

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5431

By Delegates E. Pritt, Brooks, Hornby, Thorne, and

Dean

[Introduced February 02, 2024; Referred to the
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-5-52, relating to permitting county boards of education to send a parent or
 3 legal guardian of a student who is deemed "chronically disruptive" the pro-rated amount of
 4 that student's education and to remove the student from the school system for a year to
 5 continue their education through homeschool or another approved alternative educational
 6 pathway.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-52. Removal of children from public schools and public charter schools in certain circumstances.

1 (a) Legislative findings. – The Legislature finds that educators in this state are often faced
 2 with unique situations involving verbal abuse and physical abuse by a student towards the
 3 educator, service personnel, or another student. Traditional disciplinary measures are exhausted
 4 with no success by the educator. Because of this, in certain circumstances, it is in the best interest
 5 of the educator, the student, and the school to remove the student from the public school or public
 6 charter school setting for a defined period.

7 (b) Definitions. – The following definitions apply for purposes of this section:

8 (1) "Chronic disruption" means a student who has demonstrated one or more instances of
 9 physical abuse, and four or more instances of verbal abuse, and has been deemed a chronically
 10 disruptive student by at least one educator from grades kindergarten through fifth grade and
 11 deemed a chronically disruptive student by at least two educators from grades six through twelve.

12 (2) "Chronically disruptive student" means a student enrolled in a public school or public
 13 charter school in this state from K-12 who demonstrates a chronic disruption.

14 (3) "Funding" means the pro-rata amount of public school or public charter school funding
 15 for a student.

16 (4) "Physical abuse" is intentional bodily injury.

17 (5) "Renewal period" means a year after the removal of the chronically disruptive student
18 from a public school or public charter school.

19 (6) "Verbal abuse" involves using words to name call, bully, demean, frighten, intimidate, or
20 control another person. This can include overt verbal abuse such as yelling, screaming, or
21 swearing. Such behaviors are attempts to gain power, and the goal is to control and intimidate into
22 submission.

23 (c) *Enactment.* –

24 (1) County boards of education shall send to the parent or legal guardian of a chronically
25 disruptive student the pro-rated amount of their education and shall remove that student from the
26 school system for a year to continue his or her education through homeschool or another
27 approved educational pathway. The school system may also place the student in a physical
28 alternative school setting for the remainder of the school year.

29 (2) A chronically disruptive student who is removed from a public school or public charter
30 school shall have his or her status reevaluated after one year for the purpose of determining
31 whether placement back into the public school or public charter school is appropriate. The
32 reevaluation in this renewal period shall be completed by the school administrator in conjunction
33 with the student's parents.

34 (3) At the beginning of every school year, administrators of public schools and public
35 charter schools shall address the student body to explain the definition of a chronically disruptive
36 student and explain the removal process as set forth in this section.

37 (4) The funding must be used by the parent or legal guardian for the exclusive purpose of
38 continuing the student's education through homeschool or alternative school. If it is found that a
39 parent/guardian that received their portion of state aid did not use that money on schooling for their
40 child, they shall be a fined a sum totaling the amount that was provided to them plus an additional
41 15% of that total.

42 (5) The provisions set forth in this section shall automatically be enacted after the reporting

43 and documentation in the WVEIS system.

44 (d) *Exceptions.* – The provisions of this section shall not apply to students who are in foster

45 care or are deemed wards of the state.

NOTE: The purpose of this bill is to permit county boards of education to send the parent or legal guardian of a student who is deemed "chronically disruptive" the pro-rated amount of their education and remove that student from the school system for a year to continue their education through homeschool or another approved alternative educational pathway.

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