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H. B. 2443

(By Delegates Pasdon, Stansbury, McCuskey, Hamilton, Fast,
Ellington, Westfall, Border, Walters, Statler and Rohrbach)

[Introduced January 27, 2015; referred to the
Committee on Education.]

A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required instruction in cardiopulmonary resuscitation and first aid in public school health education subjects; adding care for conscious choking first aid instruction; requiring after certain date minimum thirty minutes instruction prior to graduation in cardiopulmonary resuscitation and psychomotor skills necessary to perform CPR; defining psychomotor skills; requiring CPR instruction be based on program established by American Heart Association or the American Red Cross or other recognized guidelines; authorizing various persons and community members by whom instruction may be given; encouraging those community members to provide training and instructional resources; authorizing school districts to exceed minimum requirements; and requiring authorized CPR/AED instructor for instruction that results in certification being earned.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

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

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

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

19 (e) After July 1, 2016, the required instruction in cardiopulmonary resuscitation in subsection
20 (b) of this section shall include at least thirty minutes of instruction for each student prior to
21 graduation on the proper administration of cardiopulmonary resuscitation and the psychomotor skills
22 necessary to perform cardiopulmonary resuscitation. The term "psychomotor skills" means the use

1 of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as
2 "psychomotor skills." The cardiopulmonary resuscitation instruction must be based on an
3 instructional program established by the American Heart Association or the American Red Cross or
4 another 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 the instruction. The instruction may be given by
8 community members such as emergency medical technicians, paramedics, police officers, firefighters
9 and representatives of the American Heart Association or the American Red Cross. These
10 community members are encouraged to provide necessary training and instructional resources such
11 as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements
12 of this subsection are minimum requirements. A local school district may offer cardiopulmonary
13 resuscitation instruction for longer periods of time and may enhance the curriculum and training
14 components, including, but not limited to, incorporating into the instruction the use of an automated
15 external defibrillator: *Provided*, That any instruction that results in a certification being earned must
16 be taught by an authorized CPR/AED instructor.

NOTE: The purpose of this bill is to modify 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 the minimum requirements, but instruction that results in a certification being earned requires an authorized CPR/AED instructor.

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