

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 422

By Senators Blair (Mr. President) and Woelfel

[Passed March 11, 2023; in effect 90 days from

passage]

1 AN ACT to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, all
2 relating to publishing county board curriculum; requiring public schools to post county-
3 adopted curriculum online and establishing deadlines therefore; providing that only
4 students, parents, or guardians have access to online curriculum; defining term; allowing
5 county board to provide access to county-adopted curriculum; and providing that if a public
6 school does not have a website, the information shall be posted on county board website
7 or website authorized by state board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-27. Requirement to publish curriculum online; 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 class
2 curriculum is posted on the school's internet website at the beginning of each school year or no
3 later than 30 business days after new or revised curriculum is adopted: *Provided*, That only
4 students, parents, or guardians of the students shall be provided the login information to gain
5 access to the online curriculum.

6 (1) For purposes of this section, class curriculum shall include curriculum created pursuant
7 to §18-5A-6 of this code.

8 (2) The county board of education may provide access, or authorize access, to the county-
9 adopted class curriculum.

10 (3) If the public school has no accessible website, the information shall be posted on the
11 website of the appropriate county board of education, or website authorized by the state board of
12 education.

13 (b) Each classroom teacher shall comply with the request of any parent, custodian, or
14 guardian to inspect additional instructional materials adopted by the county board pursuant to §18-
15 2A-10 of this code, supplementary instructional materials that were not adopted by the county

16 board pursuant to §18-2A-10 of this code, and books in the classroom that are available for
17 students to read, subject to the following:

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

20 (2) The classroom teacher may require that the parent, custodian, or guardian schedule an
21 appointment in order to inspect the instructional materials. If the classroom teacher requires an
22 appointment pursuant to this subdivision, the teacher shall schedule the appointment within 10
23 business days of the request of the parent, custodian, or guardian; and

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

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

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

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

42 (f) For purposes of this section, "parent" means a parent who has some allocation of
43 physical custody of the child or who has some share of joint decision-making authority for the child.
44 For purposes of this section, "custodian" means a person who has some allocation of physical
45 custody of the child or who has provided to the school written permission of a parent to have
46 access to the information contemplated by this section. For purposes of this section, "guardian"
47 means a person other than a parent or custodian who, pursuant to a court order, acts in loco
48 parentis for the child.