

H. B. 2873

(By Delegates Eldridge, Marcum, White, Boggs,
Moore, Barill, Stowers, Campbell,
Tomblin, Young and Moye)

[Introduced March 8, 2013; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-2-5 of the Code of West Virginia,
1931, as amended, relating to the State Board of Education;
and providing that the board require that public schools
provide facilities for students of all faiths and religions to
have a place of fellowship, prayer and worship.

Be it enacted by the Legislature of West Virginia:

That §18-2-5 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

**§18-2-5. Powers and duties generally; public school entrance age;
"public schools" not to include kindergartens.**

Subject to and in conformity with the Constitution and laws of
this state, the State Board of Education shall exercise general
supervision of the public schools of the state, and shall make
rules in accordance with the provisions of article three-b, chapter
twenty-nine-a of this code for carrying into effect the laws and

1 policies of the state relating to education, including rules
2 relating to standards for performance and measures of
3 accountability, the physical welfare of pupils, the education of
4 all children of school age, school attendance, evening and
5 continuation or part-time day schools, school extension work, the
6 classification of schools, the issuing of certificates upon
7 credentials, the distribution and care of free textbooks by the
8 county boards of education, the general powers and duties of county
9 boards of education, and of teachers, principals, supervisors and
10 superintendents, the requirement that public schools provide
11 facilities for students of all faiths and religions to have a place
12 of fellowship, prayer and worship and such other matters pertaining
13 to the public schools of the state as may seem to the state board
14 to be necessary and expedient.

15 Notwithstanding any other provision of law which may be to the
16 contrary, and notwithstanding the rule-making powers given to the
17 State Board of Education by this section, a child shall not be
18 permitted to enter the public schools of this state in any school
19 year, beginning with the school year 1983-1984, unless such child
20 be six years of age prior to September 1, of such school year or is
21 attending public school in accordance with article twenty of this
22 chapter: *Provided*, That children who have successfully completed
23 a kindergarten program in the school year 1982-1983, may enter the
24 public schools notwithstanding the provisions of this section. The

1 term "public schools" as used in the preceding sentence shall not
2 be deemed to include public kindergartens, but nothing herein shall
3 prevent a county board from permitting a child enrolled in
4 kindergarten from entering public schools for attendance in
5 particular curriculum areas.

6 The state board shall develop a three-year plan to provide for
7 the transition to developmental programming and instruction to be
8 provided to the students in kindergarten through fourth grade and
9 further shall, include the method of information dissemination in
10 order to provide for parental preparation, and further shall, in
11 conjunction with the professional development center, develop an
12 ongoing program for training of principals and classroom teachers
13 in methods of instruction to implement the developmental program.
14 The existing developmental programs throughout the state shall be
15 involved in this process and shall be provided an opportunity to
16 assist in pilot programs to begin no later than September 1, 1991.
17 The plan shall be fully implemented by September 1, 1993.

NOTE: The purpose of this bill is to provide that the State Board of Education require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship.

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