

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 704

BY SENATORS GRADY, RUCKER, KARNES, SYPOLT, TARR,

ROBERTS, SMITH, MARONEY, AND MARTIN

[Passed March 12, 2022; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-5-27, relating to requiring each classroom teacher to comply with any
3 request by a parent, custodian, or guardian to inspect any instructional materials and
4 books in the classroom that are available for students to read; requiring, as part of the
5 inspection and upon request of the parent, custodian, or guardian, that the classroom
6 teacher demonstrate how the instructional material relates to the content standards
7 adopted by the State Board of Education; requiring the classroom teacher to include any
8 book or books students will be required to read on a class syllabus; requiring the syllabus
9 to be made available to the parent, custodian, or guardian upon request; allowing any
10 parent, custodian, or guardian to file a complaint with the county superintendent if the
11 classroom teacher fails to comply with this new section, and then with the state
12 superintendent if the complaint is not resolved by the county superintendent within seven
13 days; requiring reports on the number of complaints filed; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-27. Parental right to inspect instructional materials; listing books on syllabus; right to file complaint.

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

6 (1) Only the parent, custodian, or guardian of a child enrolled in the class may make a
7 request pursuant to this section;

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

10 an appointment pursuant to this subdivision, the teacher shall schedule the appointment within
11 10 business days of the request of the parent, custodian, or guardian; and

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

15 (b) For any class in which reading a book or books will be required, the classroom teacher
16 shall include the book or books on a class syllabus. The classroom teacher shall make the
17 syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon
18 request.

19 (c) Any parent, custodian, or guardian may file a complaint with the county superintendent,
20 on a form developed and provided by the county superintendent, if the classroom teacher fails to
21 comply with any provision of this section. If the complaint is not resolved by the county
22 superintendent within seven business days, the parent, custodian, or guardian may file a
23 complaint with the state superintendent or his or her designee. The state superintendent shall
24 make a form available for parents to file a complaint pursuant to this subsection.

25 (d) By September 1 of each year, each county superintendent shall report to the state
26 superintendent the number of complaints filed with him or her the previous school year. The state
27 superintendent, annually by October 1, shall report to the Legislative Oversight Commission on
28 Education Accountability the number of complaints filed during the previous school year. The
29 report shall include the number of complaints filed statewide and by county.

30 (e) For purposes of this section, "parent" means a parent who has some allocation of
31 physical custody of the child or who has some share of joint decision-making authority for the
32 child. For purposes of this section, "custodian" means a person who has some allocation of
33 physical custody of the child or who has provided to the school written permission of a parent to
34 have access to the information contemplated by this section. For purposes of this section,

35 “guardian” means a person other than a parent or custodian who, pursuant to a court order, acts
36 in loco parentis for the child.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2022.

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Governor