WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 277

By Senator Azinger

[Introduced February 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 §18-2-46, relating to the teaching of divisive acts and critical race theory in

3   West Virginia schools; providing definitions; prohibiting public schools and charter schools

4   from teaching or training students to believe certain divisive concepts; allowing a teacher

5   to be dismissed or not re-employed for teaching or training students to believe certain

6   divisive concepts; providing certain construction; providing for promulgation of rules;

7   providing for codification; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-46. Curriculum promoting "divisive acts" and "critical race theory" prohibited.

1   (a) As used in this section:

2   (1) "Divisive concepts" means the concepts that:

3   (A) One race or sex is inherently superior to another race or sex;

4   (B) The United States is fundamentally racist or sexist;

5   (C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or

6   oppressive, whether consciously or unconsciously;

7   (D) An individual should be discriminated against or receive adverse treatment solely or

8   partly because of his or her race or sex;

9   (E) Members of one race or sex cannot and should not attempt to treat others without

10   respect to race or sex;

11   (F) An individual's moral character is necessarily determined by his or her race or sex;

12   (G) An individual, by virtue of his or her race or sex, bears responsibility for actions

13   committed in the past by other members of the same race or sex;

14   (H) Any individual should feel discomfort, guilt, anguish, or any other form of psychological

15   distress on account of his or her race or sex;

16   (I) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a

17   particular race to oppress another race; or

18   (J) Any other form of race or sex stereotyping or any other form of race or sex

19   scapegoating.

20   (2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical

21   codes, privileges, status or beliefs to a race or sex, or an individual because of his or her race or

22   sex; and

23   (3) "Race or sex scapegoating" means assigning fault, blame or bias to a race or sex or to

24   members of a race or sex because of their race or sex. It also includes any claim that consciously

25   or unconsciously and by virtue of his or her race or sex, members of any race are inherently racist

26   or are inherently inclined to oppress others, or that members of a sex are inherently sexist or

27   inclined to oppress others.

28   (b) Public school districts and public charter schools in this state shall be prohibited from

29   teaching, instructing, or training any student to believe any of the divisive concepts set forth in

30   subsection (a) of this section.

31   (c) A teacher may be dismissed or not reemployed for teaching, instructing, or training any

32   student to believe any of the divisive concepts set forth in subsection (a) of this section.

33   (d) Nothing in this section may be construed to prohibit discussing, as part of a larger

34   course of academic instruction, the divisive concepts provided for in subsection (a) of this section

35   in an objective manner and without endorsement.

36   (e) The West Virginia State Board of Education may promulgate rules to implement and

37   monitor compliance with the provisions of this section.

38   (f) This section shall become effective July 1, 2025.

NOTE: The purpose of this bill is to prohibit the teaching of "divisive acts" and "critical race theory" in West Virginia public and charter schools.

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