

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2545**

By Delegates Foggin and Sheedy

[Introduced February 18, 2025; referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the use of corporal punishment in public schools.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

**§18A-5-1. Authority of teachers and other school personnel; exclusion of students having  
infectious diseases; suspension or expulsion of disorderly students; corporal  
punishment abolished.**

1 (a) (1) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in  
2 exercising authority over the school and has control of all students enrolled in the school from the  
3 time they reach the school until they have returned to their respective homes, except where  
4 transportation of students is provided, the driver in charge of the school bus or other mode of  
5 transportation shall exercise such authority and control over the students while they are in transit  
6 to and from the school;

7 (2) The principal may administer moderate corporal punishment, subject to rules and  
8 policies adopted by the State Board of Education and county boards of education.

9 (3) The State Board of Education and county boards of education shall adopt policies  
10 consistent with the provisions of this section encouraging the use of alternatives to corporal  
11 punishment, providing for the training of school personnel in alternatives to corporal punishment  
12 and for the involvement of parents and guardians in the maintenance of school discipline.

13 (b) Subject to the rules of the state Board of Education, the teacher shall exclude from the  
14 school any student known to have, or who is suspected of having, any infectious disease, or any  
15 student who has been exposed to any infectious disease and shall immediately notify the proper  
16 health officer or medical inspector of the exclusion. Any student so excluded may not be  
17 readmitted to the school until he or she has complied with all the requirements of the rules  
18 governing those cases or has presented a certificate of health signed by the medical inspector or  
19 other proper health officer.

20 (c) The teacher, may exclude from his or her classroom or school bus any student who is  
21 guilty of disorderly conduct; who in any manner interferes with an orderly educational process;  
22 who behaves in a manner that obstructs the teaching or learning process of others in the  
23 classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a school  
24 employee or a student; who willfully disobeys a school employee; or who uses abusive or profane  
25 language directed at a school employee. Any student excluded shall be placed under the control of  
26 the principal of the school or a designee. The excluded student may be admitted to the classroom  
27 or school bus only when the principal, or a designee, provides written certification to the teacher  
28 that the student may be readmitted and specifies the specific type of disciplinary action, if any, that  
29 was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written  
30 and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When  
31 a student is excluded from a classroom or a school bus two times in one semester, and after  
32 exhausting all reasonable methods of classroom discipline provided in the school discipline plan,  
33 the student may be readmitted to the classroom or the school bus only after the principal, teacher  
34 and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference  
35 to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a  
36 course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the  
37 course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's  
38 request, the principal may, to the extent feasible, transfer the student to another setting. The  
39 Legislature finds that isolating students or placing them in alternative learning centers may be the  
40 best setting for chronically disruptive students. The county board shall create more alternative  
41 learning centers or expand its capacity for alternative placements, subject to funding, to correct  
42 these students' behaviors so they can return to a regular classroom without engaging in further  
43 disruptive behavior.

44 (d) When a grade six through 12 teacher, excluding an elementary school teacher,  
45 determines that the behavior of the student is disorderly conduct, is interfering with an orderly

46 educational process, or obstructs the teaching or learning process of others in the classroom:

47 (1) The student may be excluded from that teacher's classroom and if excluded may not re-  
48 enter that teacher's classroom for at least the remainder of the instructional day;

49 (2) If the student is excluded pursuant to subdivision (1) of this subsection;

50 (A) The principal shall communicate with the teacher within 24 hours of the student being  
51 excluded from the teacher's classroom about the exclusion;

52 (B) The teacher has 24 hours to create an electronic record and place the report of this  
53 action into the West Virginia Education Information System (WVEIS), without any repercussion to  
54 the teacher; and

55 (C) If the student is removed from a classroom a total of three times in one month for one or  
56 more of the behaviors set forth in this subsection, the student shall receive as determined by the  
57 principal an in-school suspension, an out-of-school suspension, or may be considered for  
58 placement in an alternative learning center if one is available within the school district.

59 (e) The Legislature finds that suspension from school is not appropriate solely for a  
60 student's failure to attend class. Therefore, a student may not be suspended from school solely for  
61 not attending class. Other methods of discipline may be used for the student which may include,  
62 but are not limited to, detention, extra class time, or alternative class settings.

63 ~~(f) Corporal punishment of any student by a school employee is prohibited~~

64 ~~(g)~~ (f) Each county board is solely responsible for the administration of proper discipline in  
65 the public schools of the county and shall adopt policies consistent with the provisions of this  
66 section to govern disciplinary actions. These policies shall encourage the use of alternatives to  
67 discipline practices, provide for the training of school personnel in alternatives to discipline  
68 practices, and provide for encouraging the involvement of parent(s), guardian(s) or custodian(s) in  
69 the maintenance of school discipline. To promote a teaching and learning environment free from  
70 substantial classroom disturbances, each county board shall ensure that each school implements  
71 a tier system policy, with teacher input, to provide a framework for student behaviors and

72 punishments. The policy shall be clear and concise with specific guidelines and examples. The  
73 principal shall support the teacher in the discipline of the students if proper cause and  
74 documentation is provided following the schoolwide discipline policy. The teacher may not be  
75 reprimanded if their actions are legal and within the structure of the county board's policy for  
76 student behavior and punishment. The county board policies shall also include an appeal  
77 procedure whereby a teacher may appeal to the county superintendent if a school principal  
78 refuses to allow the exclusion of a student from the classroom or if a teacher believes the school  
79 principal has prematurely ended the exclusion of a student from the classroom. The county boards  
80 shall provide for the immediate incorporation and implementation in schools of a preventive  
81 discipline program which may include the responsible student program and a student involvement  
82 program, which may include the peer mediation program, devised by the West Virginia Board of  
83 Education. Each county board may modify those programs to meet the particular needs of the  
84 county. The county boards shall provide in-service training for teachers and principals relating to  
85 assertive discipline procedures and conflict resolution. The county boards also may establish  
86 cooperatives with private entities to provide middle educational programs, which may include  
87 programs focusing on developing individual coping skills, conflict resolution, anger control, self-  
88 esteem issues, stress management and decision making for students, and any other program  
89 related to preventive discipline.

90 ~~(h)~~ (g) For the purpose of this section:

91 ~~(4)~~ "Student" includes any child, youth or adult who is enrolled in any instructional program  
92 or activity conducted under board authorization and within the facilities of, or in connection with,  
93 any program under public school direction: *Provided*, That, in the case of adults, the student-  
94 teacher relationship shall terminate when the student leaves the school or other place of  
95 instruction or activity;

96 ~~(2)~~ "Teacher" means all professional educators as defined in §18A-1-1 of this code and  
97 includes the driver of a school bus or other mode of transportation; and

98           (3) "Principal" means the principal, assistant principal, vice principal or the administrative  
99 head of the school, or a professional personnel designee of the principal or the administrative  
100 head of the school.

101           (i) Teachers shall exercise other authority and perform other duties prescribed for them by  
102 law or by the rules of the state board not inconsistent with the provisions of this chapter and  
103 chapter 18 of this code.

NOTE: The purpose of this bill is to authorize the use of corporal punishment in public schools.

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