

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2785**

BY DELEGATES WORRELL, D. JEFFRIES, BURKHAMMER,

FAST, PINSON, ELLINGTON AND KIMBLE

[Passed April 7, 2021; in effect ninety days from passage.]



1 AN ACT 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; updating references and  
4 removing outdated language; providing option to parent to apply for Hope Scholarship for  
5 child prior to enrollment in kindergarten and every year thereafter; allowing students who  
6 successfully complete publicly or privately supported, state-approved kindergarten  
7 program, Montessori kindergarten program, homeschool kindergarten program, Hope  
8 Scholarship Program, or private, parochial, or church kindergarten program recognized  
9 under subsection (k) of §18-8-1 of this code to be placed into the developmentally and  
10 academically appropriate grade level; requiring enrollment in same grade level as state or  
11 program from which student transferred; and requiring certain transcripts or credentials to  
12 be accepted as record of student's previous performance for placement and credit  
13 assignment.

*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) Compulsory school attendance begins with the school year in which the sixth birthday  
2 is reached prior to July 1 of such year or upon enrolling in a full-time publicly funded kindergarten  
3 program, and continues to the 17th birthday or for as long as the student continues to be enrolled  
4 in a school system after the 17th birthday.

5 (1) A child may be removed from such kindergarten program when the parent or guardian  
6 determines that the best interest of the child would not be served by requiring further attendance.

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

10           (b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling  
11 in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or  
12 her child as set forth in §18-31-1 *et seq.* of this code. Every year thereafter, a parent shall have  
13 the option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to  
14 §18-31-8 of this code.

15           (c) Attendance at a state-approved, nonpublic kindergarten program, including a  
16 Montessori kindergarten program as provided in §18-5-18 of this code, homeschool kindergarten  
17 program, Hope Scholarship kindergarten program, or private, parochial, or church kindergarten  
18 program recognized under §18-8-1(k) of this code is deemed school attendance for the purposes  
19 of this section. Students entering the public school system after such kindergarten program shall  
20 be placed in the developmentally and academically appropriate grade level.

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

25           (e) A student from another state, or who is eligible to enroll in a public school in this state,  
26 shall be enrolled in the same grade in a public school in West Virginia as the student was enrolled  
27 at the school or program from which the student transferred. A transcript or other credential  
28 provided by a public school program, private school program, homeschool program or HOPE  
29 scholarship program shall be accepted by a public school in this state as a record of a student's  
30 previous academic performance for the purposes of placement and credit assignment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2021.

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*Governor*