Virginia enacted Administrative Rules to implement laws relating to the Hope Scholarship. <p>Administrative Rules confirm that unused funds remain in a renewed account and carry forward for the student’s use in the upcoming school year, so long as they remain eligible to participate in the program.</p>

		(West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program)
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Tax Credits

Full Tax Credit	N/A No Tax Credit Program	West Virginia does not have an education tax credit program.
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SOURCE CITATIONS

Statutes	Administrative Code	State Board of Education	Other Resources
<p>West Virginia Code, Chapter 18 Education, Article 28 Private, Parochial or Church Schools, or Schools of a Religious Order</p> <p>West Virginia Code Chapter 18 Education, Article 31 Hope Scholarship Program</p> <p>West Virginia Code 18-31-6 Funding of Hope Scholarships; program and expense funds</p> <p>West Virginia Code 18-31-7 Qualifying expenses for Hope Scholarship accounts</p>	<p>West Virginia Legislative Rules 112-18-1, et al. Hope Scholarship Program</p> <p>West Virginia Legislative Rules, Title 126 Board of Education, Non-Public School Accreditation (2330)</p>	<p>West Virginia Department of Education, Accreditation v. Registration</p>	<p>Hope Scholarship West Virginia</p>



Homeschooling in West Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>NO</p> <p>Permission required</p>	<p>West Virginia Code requires parents seeking to home school children to receive approval from the county board.</p> <p>If the request for home instruction is denied by the county board, the board must provide good and reasonable justification for the denial, in writing.</p> <p>The county superintendent, after a showing of probable cause, may seek an order denying home instruction of the child from the circuit court of the county. This may be granted upon a showing of clear and convincing evidence that the child will suffer neglect in their education or that there are other compelling reasons to deny home instruction.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p> <ul style="list-style-type: none"> West Virginia Code 18-8-1 requires the State Board to develop guidelines for the home schooling of special education students. West Virginia has satisfied this requirement by establishing Regulations for the Education of Students with Exceptionalities (2419).
<p>No Extra Homeschool Notifications</p>	<p>YES</p> <p>One-time or no notification</p>	<p>West Virginia Code is silent on annual notification to the county superintendent but does require the person providing home instruction to notify the county superintendent upon termination of home instruction.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p> <ul style="list-style-type: none"> West Virginia Code 18-8-1 requires the State Board to develop guidelines for the home schooling of special education students. West Virginia has satisfied this requirement by establishing Regulations for the Education of Students with Exceptionalities (2419).

<p>No Certification to Homeschool</p>	<p>YES</p> <p>No certification requirement</p>	<p>While homeschool parents do not have to possess state teacher certification, the instruction must be conducted by a person who, in the judgment of the county superintendent and county board, are qualified to give instruction in subjects required to be taught in public elementary schools in the state.</p> <p>West Virginia Code requires the person providing home instruction to submit evidence of a high school diploma or equivalent, or a postsecondary degree or certificate from a regionally accredited institution, or from an institution of higher education that has been authorized to confer a degree or certificate in the state.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p> <ul style="list-style-type: none"> • West Virginia Code 18-8-1 requires the State Board to develop guidelines for the home schooling of special education students. West Virginia has satisfied this requirement by establishing Regulations for the Education of Students with Exceptionalities (2419).
<p>Flexible Assessment Options</p>	<p>YES</p> <p>Flexible academic accountability</p>	<p>West Virginia Code provides four ways that students can meet the academic assessment options in the state:</p> <ul style="list-style-type: none"> • Take a nationally normed standardized achievement test; • Participate in the testing program currently used in the state’s public schools; • Submit a portfolio of samples of the child’s work to be reviewed by a certified teacher who determines the student’s academic progress is in accordance with the student’s abilities; or <p>Complete an alternative academic assessment of proficiency, as agreed upon by the parent or legal guardian and the county superintendent.</p> <p>The parent must then submit the academic results to the county superintendent at grade levels 3, 5, 8, and 11.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p> <ul style="list-style-type: none"> • West Virginia Code 18-8-1 requires the State Board to develop guidelines for the home schooling of special education students. West Virginia has satisfied this requirement by establishing Regulations for the Education of Students with Exceptionalities (2419).

SOURCE CITATIONS

Statutes

[West Virginia Code 18-8-1 Compulsory school attendance; exemptions](#)

State Department of Education

[WV Department of Education, Guidance and Considerations for County Homeschool Policy](#)

POLICY ENHANCERS



Part-time Enrollment in West Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Resident Course Access</p>	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>Homeschool Students West Virginia Code specifies that children that are homeschooled may, upon the approval of the county board, participate in any class offered by the county board so long as the person providing home school instruction considers appropriate, subject to registration and attendance requirements.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p> <p>Vocational Education Classes West Virginia Code provides that students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational schools, so long as capacity allows, at no expense or cost greater than expenses or costs normally charged to public school students.</p> <p>(West Virginia Code 18-5-15g Vocational education classes for homeschooled and private schooled students)</p> <p>Hope Scholarship Students West Virginia Code provides that the board of the Hope Scholarship may adopt rules and policies for Hope School students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instruction program.</p> <p>Public schools or school districts providing these services will receive an appropriate pro rata share of a student’s Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district.</p> <p>(West Virginia Code 18-31-8 Renewal of Hope Scholarship accounts; participation in public school system)</p>

<p>Nonresident Course Access</p>	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Homeschool Students West Virginia Code specifies that children that are homeschooled may, upon the approval of the county board, participate in any class offered by the county board so long as the person providing home school instruction considers appropriate, subject to registration and attendance requirements.</p> <p>It is not specified that courses must be offered within a student's resident district.</p> <p>(West Virginia Code 18-8-1 Compulsory school attendance; exemptions)</p>
<p>Virtual Course Access</p>	<p>YES</p> <p>The state has one or more fully accessible virtual providers</p>	<p>West Virginia Code establishes that, through the West Virginia Virtual, public school students, non-public, and homeschool courses can access virtual courses by enrolling as part-time students through their local school district.</p> <p>(West Virginia Code 18-2E-9 West Virginia virtual school)</p> <p>West Virginia Virtual School Through the West Virginia Virtual School Course Catalog, students have access to a variety of core and elective courses from several course providers. So long as a West Virginia certified teacher is teaching the course, the instruction is free to public, nonpublic, and homeschool students. (West Virginia Department of Education, Virtual School)</p>
<p>Extracurricular Access</p>	<p>YES</p> <p>Public schools must make extra/co-curricular activities available to all students that reside in their district</p>	<p>Charter School Students West Virginia Code provides that if a public charter school does not sponsor an extracurricular athletic and/or academic interscholastic activity for the students enrolled in the public charter school, the public charter school students may participate on the same basis as other public school students in those activities that are sponsored by the noncharter public school serving the attendance area in which the student resides.</p> <p>(West Virginia Code 18-5G-3 Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws)</p> <p>Private School, Home School, Microschool, Learning Pods Students West Virginia Code provides that homeschool students, as well as those participating in a microschool or learning pod, are eligible to participate in interscholastic athletic events and other extracurricular activities of secondary schools. This is limited to participation in events and activities at the public secondary school serving the attendance zone in which the student lives.</p>

	<p>Private school students are also eligible to participate in extracurricular activities at the public secondary school serving the attendance zone in which the student lives if the extracurricular activity is not offered at the student's private school.</p> <p>(West Virginia Code 18-2-25 Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; ... participation by private and parochial schools and by home-schooled students and participants in the Hope Scholarship)</p> <p>Hope Scholarship Students West Virginia Code provides that the board of the Hope Scholarship may adopt rules and policies for Hope School students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instruction program.</p> <p>(West Virginia Code 18-31-8 Renewal of Hope Scholarship accounts; participation in public school system)</p>
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SOURCE CITATIONS

Statutes

[West Virginia Code 18-2-25 Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; ... participation by private and parochial schools and by home-schooled students and participants in the Hope Scholarship](#)

[West Virginia 18-5G-3 Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws](#)

[West Virginia Code 18-8-1 Compulsory school attendance; exemptions](#)

[West Virginia Code 18-31-8 Renewal of Hope Scholarship accounts; participation in public school system](#)

State Department of Education

[West Virginia Department of Education, Virtual School](#)

[West Virginia Virtual School Course Catalog](#)



Learn Everywhere in West Virginia

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	<p>West Virginia has not established a Learn Everywhere program.</p>
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in West Virginia

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	<p>NO</p>	<p>West Virginia Code establishes that county boards may provide adequate means of transportation for nonresident students – this is not required uniformly for all nonresident students and county boards may consider whether a nonresident student meets the eligibility criteria for free or reduced-price lunch and milk.</p> <p>(West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer)</p>
Fair Transportation Access	<p>NO</p>	<p>West Virginia Code does not address transportation services for charter students and nonpublic students.</p> <p>While West Virginia Code does not require private schools to provide transportation, any school choosing to do so must comply with West Virginia school bus safety regulations. Statutes relating to private schools require each school to comply with West Virginia school bus safety regulations.</p> <p>(West Virginia Code 18-28-2 Attendance; health and safety regulations)</p>
Vehicle Flexibility	<p>LIMITED</p> <p>Only for student activities, or other restrictive conditions</p>	<p>West Virginia Code only provides exceptions to school bus requirements for those students who are being transported for school-sponsored activity in a county-owned or leased vehicle.</p> <p>(West Virginia Code 18-5-3 Authority of boards generally)</p> <ul style="list-style-type: none"> • West Virginia promulgated rules relating to requirements for school buses. <p>West Virginia Administrative Rules provides for requirements for school buses. These rules only provide for flexibility relating to vehicle options for transporting children to extra-curricular activities. These buses may not be used to transport students to and from schools or between schools for attendance.</p> <p>(West Virginia Legislative Rules, Title 126 Board of Education, West Virginia School Bus Transportation Policy and Procedures Manual (4336))</p>

SOURCE CITATIONS

Statutes

[West Virginia Code 18-5-3 Authority of boards generally](#)

[West Virginia Code 18-5-16 Student transfers; definitions; appeals; calculating net enrollment; fees for transfer](#)

[West Virginia Code 18-28-2 Attendance; health and safety regulations](#)

Administrative Code

[West Virginia Legislative Rules, Title 126 Board of Education, West Virginia School Bus Transportation Policy and Procedures Manual \(4336\)](#)

State Department of Education

[West Virginia Department of Education, School Transportation](#)

