WEST virginia legislature

2021 regular session

Introduced

House Bill 2687

By Delegates Higginbotham, Rohrbach, G. Ward and Thompson

[Introduced February 23, 2021; Referred to the Committee on Education]

A BILL to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to raising the compulsory school attendance age to 18 years.

Be it enacted by the Legislature of West Virginia:

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 §18-8-1 of this code, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision (3) of this subsection, continues to the ~~sixteenth~~ 18th birthday or for as long as the student continues to be enrolled in a school system after the ~~sixteenth~~ 18th birthday.

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

(2) The compulsory school attendance provision of this article shall be enforced against a person 18 years of age or older for as long as the person continues to be enrolled in a school system and may not be enforced against the parent, guardian, or custodian of the person.

(3) Notwithstanding the provisions of §18-8-1 of this code, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the 17th birthday or for as long as the student continues to be enrolled in a school system after the 17th birthday: *Provided,* That beginning in the school year 2019-2020, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program.

(b) Attendance at a state-approved or Montessori kindergarten, as provided in §18-5-18 of this code, is ~~deemed~~ considered school attendance for purposes of this section. Prior to entrance into the first grade in accordance with §18-2-5 of this code, each child must have either:

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

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

(c) Notwithstanding the provisions of this section, §18-2-5 and §18-5-18 of this code, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

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

NOTE: The purpose of this bill is to raise the compulsory school attendance age to 18 years.

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