

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 636**

BY SENATORS RUCKER, PHILLIPS, SMITH, ROBERTS,

KARNES, AND STOLLINGS

[Originating in the Committee on Education; reported

on March 17, 2021]



1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating  
2 to imposing additional requirements for the courses required for all public, private,  
3 parochial, and denominational schools in the history of the State of West Virginia, the  
4 history of the United States, in civics, in the Constitution of the United States, and in the  
5 government of West Virginia; requiring the State Board of Education to consult with certain  
6 other entities in prescribing the courses of study; requiring the State Board of Education  
7 to include the basic course requirements for middle school and high school and the  
8 academic standards when prescribing the courses of study; requiring the State Board of  
9 Education to publish an approved list of instructional resources; requiring the State Board  
10 of Education to provide testing or assessment instruments for the history and civics  
11 courses of instruction; and expanding amendments to the Constitution of the United States  
12 to be emphasized as a part of the instruction in each social studies class required during  
13 Celebrate Freedom Week.

*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  
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 required courses shall  
9 include instruction on the institutions and structure of American government, such as the  
10 separation of powers, the Electoral College, and federalism. The required courses shall include

11 instruction that provides students an understanding of American political philosophy and history,  
12 utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes,  
13 John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and critical  
14 analysis of ideologies throughout history including, but not limited to, capitalism, republicanism,  
15 democracy, socialism, communism, and fascism. The required courses shall emphasize the use  
16 of primary sources and interactive learning techniques, such as mock scenarios, debates, and  
17 open and impartial discussions.

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

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

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

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

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

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

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

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

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

60 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in  
61 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior

62 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the  
63 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor  
64 skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training  
65 does not qualify as “psychomotor skills”. The CPR instruction ~~must~~ shall be based on an  
66 instructional program established by the American Heart Association or the American Red Cross,  
67 or another program which is nationally recognized and uses the most current national evidence-  
68 based emergency cardiovascular care guidelines and incorporates psychomotor skills  
69 development into the instruction. A licensed teacher is not required to be a certified trainer of  
70 cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction  
71 may be given by community members, such as emergency medical technicians, paramedics,  
72 police officers, firefighters, licensed nurses, and representatives of the American Heart  
73 Association or the American Red Cross. These community members are encouraged to provide  
74 necessary training and instructional resources such as cardiopulmonary resuscitation kits and  
75 other material at no cost to the schools. The requirements of this subsection are minimum  
76 requirements. A local school district may offer CPR instruction for longer periods of time and may  
77 enhance the curriculum and training components, including, but not limited to, incorporating into  
78 the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction  
79 that results in a certification being earned ~~must~~ shall be taught by an authorized CPR/AED  
80 instructor.

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

85 Celebrate Freedom Week ~~must~~ shall include appropriate instruction in each social studies  
86 class which:

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

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

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

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

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