

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]

1 A BILL to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating
2 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.

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

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

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

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

20 (b) Attendance at a state-approved or Montessori kindergarten, as provided in §18-5-18

21 of this code, is ~~deemed~~ considered school attendance for purposes of this section. Prior to
22 entrance into the first grade in accordance with §18-2-5 of this code, each child must have either:

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

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

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

32 (d) This section does not prevent a student from another state from enrolling in the same
33 grade in a public school in West Virginia as the student was enrolled at the school from which the
34 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.