WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

Committee Substitute for

SENATE BILL NO. 42

(By Senator Whitlow, et al.)

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PASSED March 12, 1994

In Effect 90 days from Passage
AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section forty-one, relating to county boards of education; prohibiting the prohibition by county school boards of certain documents based solely on religious references; definitions; and criteria.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section forty-one, to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-41. Content based censorship of American history prohibited.

   (a) No county board of education shall prohibit the use as an educational resource or teaching device any
Enr. Com. Sub. for S. B. No. 42] 2

3 historical document related to the founding of the
4 United States of America or any government publica-
5 tion solely because the document contains a religious
6 reference or references: Provided, That the use of
7 such materials must serve a bona fide secular educa-
8 tional purpose which does not advance or inhibit a
9 religion or particular religious belief.

(b) (1) As used in subsection (a) of this section, the
term "historical document related to the founding of
the United States of America" shall include, but not
be limited to, such documents as the declaration of
independence and the United States constitution.

(2) As used in subsection (a) of this section, the term
"government publication" shall include, but not be
limited to, such documents as decisions of the United
States supreme court and acts of Congress.

(c) In determining the purpose of the use of a
document containing a reference to a deity or a
religion, consideration shall be given to the overall
context of the document's use.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1994.

Governor