

**H. B. 2456**

(By Delegates Marcum, R. Phillips, Andes, Ferro,  
Ellington, Diserio, Ferns, Lawrence, White,  
Eldridge and Reynolds)

[Introduced February 14, 2013; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18-8-1a of the Code of West Virginia,  
1931, as amended, relating to increasing the school dropout  
age from sixteen to seventeen.

*Be it enacted by the Legislature of West Virginia:*

That §18-8-1a of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-1a. Commencement and termination of compulsory school  
attendance; public school entrance requirements;  
exceptions.**

(a) Notwithstanding the provisions of section one of this  
article, compulsory school attendance begins with the school year  
in which the sixth birthday is reached prior to September 1 of ~~such~~  
the year or upon enrolling in a publicly supported kindergarten  
program and ~~subject to subdivision (3) of this subsection,~~  
continues to the ~~sixteenth~~ seventeenth birthday or for as long as  
the student continues to be enrolled in a school system after the

1 ~~sixteenth~~ seventeenth birthday.

2 (1) A child may be removed from ~~such a~~ kindergarten program  
3 when the principal, teacher and parent or guardian concur that the  
4 best interest of the child would not be served by requiring further  
5 attendance: *Provided*, That the principal shall make the final  
6 determination with regard to compulsory school attendance in a  
7 publicly supported kindergarten program.

8 (2) The compulsory school attendance provision of this article  
9 shall be enforced against a person eighteen years of age or older  
10 for as long as the person continues to be enrolled in a school  
11 system, and may not be enforced against the parent, guardian, or  
12 custodian of the person.

13 ~~(3) Beginning with the 2011-2012 high school freshman cohort~~  
14 ~~class of students, and notwithstanding the provisions of section~~  
15 ~~one of this article, compulsory school attendance begins with the~~  
16 ~~school year in which the sixth birthday is reached prior to~~  
17 ~~September 1 of such year or upon enrolling in a publicly supported~~  
18 ~~kindergarten program and continues to the seventeenth birthday or~~  
19 ~~for as long as the student continues to be enrolled in a school~~  
20 ~~system after the seventeenth birthday~~ The Legislature finds that  
21 increasing the age at which a student may drop out of school from  
22 sixteen to seventeen gives the student more time to make an  
23 educated decision about discontinuing education and may make them  
24 less likely to become dependent on the state and less likely to be

1 dependent on alcohol and other drugs.

2 (4) Beginning with the December 2010 interim meeting period,  
3 and semiannually thereafter, the state superintendent shall report  
4 to the Legislative Oversight Commission on Education Accountability  
5 on the impact of the increased age requirement of ~~subdivision (3)~~  
6 of this subsection, and the progress of the state board and the  
7 county boards in implementing the requirements of section six of  
8 this article.

9 (b) Attendance at a state-approved or Montessori kindergarten,  
10 as provided in section eighteen, article five of this chapter, is  
11 deemed school attendance for purposes of this section. Prior to  
12 entrance into the first grade in accordance with section five,  
13 article two of this chapter, each child must have either:

14 (1) Successfully completed such publicly or privately  
15 supported, state-approved kindergarten program or Montessori  
16 kindergarten program; or

17 (2) Successfully completed an entrance test of basic readiness  
18 skills approved by the county in which the school is located. The  
19 test may be administered in lieu of kindergarten attendance only  
20 under extraordinary circumstances to be determined by the county  
21 board.

22 (c) Notwithstanding the provisions of this section and of  
23 section five, article two of this chapter and section eighteen,  
24 article five of this chapter, a county board may provide for

1 advanced entrance or placement under policies adopted by ~~said~~ the  
2 board for any child who has demonstrated sufficient mental and  
3 physical competency for ~~such~~ advanced entrance or placement.

4 (d) This section does not prevent a student from another state  
5 from enrolling in the same grade in a public school in West  
6 Virginia as the student was enrolled at the school from which the  
7 student transferred.

8 (e) Each county school system shall provide a program by which  
9 any student who has reached ninth grade or higher and has failed to  
10 achieve one or more credits necessary to permit graduation from  
11 high school after the expected period of attendance, may earn or  
12 recover one or more credits to ensure graduation at the appropriate  
13 time.

NOTE: The purpose of this bill is to increase the school dropout age for all students from sixteen to seventeen, and to require each county system to provide a program by which a student who has fallen behind in credits necessary to graduate after the expected period of attendance may earn those credits in order to graduate on time.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.