

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 4398**

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[Originating in the Committee on Education;

Reported February 6, 2020.]



1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating  
2 to required courses of instruction; and incorporating into these courses the original texts  
3 of the Declaration of Independence, the Constitution of the United States and its  
4 amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Emancipation  
5 Proclamation, the Constitution of West Virginia, and their original context; and including  
6 the Federalist Papers in Celebrate Freedom Week instruction.

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

**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 12th grade in the history of the United States, in civics, in the Constitution  
5 of the United States and in the government of the State of West Virginia for the purpose of  
6 teaching, fostering and perpetuating the ideals, principles and spirit of political and economic  
7 democracy in America and increasing the knowledge of the organization and machinery of the  
8 government of the United States and of the State of West Virginia. The state board shall  
9 incorporate into these courses of instruction, no later than July 1, 2020, academic content  
10 regarding the original texts of the Mayflower Compact, the Declaration of Independence, the  
11 Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the  
12 Federalist Papers, the Emancipation Proclamation and the Constitution of West Virginia, and their  
13 original contexts. The state board shall revise the model curricula and achievement assessments  
14 adopted under this section as necessary to reflect the additional West Virginia history and  
15 American and West Virginia government content. The state board shall make available a list of  
16 suggested grade-appropriate supplemental readings that place the documents prescribed by this  
17 section in their original historical context, which teachers may use as a resource to assist students

18 in reading the documents within that context. The state board shall, with the advice of the State  
19 Superintendent, prescribe the courses of study covering these subjects for the public schools. ~~It~~  
20 ~~shall be the duty of~~ The officials or boards having authority over the respective private, parochial  
21 and denominational schools ~~to~~ shall prescribe courses of study for the schools under their control  
22 and supervision similar to those required for the public schools. To further such study, every high  
23 school student eligible by age for voter registration shall be afforded the opportunity to register to  
24 vote pursuant to §3-2-22 of this code.

25 (b) The state board shall cause to be taught in all of the public schools of this state the  
26 subject of health education, including instruction in any of the grades six through 12 as considered  
27 appropriate by the county board, on: (1) The prevention, transmission and spread of acquired  
28 immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse,  
29 including the nature of alcoholic drinks and narcotics, tobacco products and other potentially  
30 harmful drugs, with special instruction as to their effect upon the human system and upon society  
31 in general; (3) the importance of healthy eating and physical activity to maintaining healthy weight;  
32 and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in  
33 the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The  
34 course curriculum requirements and materials for the instruction shall be adopted by the state  
35 board by rule in consultation with the Department of Health and Human Resources. The state  
36 board shall prescribe a standardized health education assessment to be administered within  
37 health education classes to measure student health knowledge and program effectiveness.

38 (c) Advanced notice and an opportunity shall be afforded to the parent or guardian of a  
39 child subject to instruction in the prevention, transmission and spread of acquired immune  
40 deficiency syndrome and other sexually transmitted diseases to examine the course curriculum  
41 requirements and materials to be used in the instruction. The parent or guardian may exempt the  
42 child from participation in the instruction by giving notice to that effect in writing to the school  
43 principal.

44 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in  
45 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior  
46 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the  
47 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor  
48 skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training  
49 does not qualify as “psychomotor skills”. The CPR instruction must be based on an instructional  
50 program established by the American Heart Association or the American Red Cross or another  
51 program which is nationally recognized and uses the most current national evidence-based  
52 Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development  
53 into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary  
54 resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by  
55 community members, such as emergency medical technicians, paramedics, police officers,  
56 firefighters, licensed nurses and representatives of the American Heart Association or the  
57 American Red Cross. These community members are encouraged to provide necessary training  
58 and instructional resources such as cardiopulmonary resuscitation kits and other material at no  
59 cost to the schools. The requirements of this subsection are minimum requirements. A local  
60 school district may offer CPR instruction for longer periods of time and may enhance the  
61 curriculum and training components, including, but not limited to, incorporating into the instruction  
62 the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in  
63 a certification being earned must be taught by an authorized CPR/AED instructor.

64 (e) A full week of classes during the week selected by the county board of education shall  
65 be recognized as “Celebrate Freedom Week”. The purpose of Celebrate Freedom Week is to  
66 educate students about the sacrifices made for freedom in the founding of this country and the  
67 values on which this country was founded.

68 Celebrate Freedom Week must include appropriate instruction in each social studies class  
69 which:

70 (1) Includes an in-depth study of the intent, meaning and importance of the Mayflower  
71 Compact, the Declaration of Independence, the Emancipation Proclamation, ~~and~~ the Constitution  
72 of the United States with an emphasis on the Bill of Rights, and the Federalist Papers;

73 (2) Uses the historical, political and social environments surrounding each document at  
74 the time of its initial passage or ratification; and

75 (3) Includes the study of historical documents to firmly establish the historical background  
76 leading to the establishment of the provisions of the Constitution and Bill of Rights by the founding  
77 fathers for the purposes of safeguarding our constitutional republic.

78 The requirements of this subsection are applicable to all public, private, parochial and  
79 denominational schools located within this state. Nothing in this subsection creates a standard  
80 or requirement subject to state accountability measures.

81 (f) Beginning the 2018-2019 school year, students in the public schools shall be  
82 administered a test the same as or substantially similar to the civics portion of the naturalization  
83 test used by the United States Citizenship and Immigration Services between their ninth and 12th  
84 grade years as an indicator of student achievement in the area of civics education. The test  
85 results may be reported in the aggregate to the county board for evaluation by the board's  
86 curriculum director and reported to the board members. Nothing in this subsection creates a  
87 standard or requirement subject to state accountability measures.

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