

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2785

BY DELEGATES WORRELL, D. JEFFRIES, BURKHAMMER,

FAST, PINSON AND ELLINGTON

[Introduced February 26, 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 requirements for compulsory school attendance; providing that parent and guardian
 3 make determination to remove child from kindergarten program; allowing enforcement of
 4 compulsory school attendance against anyone required to attend school; allowing
 5 students who attend certain Montessori programs enroll in first grade without further
 6 placement testing; and requiring out of state students be placed in the grade from which
 7 they transferred.

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 §18-8-1 of this code, compulsory school attendance
 2 begins with the school year in which the sixth birthday is reached prior to September 1 of such
 3 year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision
 4 (3) of this subsection, continues to the 16th birthday or for as long as the student continues to be
 5 enrolled in a school system after the 16th birthday.

6 (1) A child may be removed from such kindergarten program when the ~~principal, teacher~~
 7 ~~and~~ parent or guardian ~~concur~~ determine that the best interest of the child would not be served
 8 by requiring further attendance. ~~Provided, That the principal shall make the final determination~~
 9 ~~with regard to 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 who is enrolled in a
 12 school system and may not be enforced against the parent, guardian or custodian of the person.

13 (3) Notwithstanding the provisions of §18-1-1 *et seq.* of this code, compulsory school
 14 attendance begins with the school year in which the sixth birthday is reached prior to September
 15 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to

16 the 17th birthday or for as long as the student continues to be enrolled in a school system after
17 the 17th birthday: *Provided*, That beginning in the school year 2019-2020, compulsory school
18 attendance begins with the school year in which the sixth birthday is reached prior to July 1 of
19 such year or upon enrolling in a full-time publicly funded supported kindergarten program.

20 (b) Attendance at a state-approved or Montessori kindergarten, as provided in §18-5-18,
21 is deemed school attendance for purposes of this section. ~~Prior to entrance~~ A child shall be placed
22 into the first grade in accordance with §18-2-5 of this code, without further placement testing if
23 ~~the each child must have either:~~

24 (1) Successfully completed such publicly or privately supported, state-approved
25 kindergarten program, ~~or~~ Montessori kindergarten program, homeschool program, or HOPE
26 Scholarship program; or

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

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

35 (d) ~~This section does not prevent a~~ A student from another state, or who is eligible to enroll
36 in a public school in this state, from enrolling in the shall be enrolled in the same grade in a public
37 school in West Virginia as the student was enrolled at the school from which the student
38 transferred. A transcript or other credential provided pursuant to §18-8-12 of this code shall be
39 accepted by a public school in this state as a record of a student's previous academic performance
40 for the purposes of placement and credit assignment.

NOTE: The purpose of this bill is to provide for compulsory school attendance; to provide

that parent and guardian make the determination to remove child from kindergarten program; allow enforcement of compulsory school attendance against anyone required to attend school; allow students who attend certain Montessori programs enroll in first grade without further placement testing; and require out of state students be placed in the grade from which they transferred.

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