

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**Senate Bill 422**

BY SENATORS BLAIR (MR. PRESIDENT) AND WOELFEL

[Originating in the Committee on Education; reported

on January 24, 2023]



1 A BILL to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating  
2 to a school's requirement to publish curriculum online at the beginning of each new school  
3 year, or within 30 days after curriculum is revised or new curriculum is adopted; and  
4 requiring schools to publish adopted, up-to-date, county-adopted classroom curriculum.

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

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-27. Requirement to publish curriculum online; Parental ~~parental~~ right to inspect instructional materials; listing books on syllabus; right to file complaint.**

1 (a) Each public school shall ensure that the adopted, up-to-date, county adopted  
2 classroom curriculum is posted on the school's Internet website at the beginning of each school  
3 year, or no later than 30 business days after new or revised curriculum is adopted. The State  
4 Board of Education may provide access, or authorize access, to the county-adopted classroom  
5 curriculum. Only students, parents, or guardians of the students shall be given the log in  
6 information provided to gain access to the online curriculum: *Provided*, That if the public school  
7 has no accessible website, the information shall be posted on the website of the appropriate  
8 county board of education. For purposes of this section, class curriculum shall include curriculum  
9 created pursuant to §18-5A-6 of this code.

10 ~~(a)~~ (b) Each classroom teacher shall comply with the request of any parent, custodian, or  
11 guardian to inspect additional instructional materials adopted by the county board pursuant to  
12 §18-2A-10 of this code, supplementary instructional materials that were not adopted by the county  
13 board pursuant to §18-2A-10 of this code, and books in the classroom that are available for  
14 students to read, subject to the following:

15 (1) Only the parent, custodian, or guardian of a child enrolled in the class may make a  
16 request pursuant to this subsection;

17 (2) The classroom teacher may require that the parent, custodian, or guardian schedule  
18 an appointment in order to inspect the instructional materials. If the classroom teacher requires

19 an appointment pursuant to this subdivision, the teacher shall schedule the appointment within  
20 10 business days of the request of the parent, custodian, or guardian; and

21 (3) As part of the inspection and upon request of the parent, custodian, or guardian, the  
22 classroom teacher shall demonstrate how the instructional material relates to the content  
23 standards adopted by the state board.

24 ~~(b)~~ (c) For any class in which reading a book or books will be required, the classroom  
25 teacher shall include the book or books on a class syllabus. The classroom teacher shall make  
26 the syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon  
27 request.

28 ~~(e)~~ (d) Any parent, custodian, or guardian may file a complaint with the county  
29 superintendent, on a form developed and provided by the county superintendent, if the classroom  
30 teacher fails to comply with any provision of this section. If the complaint is not resolved by the  
31 county superintendent within seven business days, the parent, custodian, or guardian may file a  
32 complaint with the State Superintendent or his or her designee. The State Superintendent shall  
33 make a form available for parents to file a complaint pursuant to this subsection.

34 ~~(d)~~ (e) By September 1 of each year, each county superintendent shall report to the State  
35 Superintendent the number of complaints filed with him or her the previous school year. The State  
36 Superintendent, annually by October 1, shall report to the Legislative Oversight Commission on  
37 Education Accountability the number of complaints filed during the previous school year. The  
38 report shall include the number of complaints filed statewide and by county.

39 ~~(e)~~ (f) For purposes of this section, "parent" means a parent who has some allocation of  
40 physical custody of the child or who has some share of joint decision-making authority for the  
41 child. For purposes of this section, "custodian" means a person who has some allocation of  
42 physical custody of the child or who has provided to the school written permission of a parent to  
43 have access to the information contemplated by this section. For purposes of this section,

- 44 "guardian" means a person other than a parent or custodian who, pursuant to a court order, acts  
45 in loco parentis for the child.