

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 972

FISCAL
NOTE

By Senators Grady and Garcia

[Introduced February 17, 2026; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §49-2-802b, relating to education placements during child abuse and neglect
 3 investigations; establishing Raylee's Law; providing temporary restriction on provision of
 4 home educational instruction in specified circumstances; setting forth duration of
 5 temporary restriction; providing that this provision shall not limit the court's authority to
 6 order an alternative educational placement or instructional arrangement; providing for
 7 construction of language; and requiring notice to Department of Human Services to
 8 provide notice of a pending child abuse and neglect case upon the initiation of an
 9 investigation to the child's school and custodial parent or guardian of the temporary
 10 restriction.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-802b. Educational placement protections during abuse or neglect investigations.

1 (a) Purpose. — The purpose of this section is to ensure the continued visibility, safety, and
 2 welfare of children who are the subject of a pending child abuse or neglect investigation by the
 3 Department of Human Services.

4 (b) Temporary restriction. — When a child is the subject of a pending investigation of abuse
 5 or neglect pursuant to this article, and the alleged perpetrator is a custodial parent, guardian, or
 6 other person responsible for the child's care:

7 (1) The alleged perpetrator may not initiate withdrawal of the child from a public school,
 8 public charter school, or private school for the purpose of providing home instruction; and

9 (2) The alleged perpetrator may not assume or resume responsibility as the primary
 10 provider of home instruction for the child.

11 (c) Duration. — The restriction set forth in subsection (b) of this section shall apply only
 12 during the pendency of the investigation and shall terminate upon:

13 (1) A written determination by the Department of Human Services that the investigation is

- 14 unfounded or closed without substantiation; or
- 15 (2) An order of a circuit court or family court directing otherwise.
- 16 (d) Court authority. — Nothing in this section shall be construed to limit the authority of a
- 17 court to order an alternative educational placement or instructional arrangement when necessary
- 18 to protect the best interests of the child.
- 19 (e) Construction. — This section:
- 20 (1) Does not create a presumption of guilt;
- 21 (2) Does not permanently restrict home instruction; and
- 22 (3) Shall be narrowly construed to protect child safety during active investigations.
- 23 (f) Notice. — Upon the initiation of an investigation that triggers this section, the
- 24 Department shall provide written notice to the child’s school and custodial parent or guardian of
- 25 the temporary restriction.

NOTE: The purpose of this bill is to establish Raylee's law which temporarily prohibits authorization of home instruction education placement if there is a pending child abuse or neglect investigation against a custodial parent of guardian.

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