

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3080

**FISCAL
NOTE**

BY MR. SPEAKER (MR. ARMSTEAD), MAYNARD, COOPER,

OVERINGTON AND MOYE

[Introduced March 14, 2017; Referred
to the Committee on Education.]

1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating
2 to recognition of “Celebrate Freedom Week” in schools and requiring instruction in the
3 Declaration of Independence and the United States Constitution as a component thereof.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-9. Required courses of instruction.

1 (a) In all public, private, parochial and denominational schools located within this state
2 there shall be given prior to the completion of the eighth grade at least one year of instruction in
3 the history of the State of West Virginia. The schools shall require regular courses of instruction
4 by the completion of the twelfth grade in the history of the United States, in civics, in the
5 Constitution of the United States and in the government of the State of West Virginia for the
6 purpose of teaching, fostering and perpetuating the ideals, principles and spirit of political and
7 economic democracy in America and increasing the knowledge of the organization and machinery
8 of the government of the United States and of the State of West Virginia. The state board shall,
9 with the advice of the state superintendent, prescribe the courses of study covering these subjects
10 for the public schools. It shall be the duty of the officials or boards having authority over the
11 respective private, parochial and denominational schools to prescribe courses of study for the
12 schools under their control and supervision similar to those required for the public schools. To
13 further such study, every high school student eligible by age for voter registration shall be afforded
14 the opportunity to register to vote pursuant to section twenty-two, article two, chapter three of this
15 code.

16 (b) The state board shall cause to be taught in all of the public schools of this state the
17 subject of health education, including instruction in any of the grades six through twelve as
18 considered appropriate by the county board, on: (1) The prevention, transmission and spread of

19 acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance
20 abuse, including the nature of alcoholic drinks and narcotics, tobacco products and other
21 potentially harmful drugs, with special instruction as to their effect upon the human system and
22 upon society in general; (3) the importance of healthy eating and physical activity to maintaining
23 healthy weight; and (4) education concerning cardiopulmonary resuscitation and first aid,
24 including instruction in the care for conscious choking, and recognition of symptoms of drug or
25 alcohol overdose. The course curriculum requirements and materials for the instruction shall be
26 adopted by the state board by rule in consultation with the Department of Health and Human
27 Resources. The state board shall prescribe a standardized health education assessment to be
28 administered within health education classes to measure student health knowledge and program
29 effectiveness.

30 (c) An opportunity shall be afforded to the parent or guardian of a child subject to
31 instruction in the prevention, transmission and spread of acquired immune deficiency syndrome
32 and other sexually transmitted diseases to examine the course curriculum requirements and
33 materials to be used in the instruction. The parent or guardian may exempt the child from
34 participation in the instruction by giving notice to that effect in writing to the school principal.

35 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
36 subsection (b) of this section shall include at least thirty minutes of instruction for each student
37 prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
38 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor
39 skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training
40 does not qualify as "psychomotor skills". The CPR instruction must be based on an instructional
41 program established by the American Heart Association or the American Red Cross or another
42 program which is nationally recognized and uses the most current national evidence-based
43 Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development
44 into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary

45 resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by
46 community members, such as emergency medical technicians, paramedics, police officers,
47 firefighters, licensed nurses and representatives of the American Heart Association or the
48 American Red Cross. These community members are encouraged to provide necessary training
49 and instructional resources such as cardiopulmonary resuscitation kits and other material at no
50 cost to the schools. The requirements of this subsection are minimum requirements. A local
51 school district may offer CPR instruction for longer periods of time and may enhance the
52 curriculum and training components, including, but not limited to, incorporating into the instruction
53 the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in
54 a certification being earned must be taught by an authorized CPR/AED instructor.

55 (e) In order to educate students about the sacrifices made for freedom in the founding of
56 this country and the values on which this country was founded, a full week of classes in
57 September, during the week in which the eleventh of September occurs, shall be recognized in
58 all public, private, parochial and denominational schools located within this state as “Celebrate
59 Freedom Week.” Celebrate Freedom Week must include at least three hours of appropriate
60 instruction in each social studies class which instruction must include an in-depth study of the
61 intent, meaning and importance of the Declaration of Independence and the Constitution of the
62 United States with an emphasis on the Bill of Rights, using the historical, political and social
63 environments surrounding each document at the time of its initial passage or ratification and shall
64 include the study of historical documents to firmly establish the historical background leading to
65 the establishment of the provisions of the Constitution and Bill of Rights by the founding fathers
66 for the purposes of safeguarding our Constitutional republic. Nothing in this subsection, however,
67 creates a standard or requirement subject to review by the office of education performance audits.

NOTE: The purpose of this bill is to institute a “Celebrate Freedom Week” and require the instruction in the study of the Declaration of Independence and other founding American historical documents, including the Bill of Rights, during this week.

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