

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **Senate Bill 625**

BY SENATOR RUCKER

[Introduced February 14, 2023; referred  
to the Committee on School Choice]



1 A BILL to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, requiring  
2 certain transcripts or credentials to be accepted as record of student's previous  
3 performance for placement and credit assignment for microschool programs.

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

6 (1) A child may be removed from such kindergarten program when the parent or guardian  
7 determines that the best interest of the child would not be served by requiring further attendance:  
8 *Provided*, That the principal shall make the final determination with regard to compulsory school  
9 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 section one of this article, 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 seventeenth birthday or for as long as the student continues to be enrolled in a school system  
17 after 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 publicly supported kindergarten program.

20 (b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling  
21 in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or  
22 her child as set forth in §18-31-1 *et seq.* of this code. Every year thereafter, a parent shall have  
23 the option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to  
24 §18-31-8 of this code.

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

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

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