

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5089

BY DELEGATES ELLINGTON, SHAMBLIN, BELL,
GEARHEART, G. HOWELL, TONEY, CAMPBELL,
CANTERBURY, STATLER, DITTMAN, AND CROUSE

[Passed March 11, 2026; in effect 90 days from
passage (June 9, 2026)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2026 APR -1 P 10:51

FILED

HB 5089

1 AN ACT to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating
2 to public school acceptance of student transcripts or other credentials; adding acceptance
3 of public charter school transcripts and credentials; adding requirement that public school
4 record class, grade and source on student's public school transcript; and requiring report
5 to LOCEA.

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 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
3 such year or upon enrolling in a full-time publicly funded kindergarten program, and continues to
4 the 17th birthday or for as long as the student continues to be enrolled in a school system after
5 the 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
15 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to
16 the seventeenth birthday or for as long as the student continues to be enrolled in a school system
17 after the 17th birthday: *Provided*, That beginning in the school year 2019-2020, compulsory school

1 AN ACT to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating
2 to public school acceptance of student transcripts or other credentials; adding acceptance
3 of public charter school transcripts and credentials; adding requirement that public school
4 record class, grade and source on student's public school transcript; and requiring report
5 to LOCEA.

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 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
3 such year or upon enrolling in a full-time publicly funded kindergarten program, and continues to
4 the 17th birthday or for as long as the student continues to be enrolled in a school system after
5 the 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
15 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to
16 the seventeenth birthday or for as long as the student continues to be enrolled in a school system
17 after the 17th birthday: *Provided*, That beginning in the school year 2019-2020, compulsory school

attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program.

(b) A parent, as defined in §18-31-2 of this code, shall have the option, prior to enrolling in a publicly supported kindergarten program, to apply for a Hope Scholarship on behalf of his or her child as set forth in §18-31-1 *et seq.* of this code. Every year thereafter, a parent shall have the option to renew his or her child's enrollment in the Hope Scholarship Program pursuant to §18-31-8 of this code.

(c) Attendance at a state-approved, nonpublic kindergarten program, including a Montessori kindergarten program as provided in §18-5-18 of this code, homeschool kindergarten program, Hope Scholarship kindergarten program, or private, parochial, or church kindergarten program recognized under §18-8-1(k) of this code is deemed school attendance for the purposes of this section. Students entering the public school system after such kindergarten program shall be placed in the developmentally and academically appropriate grade level.

(d) Notwithstanding the provisions of this section and §18-5-18 of this code, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

(e) A student from another state, or who is eligible to enroll in a public school in this state, shall be enrolled in the same grade in a public school in West Virginia as the student was enrolled at the school or program from which the student transferred. A transcript or other credential provided by a public school or public charter school program, private school program, homeschool program, microschool program, or HOPE scholarship program shall be accepted by a public school in this state as a record of a student's previous academic performance for the purposes of placement and credit assignment: *Provided*, That each public school shall record the class, grade and source on the student's public school transcript.

Enr CS for HB 5089

43 (1) A report shall be made, at least annually, to the Legislative Oversight Commission on
44 Education Accountability ("LOCEA") of the demographics (including, but not limited to, age, race,
45 county, and grade) of students who re-enroll into public schools in this state and whether they
46 attended a homeschool, charter school, private school, microschool, or HOPE scholarship
47 program.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


Clerk of the House of Delegates

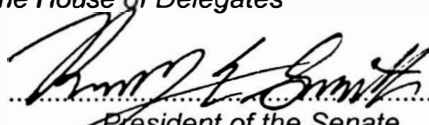

Clerk of the Senate

FILED
2026 APR -1 P 10:51
OFFICE OF THE CLERK OF THE SENATE
SECRETARY OF STATE

Originated in the House of Delegates.

In effect 90 days from passage.


Speaker of the House of Delegates


President of the Senate

The within is approved this the 1st
Day of April, 2026.


Governor

PRESENTED TO THE GOVERNOR

153 23 2013
Time 3:30pm