



From the Statehouse to the Schoolhouse: Unpacking the Impact of New Legislation and Decisions

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- We speak in general terms today. The specific facts of a situation can make a difference in the legal principles that apply
- Do not treat this presentation as legal advice about any specific situation
- Information we present may at any time become outdated by changes in the school laws
- When in doubt, don't act or rely on the information in this presentation without seeking legal advice



Our Agenda for This Session

Keeping up with the school laws

Some Bills that **DID NOT** Pass

Bills that **DID** pass

Your good questions

KEEPING UP-TO-
DATE WITH
SCHOOL LAW
DEVELOPMENTS
ALL YEAR LONG



Education Law Updates



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**SOME
BILLS
THAT
DID NOT
PASS**



- Immunization exemptions
- Locality pay for teachers
- Secondary school athletic trainer and career technical education program act
- Requiring elementary school teachers to be certified in the science of reading
- Permitting middle or high school students to participate in travel sports teams without repercussion

- Providing tax credit for homeschool students
- To ensure that classroom sizes are equal without losing a teacher's aide
- Making administration employees at the local board of education will and pleasure employees.
- Relating to the creation of a regional school district pilot program.
- Transferring administration of Advanced Career Education (ACE) classes and programs from county boards of education to community and technical colleges

BILLS
THAT
DID
PASS

GO

1. Business
2. Governance
3. Personnel
4. Rights
5. Health & safety

6. Student Success
7. Discipline
8. Instruction
9. Untraditional Ed
10. Miscellaneous

1. BUSINESS



Senate Bill 715
Relating to personally
identifiable information of
member, retirant, beneficiary,
or alternate payee of retirement
system

In effect April 7, 2025

- In response to the risk of fraud and identity theft, all records maintained by the Retirement Board that would tend to disclose personally identifiable information of a member, retirant, beneficiary or alternate payee are confidential and exempt from disclosure under the Freedom of Information Act
 - But members, retirants, beneficiaries, alternate payees, or persons authorized by them may access their own information

The confidential information includes, but is not limited to

- Social Security numbers
- Account numbers
- Birth dates
- Addresses
- Telephone numbers
- Email addresses
- Medical information
- Disability information
- Direct deposit information

Senate Bill 712
Relating to retirement
provisions of systems managed
by CPRB

In effect July 11, 2025

- A retirant who becomes employed by the county board of education after the effective date of his or her retirement must have a bona fide separation from service upon retirement to be eligible for an annuity payable under the retirement system

- If a retirant fails to have a bona fide separation from service upon retirement, or if the retirant or the county board fails to make satisfactory reports or verifications requested by the Retirement Board to ensure that a bona fide separation from service upon retirement has occurred, then the member's retirement must be voided and the member must repay to the system the gross amount of all annuity payments received related to such voided retirement

Senate Bill 587
Relating generally to
government contracting

In effect July 11, 2025

- Under the statutes governing the bidding of county board construction contracts, the requirement to solicit competitive bids has been raised so that now it will apply to every construction project exceeding \$50,000 (instead of \$25,000) in total cost
- Senate Bill 587 requires that the provisions of a bid shall remain valid and legally binding for a period of 90 calendar days from the date of the bid opening
 - The period can be extended by mutual agreement

- Under the provisions that allow a county board to negotiate with the lowest qualified responsible bidder when all bids exceed the board's maximum budgeted amount, the negotiations will now be based on the specifications (instead of on the "scope and specifications") contained in the original solicitation
- A negotiated award will now have to be made within 60 days (instead of 30 days) of the original bid opening date

- The legislation enacts the Government Construction Management At-Risk Contracts Act which may be used to select construction managers at-risk for authorized public construction projects of at least \$20 million in estimated total cost.
 - A construction management at-risk contract is a contract by which a construction manager assumes the legal responsibility to deliver a construction project within a contracted price, acts as a construction consultant to the county board during the design phase of the project when the county board's architect or engineer designs the project, and is the builder during the project's construction phase
- Construction management at-risk contracts must be awarded under the provisions of the new Act instead of the rules that applied in the past

House Bill 2014 Certified Microgrid Program

In effect July 11, 2025

- The Certified Microgrid Development Program is created and is to be administered as a program within the state Division of Economic Development to encourage the continued development, construction, operation, maintenance, and expansion in West Virginia of high impact plants and facilities, in certain circumstances where the availability of electricity generated is demonstrated to be necessary.

- As part of the program, certain ad valorem property tax revenues from qualifying high impact data centers will be distributed as follows:
 - 50% to the Personal Income Tax Reduction Fund established by the Legislature
 - 30% to the county in which the center is sited
 - 10% to all counties on a per capita basis
 - 5 % to the Economic Enhancement Grant Fund administered by the Water Development Authority
 - 5% to the Electric Grid Stabilization and Security Fund
- This manner of distribution will affect the revenues of some county boards of education

House Bill 2152

Prompt Payment Act of 2025

In effect July 8, 2025

- This Act requires that when a state agency receives from a vendor or grantee a legitimate claim for payment, the agency must disburse the grant funds or process the invoice within 10 business days from its receipt and make payment in full within 45 days
- A “State agency” that must make such prompt payments is defined as “any agency, department, board, office, bureau, commission, authority or any other entity of the executive, judicial, elected, or legislative branch of state government.”
 - As such, county boards of education are not state agencies required by the Act to meet the 10- and 45-day deadlines

- Could a county board be a “grantee” within the meaning of the Act and, therefore, a beneficiary of the 10-day rule with respect to payments due from the State Department or other state agency?
 - Conceivably, yes.
 - The Act defines Grantee to mean “any entity receiving a state grant, including a state spending unit, local government, corporation, partnership, association, individual, or other legal entity”

- But the Act identifies certain kinds of payments that are not controlled by the 10-day rule, including
 - government transfer payments,
 - grants of student aid,
 - direct benefits under state insurance and welfare programs, and
 - federal pass-through funds
- These exemptions might greatly limit the circumstances in which a county board could expect the State Department or another state office to observe the Act's 10-day rule

House Bill 2761

Relating generally to magistrate courts

In effect July 7, 2025

- Magistrate Courts will now have jurisdiction of all civil actions where the value of the amount in controversy or the value of property sought, exclusive of interest and cost, is not more than \$20,000
 - (Until now, the limit was \$10,000)

2. GOVERNANCE



House Bill 2513
Enhancing training
requirements for county board
of education members

In effect July 3, 2025

- Orientation

- As before, a person elected to the county board may not assume the duties of board member unless first attending and completing orientation training that is offered between the election and the beginning of the term of office
- In addition to the usual topics of boardsmanship and governance effectiveness, orientation will now cover ‘fiscal management’

- An exception: A board member who is unable to attend orientation between the election and the beginning of the term of office for good cause now must complete a make-up orientation training “within 30 days of being sworn in”
- Another exception: Orientation is not a requirement for members who took office prior to July 1, 2025 and serve continuously from that date forward

- Other training
 - Beginning July 1, 2025, each board member must annually receive 12 hours of training (as compared to 7 in the past)
 - As before, the training must be in areas related to boardsmanship, governance effectiveness, and school performance issues, but now it must also be in areas related to “fiscal management”

- The school performance issues must include, as they have in the past, pertinent state and federal statutes such as West Virginia's "Process for Improving Education."
- The bill provides that they must now also include, but are not limited to, the "Every Child Succeeds Act" (ESSA), the "Individuals with Disabilities Education and Improvement Act of 2004" (IDEA), and their respective rules

- On recommendation of the State Superintendent, the State Board may now require any county board member to attend additional training if it is believed the training would assist the county board member in successfully performing their duties on the county board

- Failure, without good cause, to attend and complete orientation, annual training, or training required by the State Board is neglect of duty under the statute that allows the removal of a school board member for cause
- The statute still empowers the State Board to determine, by policy, what constitutes neglect of duty in this context

- In the final year of any four-year term of office, a member is no longer required to satisfy the annual training requirement before January 1, but must do so before July 1
 - Exception: If a member is not seeking reelection, they are not even required to satisfy the annual training requirement in the fourth year

- The chairs of the House and Senate Education committees, or their designees, will now serve as ex officio members of the County Board Member Training Standards Review Committee
- On January 1, 2026, and on or before every January 1, the State Superintendent must report to the Legislative Oversight Commission on Education Accountability (LOCEA) about
 - the activities of the Committee
 - the types of training provided to county board members &
 - the level of participation by county board members, and

- Compensation

- Under the bill, county board members “shall” receive compensation at the rate of \$260 per meeting attended, “unless the board votes to approve a lower rate”
- The bill also clarifies that presentation of receipts is not required for payment to a board member for mileage incurred for necessary travel, including all authorized meetings, incurred on official business

September 158

Modeling eligibility
requiring members for serving as
member of State Board of
Education

Interpret July 1925

State Board members will now be prohibited from engaging in political activities:

- 
- Becoming a candidate for or holding any other public office or position for serving without compensation on or being elected or appointed board (profit or nonprofit) whose primary scope is unrelated to public schools
 - Becoming a candidate or serving as
 - an elected member of a political party executive committee
 - a delegate, alternate to a national political party convention

- A State Board member may not solicit or receive political contributions to support the election or retire the campaign debt of any candidate for partisan office
 - But with respect to partisan or non-partisan candidates for public office, a State Board member may
 - make campaign contributions
 - attend political fund raisers
 - serve as an unpaid campaign worker
 - endorse candidates
 - State Board members may not attend political party conventions
- 

House Bill 2755

To provide that the West
Virginia Board of Education
may promulgate rules or
policies to be submitted to the
Legislature for review

In effect July 11, 2025

- This bill begins with the statement that “the Legislature exercises authority over the West Virginia Board of Education”
 - The State Board must submit every newly approved rule to the Legislature through the Legislative Oversight Commission on Education Accountability (LOCEA)
 - LOCEA has the discretion to hold a public hearing on the rule. In any event, LOCEA must review the rule and then recommend that the Legislature
 - authorize the rule;
 - authorize part of the rule;
 - authorize the rule with certain amendments;
 - withdraw the rule; or
 - reject the rule

- The Legislature will then be allowed to approve, amend or reject these rules, in whole or in part, under West Virginia's Administrative Procedure Act
- If within 15 months the Legislature does not review and approve, or reject, the policy in whole or in part, the policy shall take effect as enacted by the State Board

- The State Board may still enact emergency rules that take effect right away, without prior Legislative rule. An emergency rule
 - may adopt, amend or repeal any legislatively-approved rule
 - cannot be effective for more than 15 months and, under certain circumstances, will expire earlier
 - must be reviewed by LOCEA within 15 months, which may recommend that the State Board, the Legislature and the Secretary of State take such action as thought proper

- LOCEA may apparently review most existing State Board rules and make recommendations concerning them to the Legislature, the State Board, or both

House Bill 2897
Permitting the Legislative
Auditor to conduct periodic
performance and financial
audits of the West Virginia
Department of Education

In effect July 7, 2025

- At the request of the Legislative Oversight Commission on Education Accountability (LOCEA) and approval of the Legislature's Joint Committee on Government and Finance, the Legislative Auditor may now conduct performance audits of
 - the State Department of Education, and
 - county boards of education

- The Legislative Auditor is allowed to inspect all records and accounts of the Department and examine its personnel, but is required to protect the confidentiality, privacy or security of any protected information to the same degree as the State Department is required to protect it
 - The Legislative Auditor is also empowered to review “productivity and meeting standards, while ensuring local control is upheld”
- An initial performance audit of the State Department must be completed by December 1, 2025, with a report delivered to the Joint Committee and LOCEA

House Bill 2548

Clarifying duties of state superintendent regarding rule implementation

In effect July 1, 2025

- The State Superintendent will now be required to annually report to the Legislative Oversight Commission on Education Accountability (LOCEA) “regarding the implementation of state board rules in each county school district”
- If a county is found in violation of “proper implementation of any rule,” the State Superintendent will be required to provide a plan to ensure full implementation of the rule, as well as a timeline
- School aid funding may be withheld from a county that “continues to be in violation of State board rules”

3. PERSONNEL



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Senate Bill 282

Modifying provisions for
employment of retired teachers
as substitutes in areas of critical
need and shortage

In effect April 4, 2025

- If a retired teacher is employed as a critical needs substitute to fill a vacant teacher position, the school board will now be required to post the vacant teacher position only once at the beginning of the year and once mid-year
- The required posting must still be electronic and easily accessible to prospective employees as determined by the State Board

- If a retired bus operator is employed as a critical needs substitute to fill a vacant bus operator position, the school board will now be required to post the vacant bus operator position only once at the beginning of the year and once mid-year
- The required posting must still be electronic and easily accessible to prospective employees as determined by the State Board

Senate Bill 650

Relating to full-time interventionists

In effect April 9, 2025

- A county board will now be able to assign a fulltime interventionist to up to two second or third grade classrooms in lieu of the requirement to assign an ECCAT, aide or paraprofessional to each of those classrooms
 - However, that option is not available for kindergarten and first grade classrooms. An interventionist assigned to a kindergarten or first grade classroom will only satisfy the requirement to assign an ECCAT, aide or paraprofessional to that classroom if the assignment is fulltime
- If because no fulltime interventionist is available a county board employs a part-time interventionist, the part-time employee may only be assigned to a second or third grade classroom and only satisfy the requirement to assign an ECCAT, aide or paraprofessional to that classroom

Senate Bill 765 Establishing Troops-to- Teachers Program

In effect July 11, 2025

- An honorably discharged member of the armed forces will now be entitled to a professional teaching certificate if the veteran
 - holds a bachelor's degree that is related to the available position for which the veteran has applied, and
 - has passed the basic skills and subject matter test(s) required by the State Board for teachers to be certified in the area for which licensure is sought
- The veteran is exempt from any additional teacher certification requirements except the criminal history check

- Under the program, veterans are to be given preference in hiring by certain state agencies and other political subdivisions of the state in which positions are filled under civil service or any job classification system
 - This preference does not appear to apply to filling teaching positions in the public schools

House Bill 2499

Training course for principals in
public schools; informing
teachers of their rights and
protections; IEP format

In effect July 1, 2025

- Before December 31, 2025, public school principals, appropriate central office personnel, superintendents and county board members must receive in-person training on
 - the Individuals with Disability Education Act (IDEA) federal regulations,” and
 - State Board Policy 2419, “Regulations for the Education of Students with Exceptionalities”
- They must again receive training following revisions to any of the federal regulations or State Board policy
- Newly employed personnel and elected or appointed county board members must receive the training within 30 days

The training must include

- The understanding of a students' least restrictive environment (LRE), student discipline procedures & requirements, and parental rights and due process safeguards
- Maximum class size for instructional periods by programmatic level & level of service needs for students with disabilities;
- Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;
- Teacher's rights for advocating for students, procedural rights documentation, & protections under W.Va. Code § 18-20-1c;
- Classroom teachers' rights & protections that they may not be reprimanded for advocating for their students; and
- Information about local advocacy agencies & local US Dept. of Education funded advocacy agencies

Each principal & county board members must inform teachers, in person, of their rights, including but not limited to:

- The documentation process within a 45-day grading period for teachers;
 - The rights of teachers when it comes to informing parents about local advocates who can come to the Individualized Education Program (IEP) meetings;
 - Protection methods in place for teachers who advocate for student placement; and
 - All teacher protections and rights set forth under West Virginia Code § 18-20-1c.
- The bill does not state when this must occur

In every IEP meeting, a representative of the school will now have to explain to the guardian of the child, verbally,

- the process for identifying a student,
- the parent's or guardian's due process rights,
- teacher protections and procedural rights as set forth under §18-20-1c, and
- local advocacy centers information and points of contact

House Bill 3125
To remove restrictions from
teachers receiving permanent
teaching licenses

In effect April 12, 2025

- This bill contains the same Troops-to-Teachers professional certification provisions as Senate Bill 765
- It additionally provides that teachers with a bachelor's degree, 10 years teach experience, a valid teaching certificate in good standing, and no unsatisfactory evaluations will be able to apply for and receive a permanent WV teaching certificate without having to take any additional course work

House Bill 3209
To provide at least one
counselor for every 250
students in public schools and
public charter schools in this
state

In effect July 1, 2025

- Beginning August 1, 2025, each county must employ 2 school counselors to each 1,000 students to net enrollment
 - The bill does not require any specific level of funding by the Legislature
 - Nor does it increase the allowance under the Public School Support Plan for eligible student support personnel positions to each 1,000 students in net enrollment
- Counties
 - are allowed to follow the ratios of
 - 1 counselor to every 400-450 students in elementary and middle school, and
 - 1 counselor to every 250-300 students in high school, and
 - are allowed to exceed the provisions of the law

Senate Bill 267

Extending time for renewal and restoration of commercial driver's licenses

In effect July 3, 2025

- A person will now have 3 years, instead of 6 months, to apply to renew an expired commercial driver's license (CDL)
- A person whose CDL has been downgraded solely as a result of an expired or invalid medical certification will now have 5 years to present a valid and current medical certification to have the license restored

Senate Bill 275

Removing requirement school
cooks or custodians have high
school diploma or equivalent

In effect April 12, 2025

- Senate Bill 275 removes the requirement for cooks and custodians to have a high school diploma or equivalent as a condition of employment by a county board

- Note:
- A vendor or grantee who has not received a payment within 45 days, in violation of the Act, may report that violation to the State Auditor
- The State Auditor shall make a list of state agencies that are in violation of this section publicly available on its website and update the list on at least a monthly basis

4. RIGHTS



Senate Bill 456

Defining “men” and “women”

In effect June 9, 2025

- The new law's formal title: "*Sex Definitions and Preservation of Single-Sex Spaces*"
- The new law will apply wherever an instrumentality of the State, like a county board of education,
 - classifies people on the basis of sex, or
 - otherwise defines people as being female or male, women or men, girls or boys
- The new law "shall not be enforced in any manner inconsistent with" the 2020 ruling of the U.S. Court of Appeals in *Grimm v. Gloucester School Board* unless that decision is overruled or made ineffective

- As used in the West Virginia Code and/or any administrative rules, regulations, or public policies adopted by the State or its instrumentalities, including county boards of education:
- A "woman" is an adult human of the female sex, and a "man" is an adult human of the male sex
- A "girl" is a human female who is a legal minor, and a "boy" is a human male who is a legal minor
 - However, the use of the term "girl" or "boy" in reference to the participation of a high school-aged individual in a school or extracurricular program in accordance with state law shall not be understood to exclude the participation of a student who is legally an adult

- A "mother" is a female parent of a child or children
- A "father" is a male parent of a child or children
- A "female", when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes ova for fertilization

- A "male", when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization

- "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female
 - Individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law

No local government agency, including county boards of education, may prohibit distinctions between the sexes where

- biology, safety or privacy are implicated, and
- result in separate accommodations that are substantially related to protecting the health, safety and privacy of individuals

- Every public school system must designate any restrooms and changing areas designed or designated to be used by more than one individual at the same time as

- for the exclusive use of females, or
- for the exclusive use of males, and

must provide a reasonable accommodation to a person who is unable to use a multiple occupancy restroom or changing area designated for their sex, which may consist of a single-occupancy restroom or changing area

Those rules do not prohibit an individual from entering a restroom or changing room designated for the opposite sex where he or she enters the area

- for authorized custodial, maintenance, or inspection
- to render medical assistance
- to render assistance by law enforcement
- to render services or aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety,
- for young children, to accompany an adult caretaker, or
- to accommodate, under policy, persons protected under the ADA or the WV Human Rights Act

- A public school that sponsors or supervises an overnight trip involving public school students shall ensure that any student attending the overnight trip either
 - shares sleeping quarters with a member or, if necessary, multiple members, of the same sex, or
 - is provided single-occupancy sleeping quarters
- However, a student attending an overnight trip may share sleeping quarters with a member of the opposite sex who is a member of the student's immediate family

- Nothing in House Bill 456 authorizes the examination of a minor for purposes of determining their biological sex, which is instead to be determined with reference to their biological sex recorded at the time of birth
- A school district that collects vital statistics related to sex or the categories of male and female for the purpose of complying with anti-discrimination laws or public health, crime, economic or other data shall identify each person who is part of the data as either male or female as defined in this law

Senate Bill 474

Ending diversity, equity and inclusion programs

In effect July 11, 2025

- The purpose of this bill is to ensure that various agencies of the state, including school boards, are treating individuals as equals under the law with respect to recruitment, hiring, promotion and training
- The legislation eliminates diversity, equity and inclusion programs, trainings, activities, offices and officers from various agencies and institutions, including primary and secondary schools

“Diversity, equity and inclusion” (DEI) means any action, attempt or effort to

- influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;
- promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

- promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or
- conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law

No school board may

- establish or maintain an office or division or other unit by any name whose purpose, in whole or in part, is promotion of DEI
- hire or assign an employee or contract with a third party to promote DEI
- compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a DEI statement;

(No school board may)

- give preference on the basis of DEI to an applicant for employment, an employee, or a participant in any function of the office or department; or
- require as a condition of employment that an employee participate in DEI training

School districts, the State Board, and their employees are not allowed to provide instruction in these 7 concepts, make them part of a course, or require an affirmation of them by any employee

1. One race, ethnic group, or sex is morally or intellectually superior to another race, ethnic group, or sex for any inherent or innate reason
2. An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity, or sex

4. An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex
5. An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex
6. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex
7. Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex

But this rule does not prohibit

- The discussion of those concepts in theory as part of an academic course if discussion of alternative theories is also included in the course
- The discussion, examination and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events
- The right to freedom of speech protected by the First Amendment and the WV Constitution outside the context of employment with any school district
- An office or position operating with the sole and exclusive mission of ensuring compliance with state and federal law or court order

An aggrieved parent, student or employee may

- file a complaint with the principal, and
- appeal any adverse ruling or no ruling to the county superintendent, and
- appeal any adverse or no ruling by the county superintendent to the State Superintendent

- Annually by August 1,
 - every principal must report the number of complaints filed with the principal the previous school year, the nature of each, and the resolution of each
 - every county superintendent must report the number of complaints filed in the county the previous school year, the nature of each, and the resolution of each
- Annually by October 1,
 - the State Superintendent must report to Legislative Oversight Commission on Education Accountability (LOCEA) the number of complaints filed statewide during the previous school year, the nature of each and the resolution of each

County board employees shall not be:

- required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's sex;
- civilly liable for using a pronoun that is consistent with the sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and
- subject to an adverse employment action for not using a student's preferred pronoun if the student's preferred pronoun is inconsistent with the student's sex

- A county board is not civilly liable if a county board employee refers to a student using a pronoun that is consistent with the sex of the student to whom the employee is referring, even if the pronoun is not the student's preferred pronoun

House Bill 2129

Creating the Parents Bill of Rights

In effect July 2, 2025

- For purposes of the bill, “parent” means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian

The state and its subdivisions, including county boards of education "may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means"

All parental rights, including these, are reserved to the parent without obstruction or interference:

- *The right to direct the education and care of his or her minor child*
- *The right to direct the upbringing and the moral or religious training of his or her minor child*
- *The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law*

- *The right to access and review all school records relating to his or her minor child*
- *The right to make health care decisions for his or her minor child, unless otherwise prohibited by law*
- The parental rights guaranteed by the Bill of Rights shall not be denied or abridged on account of disability
- Any aggrieved person may bring a circuit court action for injunctive relief against a person who engages in conduct that constitutes a violation of the Bill of Rights

The Bill of Rights does not

- authorize a parent of a minor to engage in conduct that is unlawful, or to abuse or neglect his or her minor child, in violation of general law
- condone, authorize, approve, or apply to a parental action or decision that would end life
- prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable & prudent scope of his or her authority; or
- prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law

House Bill 2402

Relating to providing access to medical records; providing access to a minor's medical record

In effect July 11, 2025

- A parent, guardian, foster parent or kinship placement may not be denied access to the health records of their minor child unless
 - a court order blocks access,
 - the minor child has graduated high school or equivalent,
 - the minor child is emancipated, or
 - the minor child is married
- No release, authorization or any form of permission by the minor child may be required or requested for a parent or legal guardian to obtain the records

5. HEALTH & SAFETY



House Bill 2354

Banning certain products from food in West Virginia

In effect March 14, 2025

- Starting August 1, 2025, these food additive dyes, deemed unsafe, may not be an ingredient in “any meal served in a school nutrition program”
 - Red Dye No. 3 (CAS Reg. No. 16423-68-0);
 - Red Dye No. 40 (CAS Reg. No. 25956-17-6);
 - Yellow Dye No. 5 (CAS Reg. No. 1934-21-0);
 - Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);
 - Blue Dye No. 1 (CAS Reg. No. 3844-45-8);
 - Blue Dye No. 2 (CAS Reg. No. 860-22-0); and
 - Green Dye No. 3 (CAS Reg. No. 2353-45-9)

- But a school may allow the sale of non-compliant food items as part of a school fundraising event
 - taking place off and away from school premises or
 - at a school at least 1/2 hour after the end of the school day

House Bill 3166

Requirements for school safety mapping data

In effect July 11, 2025

- As of September 1, 2026, county boards are required to have standardized school safety mapping data
 - The requirement is in addition to other statutory requirements such as the required Crisis Response Plans and school safety programs
- At a minimum, the mapping data must meet standards specified in the bill about format, orientation, verified accuracy, labelling, updates, and storage and maintenance

- The mapping data must be provided, at no cost beyond the initial cost of production, to the State Board, Division of Homeland Security, EMS, and local first response agencies, and shall be made available to them permanently
- To ensure mapping data meets the requirements of the bill, local school systems must consult and receive approval from the primary law enforcement agency serving and supporting the district, including but not limited to county, city or municipal police departments, or Sheriff's Department

- Subject to available funding, each county board may receive no more than \$4,500 per school to meet the bill's requirements
- Data obtained and maintained under the bill is not subject to disclosure under the Freedom of Information Act

House Bill 2164
To allow for public and private
schools in West Virginia to
employ security personnel

In effect July 11, 2025

The legislation authorizes three new ways to protect the safety, security and welfare of people and property in the schools, none of which involve law enforcement officers

- School security officers, who are individuals employed by the county board
- West Virginia Guardians who are individuals under an independent contract with the board
- Private security guard firms that contract with the board

- County boards may employ individual **school safety officers** for “the singular purpose” of
 - maintaining order and discipline,
 - preventing crime,
 - investigating violation of the board’s policies, and
 - reasonably detaining any individual committing an offense that is a breach of the peace on school property, buses and events
- A school safety officer “is responsible solely for ensuring the safety, security and welfare of all students, faculty, staff and visitors in the assigned school”

- A breach of the peace is
 - a felony; or
 - action involving physical injury or a threat of physical injury; or
 - action or potential crime involving destruction of school property or property on school premises; or
 - any act where the school safety officer has reason to believe that a person is likely to cause serious harm to themselves or others

- School safety officers must be certified by the Director of the Division of Protective Services of the WV Department of Homeland Security as meeting standards for pre-employment and in-service training that may include
 - liability issues
 - security awareness in the school environment
 - conflict resolution, including de-escalation
 - disaster and emergency response
 - student behavioral dynamics,
 - working with students with disabilities
- All school safety officers must annually train with the local sheriffs' department

- School security officers may be authorized by a county board to carry a firearm in the performance of their duties if they meet specified requirements, including but not limited to
 - a background check,
 - confirmation of any prior service as a law-enforcement officer that satisfies conditions specified in the statute,
 - certification by the Director that they are appropriate and capable of discharging the duties of a school safety officer

- School safety officers cannot arrest anyone, but may
 - notify an appropriate law enforcement agency, and
 - detain a person committing an act which is a breach of the peace
 - in a reasonable manner
 - for a reasonable time to either determine that no offense has been committed or to surrender the person to a certified law enforcement officer

- The detention shall not be an arrest and shall not render the county board or school safety officer liable to the person detained
 - Nevertheless, the county board must maintain liability insurance against property loss and personal injury of students and other personnel, and
 - “The liability of a school safety officer shall be that of the county board”

- School safety officers may not interrogate or question a detained minor without parental consent except in the face of immediate danger to the health, safety and welfare of others or when the minor attempts self-harm
- If the person detained is a student under 21 years old, the parent or guardian must be notified of the detention
- The county board is responsible for the costs of necessary equipment for a school safety officer to perform their duties

- A county board may also or instead voluntarily contract with an individual as an independent contractor to provide “**West Virginia Guardian services**” for public safety or security on public grounds and buildings
 - As an independent contractor, the individual is not eligible for PEIA insurance, workers compensation, state retirement, or any state-sponsored benefit plan
- The individual must be certified by the county sheriff and must be a former
 - state trooper or deputy sheriff
 - state fire marshal or DNR police officer
 - municipal police officer, or federal law-enforcement officer

- The sheriff's certification of an individual to serve as a contracted West Virginia Guardian must be based on proof that the individual meets a host of factors set out in the statute that cover citizenship, a fitness for duty examination and drug screen, CPR, being current in tax obligations to the state, and having specific education and training on topics like de-escalation techniques, bomb threats, and performing duties in the presence of students with disabilities
- A Guardian candidate must also meet any requirements imposed by the county board, which may include a pre-employment written exam and polygraph

- A county board can require the independent contractor to carry appropriate liability insurance
 - But the county board must also maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel
- The statute also lists disqualifying criteria that preclude an individual from participation as a West Virginia Guardian, such as
 - evidence of illegal drug use in the past 5 years,
 - conviction of various criminal offenses such as domestic violence, DUI, child abuse, and various drug offenses

- A West Virginia Guardian
 - may carry weapons , provided that the individual satisfies a host of requirements set out in the statute
 - is not law enforcement and has no authority to arrest
 - must wear apparel that makes them readily identifiable as a Guardian while performing their duties

- A county board may enter into an independent contract with a **private security guard firm**, meaning an agency or business
 - operated by a licensed security guard and
 - which employs one or more other persons to actually conduct a security guard business that does not include activities or duties for which it is necessary to be trained and certified as a law enforcement office

- A private security guard firm is prohibited from participating as a school safety officer if certain disqualifying conditions exist, such as credible evidence of illegal drug use by the employee in the past 5 years and conviction of various crimes that include domestic violence, DUI, child abuse, and various drug and other offenses

- An employee of a private security guard firm may carry weapons on the job upon meeting a host of requirements under the statute concerning citizenship, education, specific trainings, and qualifying for a concealed carry permit
- A county board contracting for the services of a private security guard firm must maintain adequate insurance for liability, property loss, and person injury of students and other personnel

- A county board contracting for such services is not subject to certain specific purchasing requirements such as those related to competitive bidding
- No employee of the private security guard firm is entitled to participation in PEIA insurance, workers compensation, state retirement or other state-sponsored benefit plan

Senate Bill 199

Relating to elementary behavior intervention and safety

In effect July 2, 2025

West Virginia Code § 18A-5-1 has long empowered teachers to exclude from their classroom, and bus operators to exclude from their bus, any student who

- is guilty of disorderly conduct,
- in any manner interferes with an orderly educational process,
- behaves in a manner that obstructs the teaching or learning process of others in the classroom,
- threatens, abuses or otherwise intimidates or attempts to intimidate an employee or student,
- willfully disobeys an employee, or
- uses abusive or profane language directed at an employee

- The statute has long provided that the excluded student is to be
 - placed under the control of the principal or a designee
 - readmitted to the classroom or bus only when the principal/designee in writing so advises the teacher and reports any disciplinary action that was taken
- If disciplinary action is warranted, the principal must in writing and, if possible, by telephone give notice to the parent

- The statute has also long provided that after two removals from the classroom or bus in a semester, the student may again be readmitted only after
 - the principal, teacher and, if possible, parents discuss the student's disruptive behavior patterns, and
 - the principal and teacher agree on a course of discipline and inform the parent

- Under the longstanding rule, if the student's disruptive behavior persists, then at the teacher's request, the principal, if feasible, may transfer the student to "another setting" which, according to the Legislature, would best involve isolating the student or placing them in an alternative learning center
- All along, the law has directed county boards, subject to funding, to create more alternative learning centers or expand their capacity for alternative placements, subject to funding, to correct student behaviors and return them to the regular classroom

- The law has also long contained special additional rules that apply when a grade 6-12 teacher (not an elementary teacher) excludes from the classroom a student who is disorderly, interfering with an orderly educational process, or obstructing the teaching or learning process of others
- In such cases, the student may not reenter the classroom for at least the remainder of the day, and the teacher must within 24 hours report the action in WVEIS
- After a total of 3 exclusions in one month for more of the same behavior, the student must receive in- or out-of-school suspension, or be considered for placement in any available alternative learning center

Against that background, here are
significant changes made by SB 199

- The conference that occurs after a student's second exclusion in a semester will now include not only the principal, teacher and, if possible, the parent, *but also a school counselor or social worker*
- Following the conference, but before the teacher and principal agree on a course of discipline for the student, and before the student is readmitted, *a behavioral plan must be established and implemented by a school social worker, behavior specialist, board-certified behavior analyst, school psychologist or other qualified employee with expertise in the behavioral area*

- The Legislature adds another “best” placement to those a principal should consider when, after returning to the classroom from two exclusions in the same semester, a student’s disruptive behavior persists: *placement with a licensed behavioral health agency*
- Boards that do not create more alternative learning centers or expand their capacity for alternative placements, will now – subject to funding -- have to *partner with a licensed behavioral health agency* to correct students’ behavior so they can return to the regular classroom without engaging in further disruptive behavior

Special requirements in K-6 elementary settings and publicly funded Pre-K

- If a teacher finds that a student's behavior
 - is violent,
 - intimidates staff or peers,
 - creates an unsafe learning environment, or
 - impedes other students' learning in a safe environment,

the student must be referred to *the school counselor, school social worker, school psychologist, or behavior interventionist* for a functional behavioral assessment

- The school counselor, school social worker, school psychologist, or behavior interventionist shall
 - conduct a *functional behavioral assessment* and
 - establish a *behavior plan* for the student using evidence-based interventions and supports
- The plan must be used for 2 weeks, followed by a *reevaluation* of the student's behavior
 - if adequate process is being made, the plan continues
 - if not, then the principal, teacher and school counselor, school social worker, school psychologist, or behavior interventionist shall consider *changing the plan*

- If after 2 weeks under an amended plan the student still has not shown adequate progress, the student must be placed in a *behavioral intervention program* or with a *licensed behavioral health agency* established by the county or made available by agreement with another county board

If there is no such available behavioral health agency, the following procedures apply

- The student must be *removed* from the classroom and from the presence of other students immediately after “the incident,” and
- The parents must be notified and pick the student up by the end of the day, at which time the student shall be considered *suspended* from school
 - If the student must ride a bus home, it must be under the supervision of the principal, vice principal, or designee to ensure everyone’s safety
- The *suspension continues for 1-3 school days* while alternative learning accommodations are made

- At that point, the student “may” be *evaluated and referred* for a functional behavior analysis under IDEA, and shall be referred to *the SAT, 504 team, or IEP team*, whichever is most appropriate, for an immediate *intervention, or manifestation* if the student has an IEP
- The student must receive education through the *alternative learning accommodation* and must not return to school until a *risk assessment* is made
- The student’s return to school after the risk assessment is *provisional* for 5-10 days

- If during the provisional return another incident occurs, or if after the provisional period, repeated instances occur, the student shall be subject to *expulsion* from school
 - The expulsion must not continue through two continuous semesters
- Immediate virtual school may be an agreed method of alternative education

- Senate Bill 199 arguably supplements the steps to be taken if a grade 6-12 teacher (not an elementary teacher) determines that a student's conduct
 - is disorderly conduct,
 - interferes with an orderly educational process, or
 - obstructs the teaching or learning process of others in the classroom
- The bill requires that once a student is removed from the classroom for such conduct three times in one month, the principal shall impose an *in- or out-of-school suspension*, or consider *placement in an ALC* or with a *licensed behavioral health agency* if available in the district

- The student disciplinary policies required of all county boards will now have to provide that the training of personnel in alternatives to discipline will be delivered by *school social workers, behavioral specialists, board certified behavior analysts, school psychologists and other qualified employees with expertise in the area*

Special Notes

- Some of the wording of SB 199 seems ambiguous. Some of its provisions conflict with or contradict each other. The legislation also fails to address important questions that will necessarily arise in following its requirements.
- This could understandably create questions and dilemmas for conscientious teachers, administrators, and parents who try their best to follow the law
- Because the disciplinary bill directs the State Board to adopt a statewide policy, it seems possible that the State Board will, in policy, provide clarity

Senate Bill 427

Permitting certain teenagers to work without obtaining work permit

In effect July 11, 2025

- Children who are 14 and 15 will no longer be required to obtain a work permit as a condition of employment
- Instead, employers must obtain (1) parental or other consent, and (2) an “age certificate” prior to employing 14- and 15-year olds
- The State Commissioner of Labor or a person authorized by the Commission in writing is authorized to issue age certificates for children aged 14 and over

- Age certificates are to be issued for such children only upon proof of
 - age in the form of a birth certificate or attested transcript of a birth certificate
 - school attendance
 - prospective employment
 - a brief job description supplied by the employer
 - parental or other consent
 - applicable work hours
- When filed in the employer's office, the age certificate must be accepted as evidence of a child's age by an officer charged with enforcing the new law

Senate Bill 652

Expanding cardiac arrest
provisions to be applicable to
elementary schools

In effect July 10, 2025

In 2024 the Legislature enacted the Cardiac Emergency Response Act Plan Act requiring each school that has an athletic department or organized athletic program to develop a plan

- with specific steps to reduce death from cardiac arrest,
- requiring staff training in first-aid, CPR and automated external defibrillator (AED) use, and
- meeting other requirements specified in the Act, such as
 - appropriate use of school personnel responding to cardiac arrest or similar emergencies of people attending or participating in athletic events or practices,
 - pre-season meetings with athletes and parents,
 - providing the school plan to parents,
 - restrictions on student participation based on certain prior symptoms or episodes (fainting), and
 - mandatory training for coaches

- Under Senate Bill 652, each affected school's plan must now comply with not only the standards of last year's legislation, but also new requirements that plans
 - be “venue specific,”
 - be “practiced annually,” and
 - address the appropriate use of school personnel to respond to sudden cardiac arrest or similar life-threatening emergency of any person while on school grounds outside of athletic events

- All coaches, and all personnel supervising a youth sports league team that plays or practices on school grounds must
 - receive a copy of the school's plan,
 - be aware of AED placement on the school grounds,
 - maintain ongoing staff training in CPR/AED use, and
 - practice the skills learned

Senate Bill 449
Permitting compressed air and
rimfire shooting teams in public
schools

In effect July 10, 2025

- An air rifle (“compressed air rifle”) is a rifle, gun, or other firearm that uses compressed air or gas to propel projectiles, such as pellets, rather than relying on the explosive force of gunpowder like traditional firearms
- A rimfire rifle is a firearm that uses rimfire ammunition, which is a type of metallic cartridge with a primer in the rim of the casing, wherein the firing pin strikes the rim, igniting the primer and propelling the bullet down the barrel

Both will now be permitted

- on school buses during transportation to or from a school-sponsored shooting team event,
- on the grounds of any primary or secondary educational facility of any type for shooting team purposes, and
- at a school-sponsored shooting team function that is taking place in a specific area owned, rented or leased by the State Department, the WVSSAC, a county board, or a local public school

- During the school day or at any time other than school-sponsored team events or practices, the air rifles and rimfire rifles and ammunition must be locked in a location where students do not have access
- Air rifles and rimfire rifles and ammunition stored on school buses must be placed in a locked case and located in a specific location that is determined by state transportation director or the county transportation director

- The possession of air rifles and rimfire rifles as permitted by Senate Bill 449 will not violate the law banning deadly weapons on school buses, or in or on the grounds of any primary or secondary educational facility

House Bill 2123

Modifying the criminal
penalties imposed on a parent,
guardian or custodian for child
abuse

In effect July 9, 2025

- In the case of child abuse
 - causing bodily injury, a fine will no longer be imposed, but the prison term must now be 2-10 years instead of 1-5
 - causing serious bodily injury, a fine will no longer be imposed, but the prison term must now be 5-15 years instead of 2-10
 - creating substantial risk of death or serious bodily injury, a fine will no longer be imposed, but the prison term must now be 1-10 years instead of 1-5 years
- The prison term may now be doubled for these child abuse felonies for repeat offenders

- In the case of child neglect
 - causing bodily injury, a fine will no longer be imposed, but the prison term must now be 2-10 years instead of 1-3
 - causing serious bodily injury, a fine will no longer be imposed, but the prison term must now be 5-15 years instead of 1-5
 - creating substantial risk of death or serious bodily injury, a fine will no longer be imposed, but the prison term must now be 1-10 years instead of 1-5 years
- The prison term may now be doubled for these child neglect felonies for repeat offenders

6. STUDENT SUCCESS



Reading	A+
Writing	A+
Mathematics	A+
Science	A+
History	A+
Art	A+
P.E.	A+

House Bill 2003

Prohibiting cell phones in class

In effect July 9, 2025

- Because personal electronic devices are a privilege and do not contribute to the appropriate development and growth of students, all personal electronic devices shall not be accessible to students for use in a classroom setting during instructional time, with certain exemptions
- "Personal Electronic Device" means any portable device capable of wireless communication or computing including, but not limited to, cellular phones, tablets, laptops, smartwatches, and portable gaming systems not provided by a county board of education

County boards must adopt a **policy**, for implementation at the start of the 2025-2026 school year that includes, but is not limited, the following

- Whether personal electronic devices will or will not be permitted on school property
- If a county board decides that personal electronic devices will be permitted on school property, its policy must include a procedure for storing the devices that specifies where and how the devices will be stored during the instructional day
- If a county board decides that personal electronic devices will be permitted on school property, students may be required to store the devices in containers or pouches provided by the county board

County policies must include this exemption

Students with an approved documented need,

- as required by a medical doctor or licensed healthcare professional or
- as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan,

may have access to personal electronic devices if the device relates to the student's specific need.

This exemption must include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption

- County board policies *may* include permission for specific personal electronic devices related to the requirements of a county board approved work-based learning program
 - The approval shall include the specific course and purpose for which an electronic device may be used

County board policies must include consequences for students who violate them, including, but not limited to the following:

- Penalties for a first offense, a second offense, and subsequent offenses
- Confiscation of a student's personal electronic device and/or require the student's parent to retrieve the device
- Prohibiting an individual student from possessing any device if previous misuse been documented
- If a student is prohibited from possessing electronic devices on school property, a conference shall be offered to the parent to discuss the reasoning for the prohibition

- The county policy must require schools to document all violations in WVEIS
- Boards must make reasonable efforts to disseminate information about acceptable use of personal electronic devices to students and parents, including
 - posting signs on school property, and
 - publishing the information in
 - student handbooks,
 - newsletters,
 - social media, and
 - county or school websites

- The LSIC of each school must annually discuss progress in implementing the county policy, at a minimum reviewing the relevant discipline data, and make recommendations to promote compliance
- County boards must require each school to develop and publish protocols regarding how parents may communicate with their children in a way that does not distract the student in the learning environment. This may include, but is not limited to,
 - establishing specific times when personal electronic devices are permissible,
 - utilizing office staff to disseminate information from the parent, or
 - any other applicable strategy designed to minimize disruption during instructional time

Senate Bill 912

Relating to student growth assessment program

In effect July 11, 2025

- In order to determine student progress in reading and math in grades 3-8, State Board policy will now have to provide that the comprehensive statewide student assessment program includes benchmark assessments
 - given in the first 30 days of the school year,
 - repeated at mid-year, and
 - followed by a summative assessment at the end of the school year

Senate Bill 581
Relating to school attendance
and student participation in 4-H
activities

In effect July 11, 2025

- In the school attendance law, excused absences will now also include
 - up to five college visits, and
 - participation in an activity or program of a WVDE-sanctioned student organization to enhance student enrichment and success
 - E.g, SkillsUSA, FBLA, HOSA, the Common Ground Partnership, or 4-H or FFA-sanctioned activity or program
- The total combined excused absences under those provisions and for school-approved or county-approved curricular or extra-curricular activities may not exceed 10 per school year

7. DISCIPLINE



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Senate Bill 198
Prohibiting creating,
production, distribution, or
possession of artificially
generated child pornography

In effect July 9, 2025

- It is already a crime to disclose an image of another person's intimate parts or of the person engaged in sexually explicit conduct if the image was captured when the person had a reasonable expectation that the image would not be publicly disclosed, and if the intent of the disclosure is to harass, intimidate, humiliate, embarrass or coerce
- The crime will now also cover “fabricated intimate images” created by the use of artificial intelligence or other computer technology capable to depict computer-generated intimate parts or the intimate parts of another human being as the intimate parts of the depicted individual

- It is already a crime to use minors in filming sexually explicit conduct or to distribute and exhibit material depicting minors in sexually explicit conduct
- The crime will now also now also include
 - the “visual portrayal” of a minor engaging in sexually explicit conduct, including digital images, digital recordings, photos, motion pictures and any other mechanical or electronic recording process, such as cell phones, and
 - computer generated child pornography that depicts or appears to depict a minor engaged in sexually explicit conduct

- With certain exceptions, it is already a crime/juvenile offense for a juvenile to manufacture, possess and distribute, for sexual gratification, visual portrayals of their own or another minor's private parts
- Under SB 198, the crime/juvenile offense will now also cover computer-generated child pornography

- For those crimes involving minors, the legislation creates exemptions from prosecution for these persons possessing or distributing prohibited material in the performance of official duties
 - Law enforcement officials
 - Prosecuting attorneys
 - Judges and magistrates
 - Jurors hearing a case involving an alleged violation
 - Support personnel for any of the above
 - Any person acting under an order of Circuit Court or Supreme Court of Appeals

- Any person not on that list who, in the course of employment or business, views on a computer or electronic device an image portraying a minor engaged in any sexually explicit conduct must immediately report the discovery to a local or state law enforcement agency or the Cyber Tipline at the National Center for Missing and exploited Children
 - to include the name and address of the owner or person claiming a right to possession of the device
 - and may include furnishing the law enforcement officer with any relevant image

Senate Bill 240

Updating crime of sexual extortion

In effect June 12, 2025

- This bill modifies provisions of criminal law regarding extortion, attempted extortion, sexual extortion, and aggravated sexual extortion
- Sexual extortion is intentionally disclosing or threatening to disclose a sexually explicit image of another person in order to get the victim or a member of their family or household to do any act or refrain from any act against his or her will, with the intent to obtain additional private images, anything of value, or other consideration, including sexual acts
- Among other new provisions, the statute gives circuit courts optional dispositional conditions when a person is adjudicated for a sexual extortion offense committed when they were under the age of 18

Section 531

Relating to offenses of assault
and battery on athletic officials

In effect July 25



The law that criminalizes assault or battery on athletic officials is intended to include assault and battery on

- 
- athletic officials or traveling from a sporting event
 - a person who supervises the participants, including a coach, assistant coach or any other athletic staff member
 - a player on one sports team or another team members during the course of a game or related sporting event

- 
- In addition to entering a permanent injunction for parties convicted of the same, the law allows a county board to give written notice to a convicted person banning them from all state school sports events or school-sponsored sports events for a minimum of 65 days
 - If a person receiving such notice refuses to leave the premises during any such event on request, they may be prosecuted for trespass

Senate Bill 617

Discouraging gang activity

In effect July 9, 2025

- The Anti-Organized Criminal Enterprise Act is amended to include gangs and gang activity as offenses punishable under the Act
 - “Gang” is defined to mean any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its activities the commission of one or more of the many felony offenses covered by the Act, and whose members engage in or have engaged in those offenses

The Act makes it a felony for a person

- to knowingly and willfully become a gang member and promote, further, or assist in the commission of a qualifying felony offense, alone or in combination with another member of the gang
- to knowingly solicit, invite, recruit, encourage or cause a person to become a gang member to assist in the commission of a qualifying offense by one or more members of a gang

8. INSTRUCTION



Senate Bill 154
Prohibiting sexual orientation
instruction in public schools

In effect July 11, 2025

- Biological sex is
 - The sex listed on official birth certificate
- Gender identity is
 - An individual's identification as male, female, other
- Sexual orientation is
 - An individual's actual or perceived orientation as heterosexual, homosexual or bisexual
- Transition to a gender is
 - A process to go from identifying/living as a gender the same as biological sex to identifying/living as a different gender & may involve social, legal or physical changes

- Public schools will now be prohibited from providing instruction related to sexual orientation or identity, with two exceptions:
 - A teacher responding to student questions in class, and
 - As part of curriculum established in a dual enrollment or advanced placement class, referring to orientation or identity of historic persons or groups to provide necessary context to a topic of instruction

- School and employees may not knowingly give false or misleading information to a parent about their student's gender identity or intention to transition
- If a student requests from an employee an accommodation to affirm a change in gender identity, the employee must tell an administrator at the school, and the administrator must tell the parent
 - Example of a request: To be addressed by a name or pronoun different from the one assigned in registration form or records

- A parent who is impacted or whose child is impacted by a violation may file a complaint under State Board of Education Policy 7211, “Conflict Resolution Process for Citizens”
- School personnel in violation “may” be subject to discipline or dismissal
- The Attorney General may bring action to enforce compliance
- The State Board shall adopt rules to implement this new law

Senate Bill 283

Expanding grade levels of
personal finance course
requirements needed for
graduation

In effect June 24, 2025

- Students have been able to satisfy the personal finance course requirement for high school graduation by completing the one-half credit course during their 11th or 12th grade year
- Students will now be able to also satisfy the requirement by completing the course in their 8th, 9th or 10th grade year
 - A student who has already completed the course in their 8th, 9th or 10th grade year is considered to have retroactively satisfied the requirement for graduation

House Bill 2411

To provide and change
graduation requirements and
change duties relating to
academic content standards

In effect July 10, 2025

Beginning with the entering 9th grade class in the 2027-2028 school year

- High school students must earn one unit of credit in a high school computer course before graduation
 - "Computer science" means the study of computers, programming, and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society
 - Computer science does not include the study of everyday uses of computers and computer applications, such as keyboarding, word processing, digital literacy, or accessing the internet
- The credit may be earned in grades 8-12
- Only if a traditional classroom setting is not feasible may the course be offered in a blended learning environment or based online

- The course must be “high quality”
- The one required credit
 - shall be allowed to substitute for one math credit or one personalized education plan credit
 - shall be approved for one credit of CTE if relevant to the program of study
- The State Board is to adopt rules and, by August 2026, a list of course options that can meet the credit requirement

House Bill 3024

Guaranteed course transfer bill

In effect July 9, 2025

- A stated aim of this bill is to implement a seamless education system with uniform guaranteed transfer of credits among West Virginia's post-secondary institutions in order to reduce costs, increase degree completion rates, and address the state's increasing need for individuals with postsecondary degrees
- The Higher Education Policy Commission and the Council for Community and Technical College Education are to jointly oversee the implementation of the bill with the assistance of an Advisory Committee

House Bill 3313
Providing more opportunities
for high school students in
community colleges

In effect July 6, 2025

- Braxton County High School is made a participating institution in the Community and Technical College/Career and Technical Education Consortia's Southeastern Planning District
- A participating institution in any of the planning districts will now be allowed to partner with community and technical colleges outside its designated region if the community and technical college assigned to the region does not offer a program and has not developed the program within two years of a formal request by the participating institution

9. UNTRADITIONAL ED



Senate Bill 746
Allowing State Board of
Education to delegate its
Medicaid provider status to
public charter schools

In effect July 9, 2025

- The State Board of Education is already empowered to delegate its Medicaid provider status and reimbursement to county boards of education
- SB 746 allows the State Board of Education to delegate its Medicaid provider status to
 - public charter schools, and
 - educational service cooperatives
- The School Health Service Advisory Committee will now include two representatives of ESCs who are experienced in Medicaid billing for school-based health services

Senate Bill 914
Relating to testing and
attendance requirements for
private, parochial, and church
schools

In effect April 12, 2025

- Private, parochial and church schools that have elected to operate under W. Va. Code § 18-8-1(k) in lieu of the approval requirements of W.Va. Code § 18-8-1(b) will now be required to observe a minimum instructional term of 900 hours per school year (instead of 180 days with an average of five hours per day)
- Upon request, they will have to make assessment test results available to the parents or legal guardians of a prospective enrollee in the school
- These schools will no longer be required by statute to initiate a remedial program based on poor composite achievement test results in order to avoid losing their exemption from the requirement of compulsory public school attendance

House Bill 2167

Relating to public charter schools code provisions

In effect July 11, 2025

- The bill prohibits charter schools from charging full-time tuition
 - They may only charge a tuition or fee that noncharter public schools may impose, such as for part-time Hope Scholarship enrollment or for participation in student activities
- Charter school teachers lacking WV certification or licensure may proctor state assessments after successfully completing training
 - A charter school must maintain a list of all such staff
- Charter school governing board members will now be removable by a vote of the governing board

- When a student withdraws from a charter school and enrolls
 - in a public school of that county, the school district of the student's county of residence is responsible to track the student for all purposes
 - in another charter school, home school, private school, eaning pod, microschool or out-of-state school, the receiving school or district is responsible to track the student for all purposes
 - The charter school from which the student withdraws must notify the attendance director of the student's county of residence, to include the student's name, WVEIS number, parent information, and anticipated date of withdrawal

- Charter school governing board members may no longer be employed by a state institution of higher education that provides services to the charter school
- “Alternative high-risk population public charter schools” may now be authorized
 - At least 70% of total enrollment must be high-risk students
 - High-risk students include:
 - Students who have been expelled
 - Students who have been suspended more than 10 days in a school year
 - Wards or dependents of the court
 - Recovered dropouts
 - Students who are habitually truant

- Students who are credit deficient
- Students who have a high-level transiency such as being enrolled in more than two school during the past academic year or have changed secondary schools more than two time since entering high school
- Foster youth
- Homeless youth
- Students who need greater flexibility in scheduling or have circumstances which could benefit from this type of schooling
- A high-risk charter school must obtain approval from the Charter School Board certifying that the school meets the criteria

House Bill 2528

To permit students in Christian
schools at the elementary and
middle school level to
participate in county level sport
tournaments

In effect July 10, 2025

Elementary and middle school students who

- are enrolled in any private, parochial or church school or other nonpublic school, and
- have played against at least two public schools during the previous regular athletic season,

will now be eligible to participate in county athletic tournaments held at the end of the athletic season, except for invitational tournaments

House Bill 2678
Relating to school zones of
public or private schools

In effect July 1, 2025

- County boards are already authorized to request the Division of Highways to expand a school zone to a road that is adjacent to school property or from the entrance to an access right-of-way
 - DOH must then within 90 days expand the school zone by enacting signage
 - The expansion may not exceed 125 feet along an adjacent road unless an additional extension is needed and necessary for child safety
- Under House Bill 2678, the governing bodies of public charter schools and private schools will now be able to request expansions of their school zones

10. MISCELLANEOUS



Senate Bill 280

Displaying official US motto in public schools

In effect July 11, 2025

- Public elementary and secondary schools will now have to display, in a conspicuous location accessible to the public in a common area of the main building, a durable poster or framed copy of the United States motto, “In God We Trust”
- The poster or framed copy
 - must be a minimum of 8.5 by 11 inches
 - must contain a representation of the United States flag centered under the motto
 - must not depict any other words, images or information

- No public funds may be used. Donations may be accepted
- The motto may, but is not required to, be posted in other publicly accessible common areas of the building

The background of the image is a dense, overlapping collage of numerous small, rectangular sticky notes. These notes are in four primary colors: bright yellow, light blue, light green, and light pink. Each sticky note features a large, bold, black question mark. The notes are scattered across the entire frame, creating a vibrant and textured background. In the center of this collage is a white rectangular box containing the text 'YOUR QUESTIONS' in a black serif font, followed by a short blue horizontal line.

YOUR QUESTIONS
