

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 599

By Senators Rucker, Roberts, Smith, Taylor, Deeds,
and Maynard

[Introduced February 09, 2023; referred
to the Committee on Education; and then to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-44, relating to requiring a moment of silence at the beginning of each
 3 school day; forbidding teachers from making suggestions as to the nature of the reflection
 4 that students may engage in during the moment of silence; and providing for the Attorney
 5 General to defend the provisions of this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Daily observance of one minute of silence.

1 (a) In order that the right of every pupil to the free exercise of religion be guaranteed within
 2 the schools and that the freedom of each individual pupil be subject to the least possible pressure
 3 from the state either to engage in, or to refrain from, religious observation on school grounds, the
 4 school board of each county shall establish the daily observance of one minute of silence in each
 5 classroom of the county.

6 (b) During such one-minute period of silence, the teacher responsible for each classroom
 7 shall take care that all pupils remain seated and silent and make no distracting display to the end
 8 that each pupil may, in the exercise of his or her individual choice, meditate, pray or engage in any
 9 other silent activity which does not interfere with, distract, or impede other pupils in the like
 10 exercise of individual choice.

11 (c) The Office of the Attorney General shall intervene and shall provide legal defense of
 12 this section.

NOTE: The purpose of this bill is to provide for a moment of silence at the beginning of each school day. The bill prevents teachers from being able to discuss the substance of what children engage in during the moment of silence. Finally, the bill provides that the Attorney General shall enforce the provisions of this section.

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