



Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

West Virginia

Private Schools

Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. A Federal Employer Identification Number (FEI/EIN) will be required after registering as a company. Apply with the IRS online at: <https://sa.www4.irs.gov/modiein/individual/index.jsp>
5. Things to consider
 - 5.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
 - 5.2. Teacher Certification: Teacher certification is not required of private schools.
 - 5.3. Registration: Is optional. See information below.
 - 5.4. Licensing: Business licensing may be required by local government.
 - 5.5. Approval: Is optional
 - 5.6. Length of School Year and Days: See statutes below for two requirements.
 - 5.7. Curriculum: See statutes below.
 - 5.8. State Testing: Registered private, parochial and church schools, exemption (k) schools, shall administer a standardized test on an annual basis to every child registered between the ages six and 17 years.
 - 5.9. Health and Safety: Registered private, parochial and church schools are required to maintain annual attendance and disease immunization records for each pupil enrolled. Other requirements exist. See statutes below.
 - 5.10. Nursing and Health: There is no state law at this time pertaining to nursing and health for private schools.

Exemption (b) Schools

Exemption (b) schools are non-public schools that fall under the jurisdiction of a **local county board of education**. Such schools are approved to operate by a local county board of education

and must have an instructional term equal to W.Va. Code 18-5-45. The county board determines assessment requirements for students and other types of school reports.

To start an Exemption (b) school:

1. Find the applicable superintendent contact information in the West Virginia [school directory](#) for your county.
2. Send the following to the superintendent of your county and state that you intend to start an Exemption (b) school and request that it be approved by the county board of education:
 - a. Name of the school;
 - b. Name of the head administrator;
 - c. Mailing address of the school;
 - d. Physical location of the school (if different than the mailing);
 - e. Phone number for the school;
 - f. Email address for the administrator;
 - g. Grade levels to be served;
 - h. Intended start date.
3. Once the local county board of education has approved the operation of your Exemption (b) school, send notice to the state superintendent of schools so they can properly update their directory of non-public schools. For more information about [W.Va. Code §18-8-1 \(b\)](#), please visit the [West Virginia Legislature](#).

Exemption (k) Schools

Exemption (k) schools are non-public schools that elect to register with the **state superintendent of schools** and are subject to W.Va. Code §18-28, et. seq. These schools are required to submit standardized testing scores annually that demonstrate proficiency at or above the fortieth percentile. Additionally, they are required to maintain a 180 instructional calendar, average five hours of instruction per day and are subject to health, safety and fire inspections by local, county and state officials.

To start an Exemption (k) school, please send a Notice of Intent (NOI) to Operate a non-public school to the attention of the state superintendent of schools. The letter must include the following information:

- Name of the school;
- Name of the head administrator;
- Mailing address of the school;
- Physical location of the school (if different than the mailing);
- Phone number for the school;
- Email address for the administrator;
- County of operation;
- Grade levels to be served;
- Intended start date.

The mailing address to send the NOI is: 1900 Kanawha Boulevard, East, Building 6, Room 360, Charleston, WV 25305. For more information about W.Va. Code §18-8-1 (k) and §18-28, please visit the West Virginia Legislature.

Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

In West Virginia, nonpublic schools are classified as either exemption (b) or exemption (k) based on [WV Code §18-8-1 \(b\)](#) and [§18-8-1 \(k\)](#). Exemption (b) schools operate based on agreement with the county in which they are located. Exemption (k) schools operate based on compliance with [WV Code §18-28](#).

- Accreditation is optional.
 - The West Virginia Board of Education (WVBE) may recognize national or regional educational accrediting agencies. The WVBE will maintain a list of approved accrediting organizations. [WV Code §§18-3-11, 18-2E-5, 18-2-6\(d\)](#). [Board of Education Policy 2330, §126-13C-2](#).
 - West Virginia nonpublic schools that are directly accredited by an organization that has been recognized by WVBE "shall be accepted to meet the criteria for West Virginia non-public school accreditation." [WV Code §§18-3-11, 18-2E-5, 18-2-6\(d\)](#). [Board of Education Policy 2330, §126-13C-2](#).
- Registration is optional only for exemption (b) nonpublic schools. Registration is required for exemption (k) schools.
 - Registration is one option for a nonpublic school to operate in West Virginia as noted in [WV Code §18-8-1 \(k\)](#), the first section of state law involved.
 - Schools shall ([WV Code §18-28-5](#)) "register" with the state superintendent of schools. If a school registers to operate, it follows Chapter 18, Article 28 and administers a comprehensive test of basic skills on an annual basis. If a school complies with Article 28, no other education provisions apply except requirements respecting fire, safety, sanitation and immunization. [WV Code §18-28-6](#). See Curriculum and Testing.
- No requirements for Licensing.
- Approval is optional and only relates to exemption (b) schools.
 - Approval is a second option for a nonpublic school to operate in West Virginia as noted in [WV Code §18-8-1 \(b\)](#), the first section of state law involved.
 - Schools may seek "approval" to operate from the local board of education. See Curriculum, Recordkeeping/Reports, and Testing.
 - Attendance at an approved or registered private or parochial school exempts students from compulsory public school attendance. [WV Code §18-8-1](#).

Attendance

- [West Virginia code §18-8-1](#) outlines the exemptions to public school attendance for students of the compulsory attendance ages of 6-17. There are four types of non-public schools, Exemption (b) private, parochial, or other approved school instruction, Exemption (k) alternative private, parochial, church, or religious school instruction, Exemption (m) Hope Scholarship Program and Exemption (n) learning pod or microschool.

Curriculum

- All nonpublic schools (private, parochial, denominational) whether approved or registered are required to provide at least one year of instruction in West Virginia history prior to completion of the eighth grade. In addition, such schools must require regular courses in the history of the United States, in civics, the constitution and the government of both West Virginia and the United States by the completion of the twelfth grade. The boards of private, parochial and denominational schools have a duty to prescribe courses covering these subjects similar to those required in the public schools. [WV Code §18-2-9](#).
- Private, parochial and church schools, exemption (k) schools, must establish curriculum objectives and provide an instructional program to develop the students' potential for becoming literate citizens. [WV Code §18-28-3](#). See Testing below.
- All nonpublic schools, private and parochial schools are required to use a state prescribed course of study in fire prevention. [WV Code §18-2-8](#).
- Driver education courses offered by all nonpublic schools, private, parochial, or denominational schools, must comply with minimum standards established by the State Board of Education. [WV Code §18-6-3](#).
- The basic language of instruction for all approved and registered private and parochial schools is the English language. [WV Code §18-2-7](#).
- County boards of education control the supervision and regulation of interscholastic athletic events and other extracurricular activities and may delegate authority to the West Virginia Secondary School Activities Commission. [WV Code §18-2-25](#).

Health and Safety Requirements

- County boards of education may provide screening tests for vision, hearing, speech and language disabilities upon request for children entering nonpublic schools. [WV Code §18-5-17\(a\)](#).
- Registered private, parochial and church schools are "subject to reasonable fire, health, and safety inspections by state, county, and municipal authorities as required by law" [WV Code §18-28-2](#).
- The state fire marshal will inspect all private schools for fire exits and reasonable safety standards and report his findings and recommendations to the proper administrative heads. [WV Code §29-3-12\(d\)](#).

- A person 18 or older who is sentenced to the custody of the commissioner of corrections for service of a sentence of incarceration and is convicted of a felony for distribution of a controlled substance within 1,000 feet of the real property of a private elementary or secondary school, if incarcerated, is ineligible for parole for three years. [WV Code §60A-4-406\(a\)](#).
- It is a felony to possess a firearm or other deadly weapon on a school bus or in or on any school building, structure, facility or grounds, except for law enforcement officers in their official capacity, persons authorized by the county board of education or school principal to conduct a program with a valid education purpose, and under some circumstances a person possessing or leaving locked-up an unloaded firearm or other deadly weapon in a motor vehicle. It is a felony to possess any firearm or any other deadly weapon with the intent to commit a crime. Revocation or denial of a motor vehicle license or instruction permit is among possible penalties. It is a misdemeanor for a parent, custodian or legal guardian of a minor, who knows that the minor has violated this provision, or has reasonable cause to believe that a violation is eminent, not to report the belief to the school or law enforcement officials. [WV Code §61-7-11A](#).

Length of School Year and Days

- "Approved" private and parochial schools serving students in lieu of public school must be open for a time equal to the county school term. [WV Code §18-8-1](#).
- Private, parochial or church schools that are "registered" must observe a minimum instructional term of 180 days with an average of five hours of instruction per day. [WV Code §18-28-2](#).

Nursing and Health

- There is no state law at this time pertaining to nursing and health for private schools.

Professional Development

- There is no state law at this time pertaining to professional development for private schools.

Recordkeeping and Reports

- "Approved" exemption (b) private and parochial schools serving students in lieu of public school are required to furnish county boards of education any information and records requested regarding attendance, instruction, and progress of pupils under 17 years of age. [WV Code §18-8-1](#) exemption (b).
- Registered private, parochial and church schools are required to maintain annual attendance and disease immunization records for each pupil enrolled. Attendance records must be made available to parents or guardians. Upon request of the county superintendent of schools, the school must furnish a list of names and addresses of all students between six and 17 years of age. [WV Code §18-28-2](#).

- New schools operating under Chapter 18, Article 28, must send the state superintendent of schools a notice of intent to operate, name and address of the school, and name of the school's chief administrator. Schools must also notify the superintendent upon termination. [WV Code §18-28-5](#).

Reimbursement for Performing State and Local Functions

- There is no state law at this time pertaining to reimbursement for performing state and local functions in private schools.

Special Education

- The state superintendent of schools is responsible for assuring that all exceptional children including those in private schools receive an education in accordance with state and federal laws. [WV Code §18-20-5\(5\)](#). The state superintendent does not have authority for nonpublic schools.

Tax Exemption

- The sale of textbooks, tangible personal property and services for nonprofit elementary and secondary schools, and food bought for and sold to students is exempt from the consumer sales tax. [WV Code §11-15-9](#).

Teacher Certification

- Teacher certification is not required for teachers at private schools.

Technology

- There is no state law at this time pertaining to technology in private schools.

Testing

- Registered private, parochial and church schools, exemption (k) schools, shall administer a standardized test on an annual basis to every child registered between the ages six and 17 years. The school administrator may select the comprehensive test of basic skills, and shall administer during each school year a nationally normed standardized achievement test. Student test results and the school composite test results must be made available to parents or guardians. Upon request, the school composite test results must be furnished to the state superintendent of schools. Each of these schools must establish curriculum objectives and provide an instructional program to develop the students' potential for becoming literate citizens. If a school's composite test results fall below the fortieth percentile, the school must initiate a remedial program. If the results are not raised above the fortieth percentile level after two consecutive calendar years, attendance at the school may no longer satisfy the compulsory school attendance requirement. [WV Code §18-28-3](#).

- Private, parochial or church schools complying with these provisions may participate in any state operated program made available by law. [WV Code §18-28-4](#).

Textbooks

- County boards of education may provide state-adopted textbooks for pupils enrolled in private schools whose parents are unable to provide textbooks. [WV Code §18-5-21B](#).

Transportation

- County boards of education have the authority to provide at public expense transportation for all school age children who live more than two miles distance from school. [WV Code §18-5-13\(f\)\(1\)\(A\)](#).
- Registered private, parochial, and church schools must comply with the West Virginia school bus safety regulations. [WV Code §18-28-2\(e\)](#).

Resources

Contact Information--State and Federal Departments of Education

- West Virginia Department of Education
Building 6, Room 362
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
Phone: 304-558-2118
Fax: 304-558-0048
Website: <http://wvde.state.wv.us/>
- U.S. Department of Education, [West Virginia](#)

Information and Legislation

- [West Virginia Department of Education \(WVDE\) Education Law GreenBook](#)
- [WVDE: State Board Policies](#)
- [West Virginia Code Chapter 18 Education](#)
- [Article 8: Compulsory School Attendance](#)
- [Article 28: Private, Parochial, or Church Schools, or Schools of a Religious Order](#)

School Choice Programs

Hope Scholarship

The Hope Scholarship is West Virginia's education savings account program that gives parents an opportunity to build an individual learning experience that works best for their child. The

scholarship allows K-12 students to receive financial assistance that can be used for tuition, fees and other expenses. Students must apply/reapply annually for the scholarship during designated application window. For the 2025-2026 school year, the full Hope Scholarship award amount will be \$5,237.

Only approved Hope Scholarship education service providers may receive payments with Hope Scholarship funds through the online portal. The steps you will need to take to become an approved education service provider depends on whether you are a participating school or a non-school service provider. Step-by-step instructions on how to become an approved education service provider through the online portal for both categories of provider are available in the School Portal Guide and the Provider Portal Guide. All education service providers must agree to the Education Service Provider Agreement with the Board, found in Appendix B to the Service Provider Handbook, before receiving payment with Hope Scholarship funds.

ESA Application Process

1. Review the following:
 - 1.1. School Service Providers
 - 1.1.1. [Education Service Provider Handbook](#)
 - 1.1.2. [School and Microschool Administrators FAQs](#)
 - 1.1.3. [Connecting Your Bank Account in the Hope Scholarship Platform](#)
 - 1.2. Non-School Service Providers
 - 1.2.1. [Education Service Provider Handbook](#)
 - 1.2.2. [Provider & Vendor FAQs](#)
 - 1.2.3. [Provider Portal Guide](#)
 - 1.2.4. [Provider Forms](#)
 - 1.2.5. [Connecting Your Bank Account in the Hope Scholarship Platform](#)
2. Watch the videos:
 - 2.1. [Microschool Onboarding Webinar \(Session 1\)](#)
 - 2.2. [Microschool Onboarding Webinar \(Session 2\)](#)
 - 2.3. [School Onboarding Webinar \(Session 1\)](#)
 - 2.4. [School Onboarding Webinar \(Session 2\)](#)
 - 2.5. [Provider Onboarding Webinar](#)
3. Decide if your organization will be a School Service Provider or Non-School Service Provider.

4. Complete this [Provider Application Form](#).
5. Attend the appropriate Webinar. If the webinar has been completed, contact the HOPE team at help@hopescholarshipwv.com or 681-999-4673.
6. Complete one of the following:
 - 6.1. Follow the steps in the [School Administrator Portal Guide](#)
 - 6.2. Follow the steps in the [Microschool Administrator Portal Guide](#)
 - 6.3. Follow the steps in the [Provider Portal Guide](#)
7. When directed, set up your [Student First Technologies Account](#)

ESA Statutes and Rules

The Hope Scholarship Program is mandated by [W.Va. State Code §18-31-1 et seq.](#) and operating under the administrative law rule [W.Va. Code St. R. 112-18-1 et seq.](#) It was created by the W.Va. State Legislature in 2021 and is administered by the West Virginia Hope Scholarship Board with staffing provided by the State Treasurer's Office. Account processing and administration is contracted through a third-party vendor.

- [W.Va. State Code §18-31-1 et seq.](#)
- [§18-31-11. Requirements for and rights of education service providers.](#)
- [W.Va. Code St. R. 112-18-1 et seq.](#)

Resources

- [HOPEschoolers in West Virginia](#)
- [Love Your School-West Virginia](#)