

**H. B. 2797**

(By Delegates Overington, Sobonya, Lane,  
Hartman and Armstead)

[Introduced January 24, 2011; referred to the  
Committee on Education.]

A BILL to amend and reenact §18-2-9 of the Code of West Virginia,  
1931, as amended, relating to required courses of school  
instruction generally; requiring the accumulation of one and  
one-half years of instruction in the study of the Declaration  
of Independence and other founding American historical  
documents including the Bill of Rights before high school  
graduation; and requiring study of the historical, political  
and social environments at the time these documents were  
generated; prohibiting study of social problems, economics,  
foreign affairs, the United Nations, world government,  
socialism or communism until basic courses in American state  
and local geography and history are completed; and misdemeanor  
penalty.

*Be it enacted by the Legislature of West Virginia:*

That §18-2-9 of the Code of West Virginia, 1931, as amended, be  
amended and reenacted to read as follows:

1 **ARTICLE 2. STATE BOARD OF EDUCATION.**

2 **§18-2-9. Required courses of instruction; violation and penalty.**

3 (a) In all public, private, parochial and denominational  
4 schools located within this state, there shall be given prior to  
5 the completion of the eighth grade at least one year of instruction  
6 in the history of the State of West Virginia. The schools shall  
7 require ~~regular~~ for graduation courses of instruction, accumulating  
8 to a minimum of one and one-half years of instruction, by the  
9 completion of the twelfth grade in the history of the United  
10 States, in civics, in the study of the United States' founding  
11 documents, specifically, the Declaration of Independence, in the  
12 Constitution of the United States, with emphasis on the Bill of  
13 Rights and in the government of the State of West Virginia for the  
14 purpose of teaching, fostering and perpetuating the ideals,  
15 principles and spirit of political and economic democracy in  
16 America and increasing the knowledge of the organization and  
17 machinery of the government of the United States and of the State  
18 of West Virginia. The state board shall, with the advice of the  
19 state superintendent, prescribe the courses of study covering these  
20 subjects for the public schools. It shall be the duty of the  
21 officials or boards having authority over the respective private,  
22 parochial and denominational schools to prescribe courses of study  
23 for the schools under their control and supervision similar to  
24 those required for the public schools. To further such study,

1 every high school student eligible by age for voter registration  
2 shall be afforded the opportunity to register to vote pursuant to  
3 section twenty-two, article two, chapter three of this code.

4 (b) The study of the history of the United States and the  
5 United States' founding documents required by subsection (a) of  
6 this section shall include the study of the Declaration of  
7 Independence and the Constitution of the United States with an  
8 emphasis on the Bill of Rights, using the historical, political and  
9 social environments surrounding each document at the time of its  
10 initial passage or ratification and shall include the study of  
11 historical documents such as the Federalist Papers and the Anti-  
12 federalist Papers to firmly establish the historical background  
13 leading to the establishment of the provisions of the Constitution  
14 and Bill of Rights by the founding fathers for the purposes of  
15 safeguarding our Constitutional republic.

16 (c) Before students may participate in secondary level courses  
17 involving the study of social problems, global economics, foreign  
18 affairs, the United Nations, world government, socialism or  
19 communism, pupils shall first have completed basic instruction in  
20 geography, United States history, United States government and the  
21 government of the State of West Virginia, local governments in West  
22 Virginia, the Declaration of Independence and the Constitutions of  
23 the United States and the State of West Virginia.

24 ~~(b)~~ (d) The state board shall cause to be taught in all of the

1 public schools of this state the subject of health education,  
2 including instruction in any of the grades six through twelve as  
3 considered appropriate by the county board, on: (1) The  
4 prevention, transmission and spread of acquired immune deficiency  
5 syndrome and other sexually transmitted diseases; (2) substance  
6 abuse, including the nature of alcoholic drinks and narcotics,  
7 tobacco products, and other potentially harmful drugs, with special  
8 instruction as to their effect upon the human system and upon  
9 society in general; (3) the importance of healthy eating and  
10 physical activity to maintaining healthy weight; and (4) education  
11 concerning CPR and First Aid. The course curriculum requirements  
12 and materials for the instruction shall be adopted by the state  
13 board by rule in consultation with the Department of Health and  
14 Human Resources. The state board shall prescribe a standardized  
15 health education assessment to be administered within health  
16 education classes to measure student health knowledge and program  
17 effectiveness.

18 An opportunity shall be afforded to the parent or guardian of  
19 a child subject to instruction in the prevention, transmission and  
20 spread of acquired immune deficiency syndrome and other sexually  
21 transmitted diseases to examine the course curriculum requirements  
22 and materials to be used in the instruction. The parent or  
23 guardian may exempt the child from participation in the instruction  
24 by giving notice to that effect in writing to the school principal.

1       ~~(c)~~ (e) Any person violating the provisions of this section  
2 shall be guilty of a misdemeanor and, upon conviction thereof,  
3 shall be fined not exceeding \$10 for each violation, and each week  
4 during which there is a violation shall constitute a separate  
5 offense. If the person so convicted occupy a position in  
6 connection with the public schools, that person shall automatically  
7 be removed from that position and shall be ineligible for  
8 reappointment to that or a similar position for the period of one  
9 year.

NOTE: The purpose of this bill is to require the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents, including the Bill of Rights, before high school graduation. The bill also requires that students study the historical, political and social environments at the time these documents were generated and it prohibits study of social problems, economics, foreign affairs, the United Nations, world government, socialism or communism until basic courses in American state and local geography and history are completed.

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