WEST VIRGINIA CODE CHAPTER 18 ARTICLE 33

WV Legislature

§18-33-1. West Virginia Student Religious Liberties Act.

This article shall be known and may be cited as the "West Virginia Student Religious Liberties Act."

WV Legislature

§18-33-2. Student expression.

A public school district shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression. A school district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

WV Legislature

§18-33-3. Religious expression in class assignments.

As more fully set forth in §18-33-5(b) of this code, students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination and may not be penalized or rewarded on account of the religious content of their work: *Provided*, That a student may express disagreement and offer opposing views regarding any issue based on religious beliefs, but may not be excused from answering a test question or other assignment correctly because the answer to that question that was provided in course content is counter to the religious beliefs of the student.

WV Legislature

§18-33-4. Freedom to organize and advertise religious groups and activities.

As more fully set forth in §18-33-5(c) and §18-33-5(d) of this code, students in public schools may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.

WV Legislature

§18-33-5. Student expression of religious viewpoints; religious expression in class assignments; freedom to organize and advertise religious groups and activities; displaying religious messages or symbols.

(a) *Student expression of religious viewpoints.* — The school district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

(b) *Religious expression in class assignments*. — Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students' submissions. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content. If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

(c) *Freedom to organize and advertise religious groups and activities*. — Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, religious groups must also be permitted to advertise or announce group meetings.

(d) *Displaying religious messages or symbols.* — Students in public schools may wear clothing, accessories, and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry that display messages or symbols are permitted.

WV Legislature

§18-33-6. Certain acts restricted.

This act may not be construed to authorize this state or any of its political subdivisions to do either of the following:

(1) Require any person to participate in prayer or in any other religious activity; or

(2) Violate the constitutional rights of any person.

WV Legislature

§18-33-7. Certain authority may not be limited.

This act shall not be construed to limit the authority of any public school to do any of the following:

(1) Maintain order and discipline on the campus of the public school in a content- and viewpoint-neutral manner;

(2) Protect the safety of students, employees, and visitors of the public school; and

(3) Adopt and enforce policies and procedures regarding student speech at school, provided that the policies and procedures do not violate the rights of students as guaranteed by the United States and West Virginia constitutions and laws.

WV Legislature

§18-33-8. First school year affected.

This act shall be in force beginning with the 2020-2021 school year.

WV Legislature