

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4398

BY DELEGATES FAST, WORRELL, FOSTER, HANNA, DEAN,
C. MARTIN, ELLINGTON, ROWAN, BIBBY, HARDY AND P. MARTIN

[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 Declaration of Independence, the Constitution of the United
11 States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the
12 Emancipation Proclamation and the Constitution of West Virginia, and their original contexts. The
13 state board shall revise the model curricula and achievement assessments adopted under this
14 section as necessary to reflect the additional West Virginia history and American and West
15 Virginia government content. The state board shall make available a list of suggested grade-
16 appropriate supplemental readings that place the documents prescribed by this section in their
17 original historical context, which teachers may use as a resource to assist students in reading the

18 documents within that context. The state board shall, with the advice of the State Superintendent,
19 prescribe the courses of study covering these subjects for the public schools. ~~It shall be the duty~~
20 ~~of~~ The officials or boards having authority over the respective private, parochial and
21 denominational schools ~~to~~ shall prescribe courses of study for the schools under their control and
22 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 Declaration of
71 Independence, the Emancipation Proclamation, ~~and~~ the Constitution of the United States with an
72 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.