

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5089

By Delegates Ellington, Shamblin, Bell, Gearheart, G.

Howell, Toney, Campbell, Canterbury, Statler,

Dittman, and Crouse

[Introduced February 03, 2026; referred to the

Committee on Education]

1 A BILL to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to
2 providing for verified mastery of content standards for transcripts when a student enrolls or
3 re-enrolls in a public school in this state.

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. |
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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 such
3 year or upon enrolling in a full-time publicly funded kindergarten program, and continues to the
4 17th birthday or for as long as the student continues to be enrolled in a school system after the
5 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 1
15 of such year or upon enrolling in a publicly supported kindergarten program and continues to the
16 seventeenth 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 such
19 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 in a
21 publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or her
22 child as set forth in §18-31-1 *et seq.* of this code. Every year thereafter, a parent shall have the
23 option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to §18-31-
24 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 board
32 may provide for advanced entrance or placement under policies adopted by said board for any
33 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: Provided, That if enrolling or re-enrolling in a public school in this state, a transcript or
42 other credential provided by a public school program, private school program, homeschool
43 program, microschool program, or HOPE scholarship program shall only be accepted after the
44 public school has verified the mastery of the content standards indicated on the transcript.

NOTE: The purpose of this bill is to provide for verified mastery of content standards for transcripts when a student enrolls or re-enrolls in a public school in this state.

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