

**H. B. 2672**

(By Delegates Eldridge, R. Phillips and Hicks)

[Introduced February 9, 2015; referred to the

Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to the State Board of Education; and providing that the board require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship.

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

That §18-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-5. Powers and duties generally; public school entrance age; "public schools" not to include kindergartens.**

Subject to and in conformity with the Constitution and laws of this state, the State Board of Education shall exercise general supervision of the public schools of the state, and shall ~~make~~ propose rules for legislative approval in accordance with ~~the provisions of~~ article three-b, chapter

1 twenty-nine-a of this code for carrying into effect the laws and policies of the state relating to  
2 education, including rules relating to standards for performance and measures of accountability, the  
3 physical welfare of pupils, the education of all children of school age, school attendance, evening  
4 and continuation or part-time day schools, school extension work, the classification of schools, the  
5 issuing of certificates upon credentials, the distribution and care of free textbooks by the county  
6 boards of education, the general powers and duties of county boards of education, and of teachers,  
7 principals, supervisors and superintendents, the requirement that public schools provide facilities for  
8 students of all faiths and religions to have a place of fellowship, prayer and worship and such other  
9 matters pertaining to the public schools of the state as may seem to the state board to be necessary  
10 and expedient.

11 Notwithstanding any other provision of law which may be to the contrary, and  
12 notwithstanding the rule-making powers given to the State Board of Education by this section, a  
13 child ~~shall~~ may not be permitted to enter the public schools of this state in any school year, beginning  
14 with the school year 1983-1984, unless ~~such~~ the child ~~be~~ is six years of age prior to September 1, of  
15 ~~such~~ the school year or is attending public school in accordance with article twenty of this chapter:  
16 *Provided*, That children who have successfully completed a kindergarten program in the school year  
17 1982-1983, may enter the public schools notwithstanding the provisions of this section. The term  
18 "public schools" as used in the preceding sentence ~~shall~~ does not ~~be deemed to~~ include public  
19 kindergartens, but nothing herein ~~shall~~ may prevent a county board from permitting a child enrolled  
20 in kindergarten from entering public schools for attendance in particular curriculum areas.

21 The state board shall develop a three-year plan to provide for the transition to developmental  
22 programming and instruction to be provided to the students in kindergarten through fourth grade and

1 further shall, include the method of information dissemination in order to provide for parental  
2 preparation, and further shall, in conjunction with the professional development center, develop an  
3 ongoing program for training of principals and classroom teachers in methods of instruction to  
4 implement the developmental program. The existing developmental programs throughout the state  
5 shall be involved in this process and shall be provided an opportunity to assist in pilot programs to  
6 begin no later than September 1, 1991. The plan shall be fully implemented by September 1, 1993.

NOTE: The purpose of this bill is to provide that the State Board of Education require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship.

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