

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3111

BY DELEGATES THOMPSON AND BARACH

[Introduced March 12, 2021; Referred to the
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §18-34-1, §18-34-2, and §18-34-3, all relating to creating the “Support
3 Students Who Are Parenting Act”; requiring the West Virginia Department of Education to
4 establish a policy to support the educational and parenting goals and improve the
5 educational outcomes of pregnant and parenting students; requiring the policy to include
6 certain policies and procedures; requiring each West Virginia county board of education
7 to establish a policy based on the department’s policy; altering the required contents of
8 the pregnant and parenting students attendance policy developed by each county board;
9 and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 34. SUPPORT STUDENTS WHO ARE PARENTING ACT.

§18-34-1. Legislative intent.

1 The West Virginia Legislature finds that parents of children throughout any age in middle
2 or high school should be given the utmost support, because they face a unique set of challenges
3 and circumstances on their road to graduation. School systems in West Virginia shall implement
4 programs to provide support to those students with children at any age through graduation. The
5 goal of this act is to assist these students to stay in school. Students will be empowered through
6 the West Virginia school system providing those students with private rooms for breastfeeding,
7 through making contraceptives available through school counselors, and other programs.

§18-34-2. Policy enacted.

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

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

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

7 absences for:

8 (A) Labor;

9 (B) Delivery;

10 (C) Recovery; and

11 (D) Prenatal and postnatal medical appointments;

12 (2) Provide at least 10 days of excused absences for a parenting student after the birth of
13 the student's child;

14 (3) Excuse any parenting-related absences due to an illness or a medical appointment of
15 the student's child, including up to four days of absences per school year for which the school
16 may not require a note from a physician;

17 (4) Excuse any absence due to a legal appointment involving the pregnant or parenting
18 student that is related to family law proceedings, including adoption, custody, and visitation; and

19 (5) Excuse any parenting-related absence from a class due to use of a lactation space to
20 nurse or express breast milk.

21 (c) This policy shall establish a means by which student parents have access to private
22 rooms for the purpose of breastfeeding.

23 (d) The policy shall make contraceptives available through school counselors to any
24 student who desires them.

25 (e) The policy shall also provide for other programs that may fall under the purview of this
26 article that are related to the needs of student parents so that they may be encouraged to remain
27 in school and obtain their high school diploma.

§18-34-3. Effective date.

1 This article shall become effective on July 1, 2021.

NOTE: The purpose of this bill is to create the "Support Students Who Are Parenting Act"; to require 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; to require the policy to include certain policies and procedures; to require each West Virginia county board of education to establish a policy based on the department's policy; to alter the required contents of the pregnant and parenting students attendance policy developed by each county board; and to provide an effective date.

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