

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3326

By Delegate Young

[Introduced March 12, 2025; referred to the
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18A-5-1e, relating to the creation of the Student Bill of Rights.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1e. Student Bill of Rights.

1 (a) Each student has the right to a meaningful public education, the maintenance of high
2 educational standards, and a system of public education that adequately and equitably seeks to
3 meet the need of the individual student.

4 (b) Each student has the right to access to a meaningful curriculum and the right to voice
5 his or her opinions and provide input into the development of the public school curriculum.

6 (c) Each student has the right to express his or her views in matters that affect the quality
7 and content of the education that is provided, including but not limited to, the right to participate
8 individually or through elected representatives in the development of the rules and regulations to
9 which the student is subject.

10 (d) Each student has the right to adequate and timely notice of all rules,
11 regulations, policies and sanctions to which the student is subject. All rules and
12 regulations shall be available in writing and be accessible to all students. A copy of the rules of the
13 Board of Education shall be maintained in the library, guidance office, or other appropriate place in
14 each public school in this state. A copy of the Student Bill of Rights shall be provided to each
15 student upon registration at a public school in this state.

16 (e) Each student has the right to physical safety and the protection of personal property,
17 including the right to safe and sanitary school buildings and facilities.

18 (f) Each student has the right to adequate consultation with teachers, counselors,
19 administrators, and other school personnel.

20 (g) Each student has the right to free election of peers in student organizations, as well as
21 the right to seek and hold office.

(h) Each student and the student's parents or authorized representatives have the right to inspect and review the official records of the school system that relate directly to the individual student, as provided in this code. A student or the student's parent or guardian shall be notified if adverse comments are placed in his or her official records.

(i) Students have the right to participate in school activities without being subject to unlawful discrimination because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, handicapping condition, or any other basis of unlawful discrimination under the laws of this state.

(j) Where access to participation in programs or activities is on a competitive basis, each student has the right to an opportunity to compete on an equal basis.

(k) A student has the right to refuse to participate in school activities which are contrary to the student's moral, religious, or political beliefs.

(l) Each student shall have the right to respect from teachers, other students, administrators, and other school personnel, and shall not be subject to ridicule, harassment, or any punishment that is demeaning or derogatory. No student shall be subject to corporal punishment.

(m) Principals, assistant principals, school security personnel and other designated individuals may conduct, or cause to be conducted, such searches of students as are reasonable to maintain the security, discipline and educational atmosphere of a school building, event or program, in accordance with the provisions of this code.

(n) Each student shall have the right to use reasonable physical means to defend himself or herself from assault or physical abuse, and shall not be subject to suspension for using limited, reasonable, physical means to restrain another person from physically assaulting or harming a third person.

(o) Each student has the right to present petitions, complaints, or grievances to school authorities and the right to receive prompt, authoritative replies from school officials regarding the

48 disposition of the student's petitions, complaints, or grievances. The procedure for presenting
49 complaints and grievances is set forth in this code. The alternative procedure for presenting
50 complaints alleging incidents of harassment and sexual harassment is set forth in this code.

51 (p) Where a student is entitled to a hearing pursuant to this title, the hearing shall be
52 impartial, and the student shall be afforded all other rights set forth in the hearing procedures.

53 (q) Each student shall have the right to exercise his or her constitutional rights of free
54 speech, assembly, and expression without prior restraint, so long as the exercise of these rights
55 does not substantially interfere with the rights of others.

56 (r) The exercise of the constitutional rights of free speech, assembly, and expression by
57 students shall include, but is not necessarily limited to, the following:

58 (1) Wearing political buttons, armbands, or other badges of symbolic expression;

59 (2) Organizing and participating in political and social organizations;

60 (3) Use of student bulletin boards without prior censorship, but not school bulletin boards
61 without approval of the use which shall be reasonably provided by the schools;

62 (4) Preparation and distribution of posters, newspapers, or other printed matter, on or off
63 school grounds, and the reasonable use of the school public address system subject to standards
64 adopted by the student government organization in cooperation with school officials; provided, that
65 such distribution or use shall be limited to reasonable times before, during, and after school hours
66 in order to prevent undue interference with classroom activities and the rights of others; and

67 (5) Free expression and defense of views and opinions without having that expression
68 affect the student's examinations, grades, academic achievement, or participation in extra-
69 curricular activities.

NOTE: The purpose of this bill relates to the creation of the Student Bill of Rights.

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