

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**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4 removing outdated language; prohibiting further placement testing for first grade  
5 placement in certain instances; requiring enrollment in same grade level as state or  
6 program from which student transferred; and requiring certain transcripts or credentials to  
7 be accepted as record of students previous performance for placement and credit  
8 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 1~~ 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) 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, each child must have either

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

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

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

34 (d) ~~This section does not prevent~~ A student from another state, or who is eligible to enroll  
35 in a public school in this state, from enrolling in the shall be enrolled in the same grade in a public  
36 school in West Virginia as the student was enrolled at the school or program from which the  
37 student transferred. A transcript or other credential provided by a public school program, private

38 school program, or homeschool program shall be accepted by a public school in this state as a  
39 record of a student's previous academic performance for the purposes of placement and credit  
40 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.