

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 93

By Senators Azinger, Roberts, Karnes, and Maynard

[Introduced January 11, 2023; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-44, relating to the teaching of divisive acts and critical race theory in
 3 West Virginia schools; providing definitions; prohibiting public schools and charter schools
 4 from teaching or training students to believe certain divisive concepts; allowing a teacher
 5 to be dismissed or not re-employed for teaching or training students to believe certain
 6 divisive concepts; providing certain construction; providing for promulgation of rules;
 7 providing for codification; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Curriculum promoting "divisive acts" and "critical race theory" prohibited.

1 (a) As used in this section:

2 (1) "Divisive concepts" means the concepts that:

3 (A) One race or sex is inherently superior to another race or sex;

4 (B) The United States is fundamentally racist or sexist;

5 (C) An individual, by virtue of his or her race or sex, is inherently racist, sexist or
 6 oppressive, whether consciously or unconsciously;

7 (D) An individual should be discriminated against or receive adverse treatment solely or
 8 partly because of his or her race or sex;

9 (E) Members of one race or sex cannot and should not attempt to treat others without
 10 respect to race or sex;

11 (F) An individual's moral character is necessarily determined by his or her race or sex;

12 (G) An individual, by virtue of his or her race or sex, bears responsibility for actions
 13 committed in the past by other members of the same race or sex;

14 (H) Any individual should feel discomfort, guilt, anguish or any other form of psychological
 15 distress on account of his or her race or sex;

16 (I) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a

17 particular race to oppress another race; or

18 (J) Any other form of race or sex stereotyping or any other form of race or sex
19 scapegoating.

20 (2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical
21 codes, privileges, status or beliefs to a race or sex, or an individual because of his or her race or
22 sex; and

23 (3) "Race or sex scapegoating" means assigning fault, blame or bias to a race or sex or to
24 members of a race or sex because of their race or sex. It also includes any claim that consciously
25 or unconsciously and by virtue of his or her race or sex, members of any race are inherently racist
26 or are inherently inclined to oppress others, or that members of a sex are inherently sexist or
27 inclined to oppress others.

28 (b) Public school districts and public charter schools in this state shall be prohibited from
29 teaching, instructing or training any student to believe any of the divisive concepts set forth in
30 subsection (a) of this section.

31 (c) A teacher may be dismissed or not reemployed for teaching, instructing or training any
32 student to believe any of the divisive concepts set forth in subsection (a) of this section.

33 (d) Nothing in this section may be construed to prohibit discussing, as part of a larger
34 course of academic instruction, the divisive concepts provided for in subsection (a) of this section
35 in an objective manner and without endorsement.

36 (e) The West Virginia State Board of Education may promulgate rules to implement and
37 monitor compliance with the provisions of this section.

38 (f) This section shall become effective July 1, 2023.

NOTE: The purpose of this bill is to prohibit the teaching of "divisive acts" and "critical race theory" in West Virginia public and charter schools.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.