

SB # 222

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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## ENROLLED

SENATE BILL NO. 222

(By Senator Blatnik, et al)

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PASSED March 12, 1994  
In Effect 90 days from Passage

**E N R O L L E D**

**Senate Bill No. 222**

(BY SENATORS BLATNIK, LUCHT, BAILEY, JONES  
AND WAGNER)

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[Passed March 12, 1994; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article five, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting corporal punishment in the public schools.

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

That section one, article five, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

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

1 The teacher shall stand in the place of the parent or  
2 guardian in exercising authority over the school, and  
3 shall have control of all pupils enrolled in the school  
4 from the time they reach the school until they have  
5 returned to their respective homes, except that where

6 transportation of pupils is provided, the driver in  
7 charge of the school bus or other mode of transporta-  
8 tion shall exercise such authority and control over the  
9 children while they are in transit to and from the  
10 school. Subject to the rules of the state board of  
11 education, the teacher shall exclude from the school  
12 any pupil or pupils known to have or suspected of  
13 having any infectious disease, or any pupil or pupils  
14 who have been exposed to such disease, and shall  
15 immediately notify the proper health officer, or  
16 medical inspector, of such exclusion. Any pupil so  
17 excluded shall not be readmitted to the school until  
18 such pupil has complied with all the requirements of  
19 the rules governing such cases, or has presented a  
20 certificate of health signed by the medical inspector or  
21 other proper health officer. The teacher shall have  
22 authority to suspend any pupil guilty of disorderly,  
23 refractory, indecent or immoral conduct, and the  
24 district board of education may expel or exclude any  
25 such pupil if, on investigation, the conduct of such  
26 pupil is found to be detrimental to the progress and  
27 the general conduct of the school.

28 Corporal punishment of any pupil by a school  
29 employee is prohibited.

30 The West Virginia board of education and county  
31 boards of education shall adopt policies consistent with  
32 the provisions of this section encouraging the use of  
33 alternatives to corporal punishment, providing for the  
34 training of school personnel in alternatives to corporal  
35 punishment and for the involvement of parents and  
36 guardians in the maintenance of school discipline.

37 For the purpose of this section: (1) "Pupil" shall  
38 include any child, youth or adult who is enrolled in  
39 any instructional program or activity conducted under  
40 board authorization and within the facilities of or in  
41 connection with any program under public school  
42 direction: *Provided*, That in the case of adults the  
43 pupil-teacher relationship shall terminate when the  
44 pupil leaves the school or other place of instruction or  
45 activity; (2) "teacher" shall mean all professional  
46 educators as defined in section one, article one of this

47 chapter and shall include the driver of a school bus or  
48 other mode of transportation.

49 Teachers shall exercise such other authority and  
50 perform such other duties as may be prescribed for  
51 them by law or by the rules of the state board of  
52 education not inconsistent with the provisions of this  
53 chapter and chapter eighteen of this code.

*[Handwritten signature]*

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten signature]*  
.....  
Chairman Senate Committee

*[Handwritten signature: Ernest C. Moore]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten signature]*  
.....  
Clerk of the Senate

*[Handwritten signature: Donald L. Hoff]*  
.....  
Clerk of the House of Delegates

*[Handwritten signature]*  
.....  
President of the Senate

*[Handwritten signature]*  
.....  
Speaker House of Delegates

The within is approved this the *29th* day of *March*, 1994.

*[Handwritten signature: Gaston Caperton]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 9:47 am