

SB154

# WEST VIRGINIA LEGISLATURE

## 2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

### Senate Bill 154

BY SENATORS GRADY, TARR, THORNE, HELTON, RUCKER,

WILLIS, ROBERTS, DEEDS, HART, AND WOODRUM

[Passed April 12, 2025; in effect 90 days from  
passage (July 11, 2025)]

FILED  
2025 APR 30 P 11:15  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE



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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §18-5-29, relating to prohibiting instruction related to sexual orientation and  
3 gender identity; setting forth definitions; creating exceptions to prohibition against  
4 instruction; prohibiting a public school and the county board employees assigned to the  
5 school from knowingly giving false or misleading information to the parent, custodian, or  
6 guardian of a student regarding the student's gender identity or intention to transition to a  
7 gender that is different than the student's biological sex; requiring a public school  
8 employee to report a student's request for an accommodation that is intended to affirm the  
9 student's gender identity from a person employed by the public school to an administrator  
10 employed by the county board and assigned to the school; requiring the administrator to  
11 report the student's request to the student's parent, custodian, or guardian; providing that  
12 a complaint may be filed in pursuant to state board rule for violations of these provisions,  
13 providing that school personnel found in violation of this section may be subjected to  
14 discipline or dismissal pursuant statute; providing that the state board, in consultation with  
15 the Higher Education Policy Commission, shall promulgate rules to implement section;  
16 allowing the Attorney General to enforce compliance; and providing that the provisions of  
17 this act are severable.

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

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

**§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and  
providing false information regarding student's gender identity or intention to  
transition; requiring certain student requests to be reported to parent.**

1 (a) For the purposes of this section:

2 (1) "Biological sex" means the sex listed on a student's official birth certificate or certificate  
3 issued upon adoption if the certificate was issued at or near the time of the student's birth;

(2) "Custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the notices and information contemplated by this section;

(3) "Gender identity" means a category of social identity and refers to an individual's identification as male, female, or occasionally, some category other than male or female;

(4) "Guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child;

(5) "Parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child;

(6) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual; and

(7) "Transition to a gender" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person's biological sex and may involve social, legal, or physical changes.

(b) A public school may not provide instruction related to sexual orientation or gender identity: *Provided*, That the provisions of this subsection do not prohibit:

(1) A teacher responding to student questions during class regarding sexual orientation or gender identity as it relates to any topic of instruction;

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction;

(3) Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as an instance of bullying; or

(4) Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

30 (c) A public school and the county board employees assigned to the school may not  
31 knowingly give false or misleading information to the parent, custodian, or guardian of a student  
32 regarding the student's gender identity or intention to transition to a gender that is different than  
33 the student's biological sex.

34 (d) If a student enrolled in a public school requests from a person employed by the public  
35 school an accommodation that is intended to affirm a change in the student's gender identity that  
36 is different from a student's biological sex, including a request that the student be addressed using  
37 a name or pronoun that is different than the name or pronoun assigned to the student in the public  
38 school's registration forms or records for the purpose of affirming a change in the student's gender  
39 identity that is different than the student's biological sex, the public school employee shall report  
40 the student's request to an administrator employed by the county board and assigned to the  
41 school, and the administrator shall report the student's request to the student's parent, custodian,  
42 or guardian.

43 (e) A parent, custodian, or guardian who is impacted, or whose child is impacted, by a  
44 violation of this section may file a complaint pursuant to West Virginia Board of Education Policy  
45 7211 (§126-188-1).

46 (f) School personnel found in violation of this section may be subject to discipline or  
47 dismissal pursuant to §18A-2-8 of this code.

48 (g) The West Virginia Board of Education, in consultation with the Higher Education Policy  
49 Commission, shall promulgate rules pursuant to §29A-3B-1 *et seq.* of this code to implement this  
50 section.

51 (h) The Attorney General may bring an action to enforce compliance with this section.

52 (i) If a provision of this section or its application to any person or circumstance is held  
53 invalid, the invalidity does not affect other provisions or applications of the section that can be  
54 given effect without the invalid provision or application, and to this end the provisions of this act  
55 are severable.





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

  
Clerk of the Senate

  
Clerk of the House of Delegates

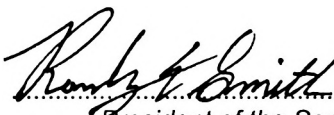
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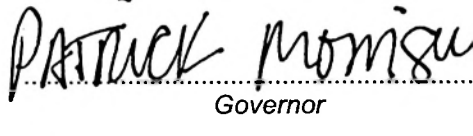
Originated in the Senate.

In effect 90 days from passage.

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
Day of April, 2025.

  
Governor

5

1875-1876

PRESENTED TO THE GOVERNOR

APR 21 2025

Time 2:35pm