

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

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 may refer the parenting student to a "pregnancy help organization" as
25 defined under §16-66-1 of this code.

§18-34-3. Effective date.

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

NOTE: The purpose of this bill is to create "Jaycie's Law." The bill provides for legislative intent. The bill allows for excused absences for student parents, with time periods for natural births and C-section births. The bill provides for excused absences in the event that a child of the student parent is sick, expectations for parenting education referencing, Finally, the bill provides for 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.