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Detailed look at certain legislative bills affecting education – for good or ill

Here are the bills that the WV Coalition for Truth in History has determined will do the most damage to the state’s educational system. The bill numbers are listed, along with an explanation of their impact and points in support or opposition to them.

They are followed by a directory of the members of both the Senate and House Education and Judiciary committees, the ones that generally get them for consideration.

HB4387: Relating to nondiscrimination at institutions of higher education.

Sponsor: Del. Chris Pritt (R-Kanawha)

Why it’s a problem:

- What it really does is prevent any post-secondary institution from virtually any and all diversity, equity and inclusion (DEI) efforts, whether it be in admissions policies, classroom activities, etc. and bans DEI offices and officers.
- It would also permit the state attorney general or individuals to sue the institution if they think the restrictions have been violated.
- Higher education is a place where students learn both in and out of the classroom. They are exposed to a broader range of ideas than they have likely incurred before, but they meet new people, from different backgrounds and ethnicities. Therefore it is more than appropriate – it is essential – that there be in place organizations and policies that help students, faculty and staff navigate this new territory.

Status: In House Education

HB4468: Establishing the Anti-Stereotyping Act.

Sponsor: Del. Chris Pritt (R-Kanawha).

Why it’s a problem:

- While in many ways the language of the bill might seem benign, in fact it is often used as a back-door way to attack diversity curriculum and teachings because of the onerous and vague language such as:
 - “All training materials, including materials for teachers, concerning or used for school personnel training on all matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts” in addition to all that must be posted with this material.
 - “An individual, by virtue of his or her race, sex, ethnicity, religion, or national origin should be blamed for actions committed in the past by

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other members of the same race, sex, ethnicity, religion, or national origin.”

- It seems highly unlikely that today’s students – specifically those in the dominant class – are taught they, personally, are to “blame” for historical injustices and discrimination. However, it’s entirely conceivable that merely teaching about the history of past injustices would be perceived by some students as suggesting blame. Therefore, this creates a chilling effect for teachers to address those issues.
- Adds yet another burden on classroom teachers as well as administrators with a myriad of rules and procedures that have nothing to do with actual classroom education, adding another chilling effect for even addressing the issues discussed.

Status: In House Education.

(This bill is similar to [HB4349](#) sponsored by Del. Darren Thorne (R-Hampshire), also in House Education. Also similar in impact to SB367, “The Anti-Racism Act of 2024,” double-referenced to Senate Judiciary, then Finance. In Senate Finance.)

SB273: Prohibiting certain divisive acts or concepts from schools, state agencies and any groups receiving state funding.

Sponsor: Sen. Robert Karnes (R-Randolph).

Why it’s a problem:

- While similar to the “anti-stereotyping” bills, it goes beyond education to include any state funding to other organizations. (See HB4468.)
- Divisive concepts are defined as concepts that:
 - “(1) One race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual’s moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term “divisive

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concepts" also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.”

- A key to improving society and lessening racial tension is to be able to openly discuss the past, reasons behind some of the past behaviors, how it may affect the present, and educate many in the dominant class about injustices which have resulted in inequities throughout society. If we don't talk and discuss them openly, our society will continue to experience racial tension that may end up destroying the country.
- For more on “divisive acts bills, see included document: *What's Underneath West Virginia's Proposed 'Divisive Acts' Bills?*

Status: Double referenced to Senate Judiciary, then Finance. Hasn't moved from Judiciary.

SB280: Allowing teachers in public schools to discuss scientific theories.

Sponsor: Sen. Amy Grady (R-Mason)

Why it's a problem:

- As introduced, specified that “The purpose of this bill is to allow teachers in public schools, including public charter schools, that include any one or more of grades Kindergarten through 12 to teach intelligent design as a theory of how the universe and/or humanity came to exist” and that remains the now-hidden purpose.
- That language has now been replaced with, “No public school board, school superintendent, or school principal shall prohibit a public school classroom teacher from discussing or answering questions from students about scientific theories of how the universe and/or life came to exist.” However this still opens the door to consider theological beliefs about creation on the same level as science. That is inappropriate, and perhaps unconstitutional.

Status: Passed Senate, then sent to House where it was double-referenced to Education, then Judiciary. It is in House Education.

LEGISLATION WORTH SUPPORTING:

SB448: Requiring age-appropriate instruction on Holocaust in public schools.

Sponsor: Sen. Mike Oliverio (R-Monongalia), with several co-sponsors.

Why it's worth supporting:

- As introduced, it would be a step in the right direction because it would require all public schools to (emphasis added):
“give age-appropriate instruction on the Holocaust, the systematic, planned annihilation of European Jews and other groups by Nazi Germany,

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a watershed event in the history of humanity, **to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.**”

- Even though it passed the Senate Education Committee as introduced with a do-pass recommendation, when it was up for 2nd reading on the floor Sen. Mike Azinger (R-Wood), a persistent opponent to virtually any bill that addresses racism, moved to strike some of the most important words: “an understanding of the ramifications of prejudice, racism, and stereotyping.” As a result, it was referred to Senate Rules.
- Azinger’s amendment would virtually gut the bill. Why would anyone be opposed to “understanding the ramifications of prejudice, racism, and stereotyping?” These three things have a tremendous negative impact on our nation and always will until we are open and honest about them so we can better reduce their impact.

Status: *In Senate Rules, where it may die or be brought back to the floor with little notice.*

(Identical to [HB5227](#), introduced by Del. Hansen, currently in the House Education Committee.)

HB4241: To establish cultural competency training for teachers obtaining or renewing a teaching license in West Virginia.

Sponsor: Del. Sean Hornbuckle (D-Cabell).

Why it’s worth supporting:

- A significant problem in our schools is that many teachers are not knowledgeable about other cultures, either in the United States or abroad. This leads to misunderstandings and lack of empathy that in turn can discourage students from continuing their education.
- This would address that issue and help create a truly welcoming classroom atmosphere.

Status: *In House Education.*

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Here are some other bills which are problematic, mostly as they negatively affect education in general:

HB4654: Removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter.

Sponsor: Del. Brandon Steele (R-Raleigh).

Status: *In House Judiciary.*

HB4453: Remove all standardized testing from in public and private schools.

Sponsor: Del. Kathie Crouse (R-Putnam).

Status: *In House Education.*

HB4299: Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer.

Sponsor: Del. Doug Smith (R-Mercer)

Status: *Passed House Education with do-pass recommendation. Currently in House Judiciary.*

HB4851: To allow for public and private schools in West Virginia to employ security personnel.

Sponsor: Del. Joe Statler (R-Monongalia)

Status: *Passed House Education with amendment and sent to Judiciary.*

HB4313: Creating the Parents' Bill of Rights

Sponsor: Del. Jim Butler (R-Mason)

Status: *Passed House Senior, Children, and Family Issues Committee, but was recommitted there, where it remains, although a public hearing was scheduled for Thursday (Feb. 1).*