WEST virginia legislature

2024 regular session

Engrossed

Committee Substitute

for

House Bill 5179

By Delegate Ellington

[Originating in the Committee on Education; Reported on February 2, 2024]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3, all relating to the creation of Jaycie's Law; providing for legislative intent; requiring the West Virginia Department of Education to establish a policy to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students; requiring an allotment of at least 8 weeks for a student's pregnancy and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 34. JAYCIE'S LAW.

§18-34-1. Legislative intent.

The West Virginia Legislature finds that parents of children throughout any age in middle or high school should be given the utmost support, because they face a unique set of challenges and circumstances on their road to graduation. School systems in West Virginia shall implement programs to provide educational support to those students with children at any age through graduation. The goal of this act is to assist these students to stay in school while providing enough time for proper medical recovery after the birth of the child.

§18-34-2. Policy enacted.

(a) A student’s absence due to a student’s pregnancy or parenting needs is a lawful absence as provided under this section.

(b) Each county board shall develop a written attendance policy for pregnant and parenting students that, at a minimum, meets the requirements of this article. The policy developed under this section shall:

(1) Excuse all absences due to pregnancy – or parenting–related conditions, including absences for:

(A) Labor;

(B) Delivery;

(C) Recovery; and

(D) Prenatal and postnatal medical appointments;

(2) Provide at least 8 weeks of excused absences for a mother for the birth of the student’s child, including both natural/vaginal delivery and c-section delivery;

(3) Provide excused absences for antenatal care by recommendation of the medical provider;

(4) Provide two weeks excused absence for the father of the child;

(A) A doctor’s or medical excuse shall be provided up to the initial 8 weeks absence and a separate excuse for each period of absence after the initial 8 weeks.

(B) County boards shall ensure that the parent remains on track for graduation by providing academic support options including, but not limited to, work provided virtually and a homebound instructor for weekly visits to ensure accountability.

(5) Provide an excused absence for parenting students whose children are sick: *Provided,* That they shall provide a doctor’s excuse for that child.

(6) The schools shall refer the pregnant and parenting student to a "pregnancy help organization" by providing a list of pregnancy or postpartum assistance organizations within the county and surrounding counties as defined under §16-66-1 of this code.

§18-34-3. Effective date.

This article shall become effective on July 1, 2024.