

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5196

FISCAL
NOTE

By Delegates Vance, Coop-Gonzalez, Martin, Brooks,
Dean, Bridges, Hite, Heckert, Dillon, Kirby, and
Longanacre

[Introduced January 25, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-2-9 the Code of West Virginia, 1931, as amended, relating to
2 requiring all West Virginia high school students to pass a civics examination and the United
3 States Naturalization Examination as a prerequisite for graduation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

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

1 (a) (1) 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 the
3 history of the State of West Virginia. The schools shall require regular courses of instruction by the
4 completion of the 12th grade in the history of the United States, in civics, in the Constitution of the
5 United States, and in the government of the State of West Virginia for the purpose of teaching,
6 fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in
7 America, and increasing the knowledge of the organization and machinery of the government of
8 the United States and of the State of West Virginia. The required courses shall include instruction
9 on the institutions and structure of American government, such as the separation of powers, the
10 Electoral College, and federalism. The required courses shall include instruction that provides
11 students an understanding of American political philosophy and history, utilizing writings from
12 prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and
13 Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of
14 ideologies throughout history including, but not limited to, capitalism, republicanism, democracy,
15 socialism, communism, and fascism. The required courses shall emphasize the use of primary
16 sources and interactive learning techniques, such as mock scenarios, debates, and open and
17 impartial discussions.

18 (2) The state board shall, with the advice of the state superintendent, and after consultation
19 with other entities, prescribe the courses of study, including the basic course requirements for
20 middle school and high school, and the academic standards listed in subdivision (1) of this

21 subsection for these courses of study covering these subjects for the public schools, and publish
22 an approved list of instructional resources pursuant to §18-2A-1 *et seq.* of this code. The
23 curriculum used in the delivery of instruction shall cover the standards adopted for such courses.
24 The other entities for consultation may include such organizations as the Florida Joint Center for
25 Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman
26 Institute of American History, the Constitutional Sources Project, educators, school administrators,
27 postsecondary education representatives, elected officials, business and industry leaders,
28 parents, and the public. Officials or boards having authority over the respective private, parochial,
29 and denominational schools shall prescribe courses of study for the schools under their control
30 and supervision similar to those required for the public schools.

31 (3) The state board shall provide testing or assessment instruments for the history and
32 civics courses of instruction required by this section. These testing instruments shall:

33 (A) Be aligned with the academic standards required by this section;

34 (B) Be mandatory for students enrolled in those courses of instruction;

35 (C) Be cumulative by including questions about knowledge learned in prior history and
36 civics courses; and

37 (D) Measure students' factual and conceptual knowledge including how the facts
38 interrelate and the reasons behind historical documents and events.

39 (4) To further this study, every high school student eligible by age for voter registration shall
40 be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

41 (b) The state board shall cause to be taught in all public schools of this state the subject of
42 health education, including instruction in any of the grades six through 12 as considered
43 appropriate by the county board, on: (1) The prevention, transmission, and spread of acquired
44 immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse,
45 including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially
46 harmful drugs, with special instruction as to their effect upon the human system and upon society

47 in general; (3) the importance of healthy eating and physical activity in maintaining healthy weight;
48 and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in
49 the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The
50 course curriculum requirements and materials for the instruction shall be adopted by the state
51 board by rule in consultation with the Department of Health and Human Resources. The state
52 board shall prescribe a standardized health education assessment to be administered within
53 health education classes to measure student health knowledge and program effectiveness.

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

59 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
60 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior
61 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
62 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor
63 skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training
64 does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional
65 program established by the American Heart Association or the American Red Cross, or another
66 program which is nationally recognized and uses the most current national evidence-based
67 emergency cardiovascular care guidelines and incorporates psychomotor skills development into
68 the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary
69 resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by
70 community members, such as emergency medical technicians, paramedics, police officers,
71 firefighters, licensed nurses, and representatives of the American Heart Association or the
72 American Red Cross. These community members are encouraged to provide necessary training

73 and instructional resources such as cardiopulmonary resuscitation kits and other material at no
74 cost to the schools. The requirements of this subsection are minimum requirements. A local school
75 district may offer CPR instruction for longer periods of time and may enhance the curriculum and
76 training components, including, but not limited to, incorporating into the instruction the use of an
77 automated external defibrillator (AED): *Provided*, That any instruction that results in a certification
78 being earned shall be taught by an authorized CPR/AED instructor.

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

83 Celebrate Freedom Week shall include appropriate instruction in each social studies class
84 which:

85 (1) Includes an in-depth study of the intent, meaning, and importance of the Declaration of
86 Independence, the Emancipation Proclamation, and the Constitution of the United States with an
87 emphasis on the amendments that are crucial to the survival of democracy and freedom, such as
88 the Bill of Rights and the thirteenth, fourteenth, fifteenth, and nineteenth amendments;

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

91 (3) Includes the study of historical documents to firmly establish the historical background
92 leading to the establishment of the provisions of the constitution and Bill of Rights by the founding
93 fathers for the purposes of safeguarding our constitutional republic.

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

97 (f) Beginning the ~~2018-2019~~ 2024-2025 school year, students in public schools shall be
98 administered a test the same as or substantially similar to the civics portion of the naturalization

99 test used by the United States Citizenship and Immigration Services ~~between their ninth and 12th~~
100 ~~grade years~~ at some point between 9th grade and graduation as an indicator of student
101 achievement in the area of civics education. Students shall successfully pass this test prior to
102 graduation. Those students who do not pass shall have the opportunity to retake the test at the
103 beginning of each month of their junior and senior years until they have successfully completed the
104 test. In addition to this test, students shall take a mandatory civics class that includes instruction on
105 the West Virginia Constitution. The test results may be reported in the aggregate to the county
106 board for evaluation by the board's curriculum director and reported to the board members.
107 Nothing in this subsection creates a standard or requirement subject to state accountability
108 measures.

NOTE: The purpose of this bill is to require all West Virginia high school students to pass a civics examination and the United States Naturalization Examination as a prerequisite for graduation.

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