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]

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

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

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

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

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

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

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

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

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

(c) *Enactment*. –

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

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

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

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

(5) The provisions set forth in this section shall automatically be enacted after the reporting and documentation in the WVEIS system.

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