

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 154

By Senators Grady, Tarr, Thorne, and Helton

[Reported February 21, 2025, from the Committee on
Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18-5-29, relating to prohibiting a public school from providing instruction
3 related to sexual orientation or gender identity; prohibiting a public school and the county
4 board employees assigned to the school from knowingly giving false or misleading
5 information to the parent, custodian, or guardian of a student regarding the student's
6 gender identity or intention to transition to a gender that is different than the student's
7 biological sex; requiring a person employed by the public school to report a student's
8 request for an accommodation that is intended to affirm a change in the student's gender
9 identity that is different from a student's biological sex to an administrator employed by the
10 county board and assigned to the school; requiring the administrator to report the student's
11 request to the student's parent, custodian, or guardian; allowing for legal action in certain
12 instances of a violation of section; requiring state board of education to promulgate rules to
13 implement section; and providing that the provisions of this act are severable.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and providing false information regarding student's gender identity or intention to transition; requiring certain student requests to be reported to parent.

1 (a) For the purposes of this section:

2 "Biological sex" means the sex listed on a student's official birth certificate or certificate
3 issued upon adoption if the certificate was issued at or near the time of the student's birth;

4 "Custodian" means a person who has some allocation of physical custody of the child or
5 who has provided to the school written permission of a parent to have access to the notices and
6 information contemplated by this section;

7 "Gender identity" means a category of social identity and refers to an individual's
8 identification as male, female, or occasionally, some category other than male or female;

9 "Guardian" means a person other than a parent or custodian who, pursuant to a court
10 order, acts in loco parentis for the child;

11 "Parent" means a parent who has some allocation of physical custody of the child or who
12 has some share of joint decision-making authority for the child;

13 "Sexual orientation" means an individual's actual or perceived orientation as heterosexual,
14 homosexual, or bisexual; and

15 "Transition to a gender" means the process in which a person goes from identifying with
16 and living as a gender that corresponds to the person's biological sex to identifying with and living
17 as a gender different from the person's biological sex and may involve social, legal, or physical
18 changes.

19 (b) No public school may provide instruction related to sexual orientation or gender
20 identity, whether it is offered as part of a health education class or program or as part of any other
21 class or program. The provisions of this subsection may not be construed to prohibit:

22 (A) A teacher responding to student questions during class regarding sexual orientation or
23 gender identity as it relates to any topic of instruction;

24 (B) Referring to the sexual orientation or gender identity of any historic person, group, or
25 public figure when such information provides necessary context in relation to any topic of
26 instruction; or

27 (C) Referring to sexual orientation and gender identity if necessary to address a
28 disciplinary matter, such as an instance of bullying.

29 (c) A public school and the county board employees assigned to the school may not
30 knowingly give false or misleading information to the parent, custodian, or guardian of a student
31 regarding the student's gender identity or intention to transition to a gender that is different than the
32 student's biological sex.

33 (d) If a student enrolled in a public school requests from a person employed by the public
34 school an accommodation that is intended to affirm a change in the student's gender identity that is

35 different from a student's biological sex, including a request that the student be addressed using a
36 name or pronoun that is different than the name or pronoun assigned to the student in the public
37 school's registration forms or records for the purpose of affirming a change in the student's gender
38 identity that is different than the student's biological sex, the public school employee shall report
39 the student's request to an administrator employed by the county board and assigned to the
40 school, and the administrator shall report the student's request to the student's parent, custodian
41 or guardian.

42 (e) A parent, custodian, or legal guardian who is impacted, or whose child is impacted, by a
43 violation of this section may bring a civil action against the public school in question. The Court in
44 any such action may award compensatory damages, injunctive relief, or any other appropriate
45 relief. Additionally, the court shall award court costs and reasonable attorney fees to a prevailing
46 party who established a violation of provisions of this section.

47 (f) The Attorney General may bring an action to enforce compliance with this section.

48 (g) The state board of education shall promulgate rules pursuant to §29A-3B-1 et seq. of
49 this code to implement this section.

50 (h) If a provision of this section or its application to any person or circumstance is held
51 invalid, the invalidity does not affect other provisions or applications of the section that can be
52 given effect without the invalid provision or application, and to this end the provisions of this act are
53 severable.