

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2805

BY DELEGATES ESPINOSA, ELLINGTON, BUTLER,
HOUSEHOLDER, KESSINGER, PORTERFIELD, JENNINGS,
WORRELL, FAST, C. MARTIN AND PHILLIPS

[Introduced February 1, 2019; Referred
to the Committee on Education.]

1 A BILL to amend and reenact §18-5-15 of the Code of West Virginia, 1931, as amended, relating
 2 to persons to whom schools are open; prohibiting denial of enrollment in any curricular or
 3 extracurricular course, program or activity of any person to whom schools are open subject
 4 to certain conditions; and stating conditions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-15. Ages of persons to whom schools are open; enrollment for less than full-time and for extracurricular participation; conditions; enrollment of suspended or expelled student.

1 (a) The public schools shall be open for the full instructional term to all persons who have
 2 attained the entrance age as stated in ~~section five, article two and section eighteen, article five,~~
 3 ~~chapter eighteen~~ §18-5-44 and §18-8-1a of this code. ~~Provided, That~~ A public school may not
 4 deny the enrollment in any curricular or extracurricular course, program or activity of any person
 5 to whom the schools are open who meets the student health, safety, conduct and residence
 6 conditions established for any other student, subject to the following:

7 (1) Persons enrolled for less than full-time shall be included in the county's net enrollment
 8 for the purposes of §18-9A-1 et seq. of this code on a full-time-equivalent basis in accordance
 9 with guidelines established by the department of education;

10 (2) Persons enrolled only for participation extracurricular activities shall be included in the
 11 county's net enrollment for the purposes of §18-9A-1 et seq. of this code as one-tenth full-time-
 12 equivalent student;

13 (3) County boards shall provide methods for evaluation of the subject matter competency
 14 of persons enrolling who have previously been instructed through nonaccredited sources to
 15 determine: (i) Academic placement and course credits for competency attained for persons
 16 enrolling on a full-time basis; (ii) sufficient competency prerequisite for enrollment in course or
 17 courses for persons enrolling for less than full-time; and (iii) for persons enrolling for less than full-

18 time to participate in extracurricular activities, academic performance at a level sufficient for
19 eligibility when required of all other students; and

20 (4) Any student suspended or expelled from public or private school shall only be permitted
21 to enroll in public school upon the approval of the superintendent of the county where the student
22 seeks enrollment: *Provided, ~~however,~~* That in making such decision, the principal of the school in
23 which the student may enroll shall be consulted by the superintendent and the principal may make
24 a recommendation to the superintendent concerning the student's enrollment in his or her new
25 school: *Provided ~~further~~ however,* That if enrollment to public school is denied by the
26 superintendent, the student may petition the board of education where the student seeks
27 enrollment.

28 (b) Persons over the age of 21 may enter only those programs or classes authorized by
29 the State Board of Education and deemed appropriate by the county board of education
30 conducting any such program or class: *Provided,* That authorization for such programs or classes
31 shall in no way serve to affect or eliminate programs or classes offered by county boards of
32 education at the adult level for which fees are charged to support such programs or classes.

NOTE: The purpose of this bill is to prohibit the denial of enrollment in any curricular or extracurricular course, program or activity of any person to whom schools are open subject to certain conditions.

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