

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4398

BY DELEGATES FAST, WORRELL, FOSTER, HANNA, DEAN,

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MARTIN

[Introduced January 17, 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 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 Constitution  
5 of West Virginia, and their original context.

*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 and the  
12 Constitution of West Virginia, and their original contexts. The state board shall revise the model  
13 curricula and achievement assessments adopted under this section as necessary to reflect the  
14 additional West Virginia history and American and West Virginia government content. The state  
15 board shall make available a list of suggested grade-appropriate supplemental readings that place  
16 the documents prescribed by this section in their original historical context, which teachers may  
17 use as a resource to assist students in reading the documents within that context. The state  
18 board shall, with the advice of the State Superintendent, prescribe the courses of study covering

19 these subjects for the public schools. ~~It shall be the duty of~~ The officials or boards having authority  
20 over the respective private, parochial and denominational schools ~~to~~ shall prescribe courses of  
21 study for the schools under their control and supervision similar to those required for the public  
22 schools. To further such study, every high school student eligible by age for voter registration  
23 shall be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

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

37 (c) Advanced notice and an opportunity shall be afforded to the parent or guardian of a  
38 child subject to instruction in the prevention, transmission and spread of acquired immune  
39 deficiency syndrome and other sexually transmitted diseases to examine the course curriculum  
40 requirements and materials to be used in the instruction. The parent or guardian may exempt the  
41 child from participation in the instruction by giving notice to that effect in writing to the school  
42 principal.

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

45 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the  
46 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term “psychomotor  
47 skills” means the use of hands-on practicing to support cognitive learning. Cognitive-only training  
48 does not qualify as “psychomotor skills”. The CPR instruction must be based on an instructional  
49 program established by the American Heart Association or the American Red Cross or another  
50 program which is nationally recognized and uses the most current national evidence-based  
51 Emergency Cardiovascular Care guidelines and incorporates psychomotor skills development  
52 into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary  
53 resuscitation to facilitate, provide or oversee such instruction. The instruction may be given by  
54 community members, such as emergency medical technicians, paramedics, police officers,  
55 firefighters, licensed nurses and representatives of the American Heart Association or the  
56 American Red Cross. These community members are encouraged to provide necessary training  
57 and instructional resources such as cardiopulmonary resuscitation kits and other material at no  
58 cost to the schools. The requirements of this subsection are minimum requirements. A local  
59 school district may offer CPR instruction for longer periods of time and may enhance the  
60 curriculum and training components, including, but not limited to, incorporating into the instruction  
61 the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in  
62 a certification being earned must be taught by an authorized CPR/AED instructor.

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

67 Celebrate Freedom Week must include appropriate instruction in each social studies class  
68 which:

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

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

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

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

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

NOTE: The purpose of this bill is to incorporate into currently required courses of instruction the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, the Bill of Rights, Federalist Papers and the Constitution of West Virginia, and their original context; and to provide guidelines on teaching of humanity.

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