

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5124

By Delegates Hillenbrand, Chiarelli, Phillips, Brooks,
Thorne, Hornby, Crouse, Butler, Heckert, Foggin, and
Foster

[Introduced January 25, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating to
 2 removing restrictions of taxpayers to access online curriculum of instructional materials;
 3 providing that taxpayers may inspect additional instructional materials adopted by the
 4 county boards of education pursuant to including books in a classroom; and removing
 5 restrictions of filing a complaint.

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 §18-~~
 15 ~~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) ~~(1)~~ The classroom teacher may require ~~that the parent, custodian, or guardian~~ an
21 individual to schedule an appointment in order to inspect the instructional materials. If the
22 classroom teacher requires an appointment pursuant to this subdivision, the teacher shall
23 schedule the appointment within 10 business days of the request of the parent, custodian, or
24 guardian; and

25 ~~(3)~~ (2) As part of the inspection and upon request ~~of the parent, custodian, or guardian~~, the
26 classroom teacher shall demonstrate how the instructional material relates to the content
27 standards adopted by the state board.

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

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

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

43 (f) For purposes of this section, "parent" means a parent who has some allocation of

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

NOTE: The purpose of this bill is to remove the restrictions of taxpayers to access online curriculum. The bill allows for any taxpayer to inspect additional instructional material adopted by the county board pursuant to including books in the classroom. Finally, the bills allows for any individual to file a complaint.

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