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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 365

(By Mr. Hubert H. Ralston)

PASSED March 12 1983

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 365
(By MR. HECK AND MR. PALUMBO)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section eighteen, article five of said chapter; and to amend and reenact article eight of said chapter by adding thereto a new section, designated section one-a, all relating to minimum age for kindergarten and public school attendance; changing the eligibility date from November one to September one; adding special provisions for Montessori kindergartens; providing that certain determinations of the board relating to kindergarten be final; changing compulsory school attendance from seven to six years old; providing that certain kindergarten attendance full-fills compulsory school requirements; requiring kindergarten for entrance into public schools; providing for exceptions thereto; and providing for advanced entrance or placement.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section eighteen, article five of said chapter be amended and reenacted; and that article eight of said chapter be amended by adding thereto a new section, designated section one-a, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5. Powers and duties generally; public school entrance age; "public schools" not to include kindergartens.

- 1 Subject to and in conformity with the constitution and
- 2 laws of this state, the state board of education shall

3 determine the educational policies of the state and shall
4 make rules for carrying into effect the laws and policies
5 of the state relating to education, including rules relating
6 to the physical welfare of pupils, the education of feeble-
7 minded and physically disabled or crippled children of
8 school age, school attendance, evening and continuation
9 or part-time day schools, school extension work, the
10 classification of schools, the issuing of certificates upon
11 ~~upon~~ credentials, the distribution and care of free text-
12 books by the county boards of education, the general
13 powers and duties of county boards of education, and
14 of teachers, principals, supervisors and superintendents,
15 and such other matters pertaining to the public schools
16 of the state as may seem to the state board to be necessary
17 and expedient.

18 Notwithstanding any other provision of law which
19 may be to the contrary, and notwithstanding the rule-
20 making powers given to the state board of education by
21 this section, a child shall not be permitted to enter the
22 public schools of this state in any school year, beginning
23 with the school year one thousand nine hundred eighty-
24 three—eighty-four, unless such child be six years of age
25 prior to September one of such school year or is attending
26 public school in accordance with article twenty of this
27 chapter: *Provided*, That children who have successfully
28 completed a kindergarten program in the school year one
29 thousand nine hundred eighty-two—eighty-three may
30 enter the public schools notwithstanding the provisions
31 of this section. The term "public schools" as used in the
32 preceding sentence shall not be deemed to include public
33 kindergartens, but nothing herein shall prevent a county
34 board from permitting a child enrolled in kindergarten
35 from entering public schools for attendance in particular
36 curriculum areas.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18. Kindergarten programs.

1 County boards of education shall provide by the school
2 year one thousand nine hundred eighty-three—eighty-
3 four and continue thereafter kindergarten programs for
4 all children who shall have attained the age of five prior

5 to September first of the school year in which the pupil
6 enters such kindergarten program and may establish
7 kindergarten programs designed for children below the
8 age of five: *Provided*, That nothing herein shall prohibit
9 children who shall have attained the age of five prior to
10 November first of the school year one thousand nine
11 hundred eighty-three—eighty-four from entering such
12 kindergarten program.

13 Persons employed as kindergarten teachers, as distin-
14 guished from paraprofessional personnel, shall be requir-
15 ed to hold a certificate valid for teaching at the assigned
16 level as prescribed by regulations established by the state
17 board of education. The state board of education shall
18 establish and prescribe guidelines and criteria setting
19 forth the minimum requirements for all paraprofessional
20 personnel employed in kindergarten programs established
21 pursuant to the provisions of this section and no such
22 paraprofessional personnel shall be employed in any
23 kindergarten program unless he meets such minimum
24 requirements.

25 The state board of education with the advice of the
26 state superintendent of free schools shall establish and
27 prescribe guidelines and criteria relating to the establish-
28 ment, operation and successful completion of kinder-
29 garten programs in accordance with the other provisions
30 of this section. Guidelines and criteria so established and
31 prescribed are also intended to serve for the establish-
32 ment and operation of nonpublic kindergarten programs
33 and shall be used for the evaluation and approval of such
34 programs, provided application for such evaluation and
35 approval is made in writing to the state board by proper
36 authorities in control of such programs. The state super-
37 intendent of free schools at intervals not to exceed two
38 years shall publish a list of nonpublic kindergarten pro-
39 grams that have been approved in accordance with the
40 provisions of this section and a list of Montessori kinder-
41 gartens established and operated in accordance with
42 usual and customary practices for the use of the Mon-
43 tessori method. Teachers who have training or experience
44 in the use of the Montessori method of instruction for

45 kindergartens shall be deemed to be approved to teach
46 in such kindergartens using the Montessori method with-
47 out additional certification.

48 Pursuant to such guidelines and criteria, and only
49 pursuant to such guidelines and criteria, the county boards
50 may establish programs taking kindergarten to the
51 homes of the children involved, using educational tele-
52 vision, paraprofessional personnel in addition to and to
53 supplement regularly certified teachers, mobile or perm-
54 anent classrooms and other means developed to best
55 carry kindergarten to the child in its home and enlist
56 the aid and involvement of its parent or parents in
57 presenting the program to the child; or may develop
58 programs of a more formal kindergarten type, in existing
59 school buildings, or both, as such county board may
60 determine, taking into consideration the cost, the terrain,
61 the existing available facilities, the distances each child
62 may be required to travel, the time each child may be
63 required to be away from home, the child's health, the
64 involvement of parents and such other factors as each
65 county^{board} may find pertinent. Such determinations by any
66 county board shall be final and conclusive.

67 Funds for implementing the kindergarten programs
68 during the fiscal year nineteen hundred seventy-two and
69 thereafter shall be allocated to counties from a special
70 appropriation to the state department of education from
71 the general revenue fund: *Provided, however,* That except
72 for expenditures from the general revenue funds for
73 regional kindergarten demonstration centers, in no event
74 shall any state money from the general fund be expended
75 under the provisions of this section unless federal funds
76 are available for the purpose of this section.

77 Allocations to counties will be made on the basis of
78 approved kindergarten programs. The West Virginia
79 board of education shall establish criteria and standards
80 necessary to guide counties in developing approvable
81 kindergarten programs and shall determine funding
82 levels of said programs on local operating costs.

83 An additional appropriation shall be made to the state
84 department of education from the general revenue fund

85 to establish and operate during the fiscal year nineteen
86 hundred seventy-two, regional kindergarten demonstra-
87 tion centers in educational regions three, four, five, six
88 and seven, and thereafter in regions one through seven.
89 Said funds shall be allocated to said regions for establish-
90 ing and operating regional demonstration centers in ac-
91 cordance with criteria and standards established by the
92 West Virginia board of education. Said regional centers
93 shall be established to provide exemplary and innovative
94 kindergarten programs, to provide laboratory experiences
95 for preservice and in-service education for professional
96 personnel and staff development programs for training
97 paraprofessional personnel, to establish organizational
98 and administrative machinery designed to promote co-
99 operation between and among all agencies involved in
100 the education and development of young children, and to
101 promote cooperation between counties in providing high
102 cost supervisory, developmental, research and evaluative
103 services not currently available to individual counties.

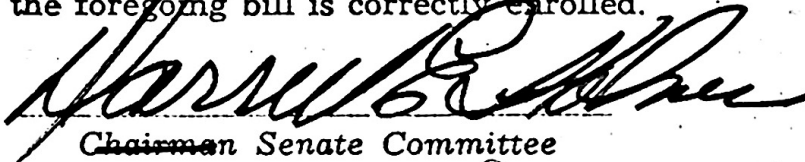
ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

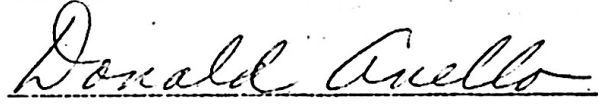
§18-8-1a. Compulsory school attendance; public school entrance requirements; exceptions thereto.

1 Notwithstanding the provisions of section one of this
2 article, compulsory school attendance shall begin with
3 the school year in which the sixth birthday is reached
4 prior to September one of such year and continue to the
5 sixteenth birthday. Attendance at a state-approved or
6 Montessori kindergarten, as provided for in section
7 eighteen, article five of this chapter, shall be deemed
8 school attendance for purposes of this section. Prior to
9 entrance into the first grade in accordance with section
10 five, article two of said chapter, each child must have
11 either (1) successfully completed such publicly or private-
12 ly supported, state-approved kindergarten program or
13 Montessori kindergarten program, or (2) successfully
14 completed an entrance test of basic readiness skills ap-
15 proved by the county in which the school is located:
16 *Provided*, That such test be administered in lieu of
17 kindergarten attendance only under extraordinary cir-
18 cumstances to be determined by the board. Notwith-

19 standing the provisions of this section and of section five,
20 article two of this chapter and section eighteen, article
21 five of said chapter, a county board may provide for ad-
22 vanced entrance or placement under policies adopted by
23 said board for any child who has demonstrated sufficient
24 mental and physical competency for such entrance or
25 placement. Nothing herein shall prevent a student from
26 another state from enrolling in a public school in West
27 Virginia in such grade as the student was enrolled at the
28 school from which he transferred.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

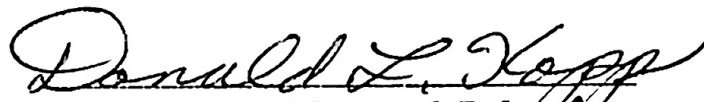

Chairman Senate Committee



Chairman House Committee

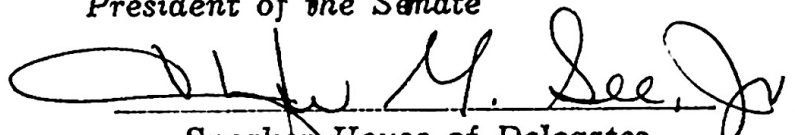
Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate

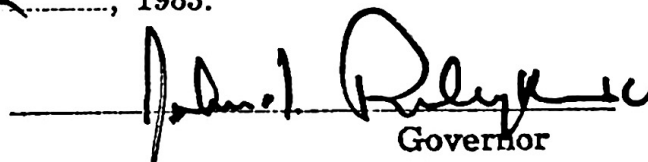

Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 27

day of March, 1983.


Governor

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