

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 704

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

ROBERTS, SMITH, MARONEY, AND MARTIN

[Originating in the Committee on Education; reported

on February 25, 2022]

1 A BILL 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, grandparent, 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, grandparent, or guardian, that the classroom
6 teacher demonstrate how the supplementary instructional material relates to the content
7 standards adopted by the State Board of Education; requiring the classroom teacher to
8 include any book or books students will be required to read on a class syllabus; requiring
9 the syllabus to be made available to the parent, grandparent, or guardian upon request;
10 allowing any parent, grandparent, or guardian to file a complaint with the county
11 superintendent if the classroom teacher fails to comply with this new section, and then
12 with the state superintendent if the complaint is not resolved by the county superintendent
13 within seven 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, grandparent, 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, grandparent, 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, grandparent, or guardian schedule
9 an appointment in order to inspect the supplementary instructional materials. If the classroom

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

12 (3) As part of the inspection and upon request of the parent, grandparent, 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, grandparent, or guardian of a child enrolled in the class upon
18 request.

19 (c) Any parent, grandparent, or guardian may file a complaint with the county
20 superintendent, on a form developed and provided by the county superintendent, if the classroom
21 teacher fails to comply with any provision of this section. If the complaint is not resolved by the
22 county superintendent within seven business days, the parent, grandparent, or guardian may file
23 a 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, "grandparent" means a grandparent of the child who has some
33 allocation of physical custody of the child or who has provided to the school written permission of
34 a parent to have access to the information contemplated by this section. For purposes of this

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