

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 367

FISCAL
NOTE

By Senator Tarr

[Introduced January 12, 2024; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-9b, relating to prohibiting a school district, a public charter school, the
 3 West Virginia Board of Education, the West Virginia Department of Education, or any
 4 employee of the aforementioned entities, within the scope of his or her employment, from
 5 requiring or otherwise compelling a student, teacher, administrator, or other employee to
 6 affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that
 7 complaints may be filed pursuant to current state board policy; requiring reports of
 8 substantiated complaints to the Legislative Oversight Commission on Education
 9 Accountability annually; and allowing the state board to promulgate rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-9b. Anti-Racism Act of 2024.

1 (a) A school district, a public charter school, the West Virginia Board of Education, the
 2 West Virginia Department of Education, or any employee of the aforementioned entities, within the
 3 scope of his or her employment, may not require or otherwise compel a student, teacher,
 4 administrator, or other employee to affirm, adopt, or adhere to any of the following concepts:

- 5 (1) One race is inherently, morally, or intellectually superior to another race;
- 6 (2) An individual, by virtue of the individual's race, is inherently racist or oppressive,
 7 whether consciously or unconsciously;
- 8 (3) An individual should be discriminated against or receive adverse treatment solely or
 9 partly because of the individual's race;
- 10 (4) An individual's moral character is determined by the individual's race; or
- 11 (5) An individual, by virtue of the individual's race, bears responsibility for actions
 12 committed by other members of the same race.

13 (b) Nothing in subsection (a) of this section prohibits:

- 14 (1) The discussion of those concepts in theory as part of an academic course;

15 (2) The discussion, examination, or debate regarding race and its impact on historical or
16 current events, including the causes of those current or historical events; or

17 (3) The right to freedom of speech protected by the First Amendment of the United States
18 Constitution and the West Virginia Constitution.

19 (c) Any student, parent or guardian of a student, or employee who believes that this act has
20 been violated, may file a complaint pursuant to the state board policy on conflict resolution.

21 (d) The number, nature and resolution of each substantiated complaint for the previous
22 year shall be reported as follows:

23 (1) Each school principal shall report to the county superintendent by August 1 each year;

24 (2) The county superintendent shall report to the state superintendent by September 1
25 each year; and

26 (3) The state superintendent, or his or her designee, shall report to the Legislative
27 Oversight Commission on Education Accountability by October 1 each year.

28 (e) If necessary for the implementation of this section, the Board of Education is authorized
29 to promulgate additional emergency and legislative rules pursuant to §29A-3B-1 et seq. of this
30 code.

NOTE: The purpose of this bill to create the Anti-Racism Act of 2024. The bill prohibits a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt or adhere to certain specified concepts. The bill limits prohibitions. The bill provides that complaints may be filed pursuant to current state board policy. The bill requires reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually. Finally, the bill allows the state board to promulgate rules.

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