

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4771**

BY DELEGATES DEAN, R. THOMPSON, N. BROWN,  
PAYNTER, STEELE, TONEY, EVANS, RODIGHIERO,  
TOMBLIN AND PYLES

[Introduced February 10, 2020; 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 requiring "Mine War History Day" be observed in schools every year.

*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, with the  
9 advice of the State Superintendent, prescribe the courses of study covering these subjects for the  
10 public schools. It shall be the duty of the officials or boards having authority over the respective  
11 private, parochial and denominational schools to prescribe courses of study for the schools under  
12 their control and supervision similar to those required for the public schools. To further such study,  
13 every high school student eligible by age for voter registration shall be afforded the opportunity to  
14 register to vote pursuant to §3-2-22 of this code.

15 (b) The state board shall cause to be taught in all of the public schools of this state the  
16 subject of health education, including instruction in any of the grades six through 12 as considered  
17 appropriate by the county board, on: (1) The prevention, transmission and spread of acquired  
18 immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse,  
19 including the nature of alcoholic drinks and narcotics, tobacco products and other potentially  
20 harmful drugs, with special instruction as to their effect upon the human system and upon society  
21 in general; (3) the importance of healthy eating and physical activity to maintaining healthy weight;

22 and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in  
23 the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The  
24 course curriculum requirements and materials for the instruction shall be adopted by the state  
25 board by rule in consultation with the Department of Health and Human Resources. The state  
26 board shall prescribe a standardized health education assessment to be administered within  
27 health education classes to measure student health knowledge and program effectiveness.

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

33 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in  
34 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior  
35 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the  
36 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor  
37 skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training  
38 does not qualify as "psychomotor skills". The CPR instruction must be based on an instructional  
39 program established by the American Heart Association or the American Red Cross or another  
40 program which is nationally recognized and uses the most current national evidence-based  
41 Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development  
42 into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary  
43 resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by  
44 community members, such as emergency medical technicians, paramedics, police officers,  
45 firefighters, licensed nurses and representatives of the American Heart Association or the  
46 American Red Cross. These community members are encouraged to provide necessary training  
47 and instructional resources such as cardiopulmonary resuscitation kits and other material at no

48 cost to the schools. The requirements of this subsection are minimum requirements. A local  
49 school district may offer CPR instruction for longer periods of time and may enhance the  
50 curriculum and training components, including, but not limited to, incorporating into the instruction  
51 the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in  
52 a certification being earned must be taught by an authorized CPR/AED instructor.

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

57 Celebrate Freedom Week must include appropriate instruction in each social studies class  
58 which:

59 (1) Includes an in-depth study of the intent, meaning and importance of the Declaration of  
60 Independence, the Emancipation Proclamation and the Constitution of the United States with an  
61 emphasis on the Bill of Rights;

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

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

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

70 (f) Beginning the 2018-2019 school year, students in the public schools shall be  
71 administered a test the same as or substantially similar to the civics portion of the naturalization  
72 test used by the United States Citizenship and Immigration Services between their ninth and 12th  
73 grade years as an indicator of student achievement in the area of civics education. The test results

74 may be reported in the aggregate to the county board for evaluation by the board's curriculum  
75 director and reported to the board members. Nothing in this subsection creates a standard or  
76 requirement subject to state accountability measures.

77 (g) A day of class during the time frame of August 25th to September 2nd shall be  
78 recognized as "Mine War History Day". The purpose of "Mine War History Day" is to educate  
79 students about the struggle of miners to be represented and establish their rights in the workplace.

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

NOTE: The purpose of this bill is to require every school year that "Mine Wars History Day" be observed.

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