

H. B. 2394

(By Delegates Fleischauer, Caputo, Miley
and Manchin)

[Introduced January 12, 2011; referred to the
Committee on Education.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §18A-5-9; and to
amend said code by adding thereto a new section, designated
§18B-1-12, all relating to the protection of the academic
speech of professional educators.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §18A-5-9; and that said
code be amended by adding thereto a new section, designated §18B-1-
12, all to read as follows:

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-9. Academic freedom.

An employee in West Virginia public schools may not be
disciplined, denied employment or denied promotion based upon his
or her speech, research or writing related to public issues:

Provided, That nothing herein protects speech or actions that

1 constitute a crime or otherwise prohibited by law. This section
2 does not limit a school board's rights to set curriculum and
3 academic standards.

4 **CHAPTER 18B. HIGHER EDUCATION.**

5 **ARTICLE 1. GOVERNANCE.**

6 **§18B-1-12. Academic freedom.**

7 A professional educator employed by a West Virginia public
8 higher education institution may not be disciplined, denied
9 employment or denied tenure based upon the content of his or her
10 speech, research or writing related to his or her academic
11 employment: *Provided*, That nothing herein protects actions that
12 constitute a crime or otherwise prohibited by law. This section
13 does not limit an institution's rights to set and enforce standards
14 for academic scholarship, research methods and practices.

NOTE: The purpose of this bill is to protect academic speech of professional educators.

These sections are new; therefore, it has been completely underscored.