

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]

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 the creation of Jaycie's Law;
3 providing for legislative intent; 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 an allotment of at
6 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.

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

§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 8 weeks of excused absences for a mother for the birth of the student's
13 child, including both natural/vaginal delivery and c-section delivery;
14 (3) Provide excused absences for antenatal care by recommendation of the medical
15 provider;
16 (4) Provide two weeks excused absence for the father of the child;
17 (A) A doctor's or medical excuse shall be provided up to the initial 8 weeks absence and a
18 separate excuse for each period of absence after the initial 8 weeks.
19 (B) County boards shall ensure that the parent remains on track for graduation by providing
20 academic support options including, but not limited to, work provided virtually and a homebound
21 instructor for weekly visits to ensure accountability.
22 (5) Provide an excused absence for parenting students whose children are sick: *Provided,*
23 That they shall provide a doctor's excuse for that child.
24 (6) The schools shall refer the pregnant and parenting student to a "pregnancy help
25 organization" by providing a list of pregnancy or postpartum assistance organizations within the
26 county and surrounding counties as defined under §16-66-1 of this code.

§18-34-3. Effective date.

1 This article shall become effective on July 1, 2024.