

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4969

By Delegates Holstein, Chiarelli, Mazzocchi, Barnhart,
and Forsht

[Introduced January 22, 2024; Referred to the Committee
on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §18-52-1, relating to withholding a high school diploma from a student who
 3 causes at least \$1,000 in damage due to destruction of property or defacement of school
 4 grounds.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 52. WITHHOLDING OF DIPLOMA FOR DESTRUCTION OF SCHOOL
 PROPERTY.**

§18-52-1. Withholding of high school diploma for student destruction of school property.

1 (a)(1) Any pupil who defaces or otherwise injures any school property, or property
 2 belonging to a school contractor, employee, or another student, may be subject to suspension and
 3 punishment. If any property of the school district, a contractor of the district, an employee, or
 4 another student has been lost or willfully cut, defaced, or injured, with the damages exceeding
 5 \$1,000, the school district may withhold the diploma, but not the grades or transcripts, of the
 6 student responsible for the damage or loss for the earlier of either five years from the date of the
 7 student's graduation or until the amount owed is less than \$1,000.

8 (2) If the student and parent or guardian are unable to pay for the damages, the school
 9 district shall provide a program of community service for the student in lieu of the payment of
 10 monetary damages. Community service completed in accordance with this subsection (b)(1) must
 11 be credited at the applicable local or state minimum wage, whichever is greater. Upon the
 12 completion of community service that reduces the amount owed to less than \$1,000, the diploma
 13 of the student must be released. The parent or guardian of the student shall be liable for damages
 14 as otherwise provided by law.

15 (b) Before the diploma is withheld under this section, a school district board of directors
 16 shall adopt procedures to ensure that students' rights to due process are protected.

17 (c) Each school district that withholds a diploma under this section shall publish and

18 maintain the following information on its website:

19 (1) The number of diplomas withheld under this section, by graduating class, during the
20 previous three preceding five school years, with data from the prior reporting year updated
21 annually to reflect the release of diplomas in accordance with this section; and

22 (2) The number of students with withheld diplomas who were eligible for free or reduced-
23 price meals during their last two years of enrollment in the school district.

NOTE: The purpose of this is to withhold a high school diploma from a student who causes at least \$1,000 in damage due to destruction of property or defacement of school grounds.

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