WEST VIRGINIA CODE: §18-8-2

§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

(a) Any parent, guardian, or custodian who fails to cause a child or children under 18 years of age in that person's legal or actual charge to attend school in violation of this article or without just cause, is guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution. The magistrate or circuit court judge, upon conviction and pronouncing sentence, may delay the sentence for a period of 60 school days provided the child is in attendance every day during said 60-day period. Following the 60-day period, if the child was present at school for every school day, the delayed sentence may be suspended and dismissed. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution or confined in jail not less than five nor more than 20 days. Every day a child is out of school contrary to this article constitutes a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person 18 years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of this article or without just cause, is guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution and required to attend school and remain throughout the school day. The magistrate or circuit court judge, upon conviction and pronouncing sentence, may delay the imposition of a fine for a period of 60 school days provided the person is in attendance every day during said 60-day period. Following the 60-day period, if the student was present at school every day, the delayed sentence may be suspended and dismissed. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to go to school and remain throughout the school day until such time as the person graduates or withdraws from school or confined in jail not less than five nor more than 20 days. Every day a student is out of school contrary to this article constitutes a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(c) Upon conviction of a third offense, any person 18 years of age or older who is enrolled in school shall be withdrawn from school during the remainder of that school year. Enrollment of that person in school during the next school year or years thereafter is conditional upon all absences being excused as defined in law, state board policy and county board of education policy. More than one unexcused absence of such a student shall be grounds for the director of attendance to authorize the school to withdraw the person for the remainder of the school year. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(d) Jurisdiction to enforce compulsory school attendance laws lies in the county in which a

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student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this section.

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