

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 2785**

BY DELEGATES WORRELL, D. JEFFRIES, BURKHAMMER,

FAST, PINSON, ELLINGTON AND KIMBLE

[Originating in the Committee on Education; March 9, 2021]



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; 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4 removing outdated language; providing option to parent to apply for Hope Scholarship for  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; prohibiting further  
6 placement testing for first grade placement in certain instances; requiring enrollment in  
7 same grade level as state or program from which student transferred; and requiring certain  
8 transcripts or credentials to be accepted as record of students previous performance for  
9 placement and credit 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) ~~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 4~~ July 1 of  
3 such year or upon enrolling in a publicly supported kindergarten program and ~~subject to~~  
4 ~~subdivision (3) of this subsection,~~ continues to the ~~16th~~ 17th birthday or for as long as the student  
5 continues to be enrolled in a school system after the ~~16th~~ 17th 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 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) (b) Attendance at a state-approved or Montessori kindergarten, as provided in §18-5-  
26 18, is deemed school attendance for purposes of this section. ~~Prior to entrance~~ A child shall be  
27 placed into the first grade: ~~in accordance with §18-2-5 of this code, each child must have either~~

28 (1) Without further placement testing if the child has successfully completed such a  
29 publicly or privately supported, state-approved kindergarten program, ~~or~~ Montessori kindergarten  
30 program, or homeschool program; or

31 (2) Has successfully completed an entrance test of basic readiness skills approved by the  
32 county in which the school is located. The test may be administered in lieu of kindergarten  
33 attendance only under extraordinary circumstances to be determined by the county board.

34 (d) (e) Notwithstanding the provisions of this section, ~~section five, article two of this chapter~~  
35 ~~and section eighteen, article five of this chapter~~ and §18-5-18 of this code, a county board may  
36 provide for advanced entrance or placement under policies adopted by said board for any child

37 who has demonstrated sufficient mental and physical competency for such entrance or  
38 placement.

39 ~~(e) (d) This section does not prevent~~ A student from another state, or who is eligible to  
40 enroll in a public school in this state, ~~from enrolling in the~~ shall be enrolled in the same grade in a  
41 public school in West Virginia as the student was enrolled at the school or program from which  
42 the student transferred. A transcript or other credential provided by a public school program,  
43 private school program, or homeschool program shall be accepted by a public school in this state  
44 as a record of a student's previous academic performance for the purposes of placement and  
45 credit assignment.

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