

**WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 422**

BY SENATORS BLAIR (MR. PRESIDENT) AND WOELFEL

[Passed March 11, 2023; in effect 90 days from passage (June 9, 2023)]

SB 422

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 21 P 12:11

FILED

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2023 MAR 21 P 12:10

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1 AN ACT to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, all  
2 relating to publishing county board curriculum; requiring public schools to post county-  
3 adopted curriculum online and establishing deadlines therefore; providing that only  
4 students, parents, or guardians have access to online curriculum; defining term; allowing  
5 county board to provide access to county-adopted curriculum; and providing that if a public  
6 school does not have a website, the information shall be posted on county board website  
7 or website authorized by state board.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-27. Requirement to publish curriculum online; parental right to inspect instructional materials; listing books on syllabus; right to file complaint.**

1 (a) Each public school shall ensure that the adopted, up-to-date, county-adopted class  
2 curriculum is posted on the school's internet website at the beginning of each school year or no  
3 later than 30 business days after new or revised curriculum is adopted: *Provided*, That only  
4 students, parents, or guardians of the students shall be provided the login information to gain  
5 access to the online curriculum.

6 (1) For purposes of this section, class curriculum shall include curriculum created pursuant  
7 to §18-5A-6 of this code.

8 (2) The county board of education may provide access, or authorize access, to the county-  
9 adopted class curriculum.

10 (3) If the public school has no accessible website, the information shall be posted on the  
11 website of the appropriate county board of education, or website authorized by the state board of  
12 education.

13 (b) Each classroom teacher shall comply with the request of any parent, custodian, or  
14 guardian to inspect additional instructional materials adopted by the county board pursuant to  
15 §18-2A-10 of this code, supplementary instructional materials that were not adopted by the county

16 board pursuant to §18-2A-10 of this code, and books in the classroom that are available for  
17 students to read, subject to the following:

18 (1) Only the parent, custodian, or guardian of a child enrolled in the class may make a  
19 request pursuant to this subsection;

20 (2) The classroom teacher may require that the parent, custodian, or guardian schedule  
21 an appointment in order to inspect the instructional materials. If the classroom teacher requires  
22 an appointment pursuant to this subdivision, the teacher shall schedule the appointment within  
23 10 business days of the request of the parent, custodian, or guardian; and

24 (3) As part of the inspection and upon request of the parent, custodian, or guardian, the  
25 classroom teacher shall demonstrate how the instructional material relates to the content  
26 standards adopted by the state board.

27 (c) For any class in which reading a book or books will be required, the classroom teacher  
28 shall include the book or books on a class syllabus. The classroom teacher shall make the  
29 syllabus available to any parent, custodian, or guardian of a child enrolled in the class upon  
30 request.

31 (d) Any parent, custodian, or guardian may file a complaint with the county superintendent,  
32 on a form developed and provided by the county superintendent, if the classroom teacher fails to  
33 comply with any provision of this section. If the complaint is not resolved by the county  
34 superintendent within seven business days, the parent, custodian, or guardian may file a  
35 complaint with the State Superintendent or his or her designee. The State Superintendent shall  
36 make a form available for parents to file a complaint pursuant to this subsection.

37 (e) By September 1 of each year, each county superintendent shall report to the State  
38 Superintendent the number of complaints filed with him or her the previous school year. The State  
39 Superintendent, annually by October 1, shall report to the Legislative Oversight Commission on  
40 Education Accountability the number of complaints filed during the previous school year. The  
41 report shall include the number of complaints filed statewide and by county.

42 (f) For purposes of this section, "parent" means a parent who has some allocation of  
43 physical custody of the child or who has some share of joint decision-making authority for the  
44 child. For purposes of this section, "custodian" means a person who has some allocation of  
45 physical custody of the child or who has provided to the school written permission of a parent to  
46 have access to the information contemplated by this section. For purposes of this section,  
47 "guardian" means a person other than a parent or custodian who, pursuant to a court order, acts  
48 in loco parentis for the child.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

*Joe Lamm*  
Clerk of the Senate

*Steve Harris*  
Clerk of the House of Delegates

FILED  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

*Cy P. Bly*  
President of the Senate

*Don Hancock*  
Speaker of the House of Delegates

The within is *approved* this the *21st*  
Day of *March* 2023.

*James Perine*  
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2023

Time 2:54 pm