

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 7**

4 (By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger,
5 Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams)

6 _____
7 [Originating in the Committee on Education;

8 reported January 28, 2015.]
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12 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to
13 required instruction in cardiopulmonary resuscitation (CPR) and first aid in public school
14 health education subjects; adding care for conscious choking first aid instruction; requiring
15 minimum thirty minutes instruction prior to graduation in cardiopulmonary resuscitation and
16 psychomotor skills necessary to perform after certain date; defining “psychomotor skills”;
17 requiring CPR instruction be based on program established by American Heart Association
18 or the American Red Cross or other recognized guidelines; authorizing various persons and
19 community members by whom instruction may be given; encouraging such community
20 members to provide training and instructional resources; authorizing school districts to
21 exceed minimum requirements; and requiring authorized CPR/automated external
22 defibrillator instructor for instruction that results in certification being earned.

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

1 That §18-2-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

3 **ARTICLE 2. STATE BOARD OF EDUCATION.**

4 **§18-2-9. Required courses of instruction; violation and penalty.**

5 (a) In all public, private, parochial and denominational schools located within this state, there
6 shall be given prior to the completion of the eighth grade at least one year of instruction in the history
7 of the State of West Virginia. The schools shall require regular courses of instruction by the
8 completion of the twelfth grade in the history of the United States, in civics, in the Constitution of
9 the United States and in the government of the State of West Virginia for the purpose of teaching,
10 fostering and perpetuating the ideals, principles and spirit of political and economic democracy in
11 America and increasing the knowledge of the organization and machinery of the government of the
12 United States and of the State of West Virginia. The state board shall, with the advice of the state
13 superintendent, prescribe the courses of study covering these subjects for the public schools. It shall
14 be the duty of the officials or boards having authority over the respective private, parochial and
15 denominational schools to prescribe courses of study for the schools under their control and
16 supervision similar to those required for the public schools. To further such study, every high school
17 student eligible by age for voter registration shall be afforded the opportunity to register to vote
18 pursuant to section twenty-two, article two, chapter three of this code.

19 (b) The state board shall cause to be taught in all of the public schools of this state the subject
20 of health education, including instruction in any of the grades six through twelve as considered
21 appropriate by the county board, on: (1) The prevention, transmission and spread of acquired
22 immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including
23 the nature of alcoholic drinks and narcotics, tobacco products and other potentially harmful drugs,

1 with special instruction as to their effect upon the human system and upon society in general; (3) the
2 importance of healthy eating and physical activity to maintaining healthy weight; and (4) education
3 concerning CPR cardiopulmonary resuscitation and first aid, including instruction in the care for
4 conscious choking. The course curriculum requirements and materials for the instruction shall be
5 adopted by the state board by rule in consultation with the Department of Health and Human
6 Resources. The state board shall prescribe a standardized health education assessment to be
7 administered within health education classes to measure student health knowledge and program
8 effectiveness.

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

14 (d) Any person violating the provisions of this section shall be guilty of a misdemeanor
15 and, upon conviction thereof, shall be fined not exceeding \$10 for each violation, and each week
16 during which there is a violation shall constitute a separate offense. If the person so convicted
17 occupies a position in connection with the public schools, that person shall automatically be removed
18 from that position and shall be ineligible for reappointment to that or a similar position for the period
19 of one year.

20 (e) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection
21 (b) of this section shall include at least thirty minutes of instruction for each student prior to
22 graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
23 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor

1 skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training
2 does not qualify as “psychomotor skills”. The CPR instruction must be based on an instructional
3 program established by the American Heart Association or the American Red Cross or another
4 program which is nationally recognized and uses the most current national evidence-based
5 Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development into
6 the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary
7 resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by
8 community members, such as emergency medical technicians, paramedics, police officers,
9 firefighters and representatives of the American Heart Association or the American Red Cross.
10 These community members are encouraged to provide necessary training and instructional resources
11 such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The
12 requirements of this subsection are minimum requirements. A local school district may offer CPR
13 instruction for longer periods of time and may enhance the curriculum and training components,
14 including, but not limited to, incorporating into the instruction the use of an automated external
15 defibrillator (AED): *Provided*, That any instruction that results in a certification being earned must
16 be taught by an authorized CPR/AED instructor.

(NOTE: This bill modifies the current required instruction in cardiopulmonary resuscitation and first aid in any of the grades six through twelve in public school health education subjects. It adds care for conscious choking in the first aid instruction and, after July 1, 2016, requires a minimum thirty minutes instruction prior to graduation in CPR and the psychomotor skills necessary to perform it. The CPR instruction must be based on a program established by American Heart Association or The American Red Cross or other recognized guidelines. Various community organizations/members, in addition to teachers, may give the instruction and the community organization are encouraged to provide the necessary training and instructional resources. School districts may exceed minimum requirements, but instruction that results in certification being earned requires an authorized CPR/AED instructor.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.)