

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5053**

By Delegates Toney, Dittman, Campbell, and Cooper

[Introduced February 02, 2026; referred to the

Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, by adding a new section, designated §18-8-13,  
2 relating to establishing a 90-day time limit for an active truancy or pre-petition process for a  
3 family to withdraw a student for homeschooling; setting forth legislative findings; and  
4 providing for enactment of the section.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

### **§18-8-13. Time limit established for active truancy or pre-petition process.**

1 (a) *Legislative findings.* –

2 (1) Upon reaching the pre-petition stage, a county often receives a homeschool notice.

3 This constitutes an "easy out," resulting in the loss of critical oversight for at-risk youth. For this  
4 reason, there should be specific safeguards in the code to protect student well-being during  
5 truancy proceedings.

6 (2) Additionally, there is concern that families may use a homeschool over-the-summer  
7 credit to bypass the required reading proficiency standards and retention provisions of the Third  
8 Grade Success Act. For this reason, there should be a prevention on the use of short-term  
9 homeschooling as a means to circumvent academic accountability measures.

10 (b) *Enactment.* – There is established a 90-day time limit during which a family involved in  
11 an active truancy or pre-petition process cannot petition to withdraw the student for  
12 homeschooling. Additionally, the West Virginia Department of Education is encouraged to undergo  
13 a comprehensive survey of public-school families who choose to homeschool to identify systemic  
14 drivers for the decision.

NOTE: The purpose of this bill is to establish a 90-day time limit for a child involved in an active truancy or pre-petition process to withdraw for homeschooling.

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