

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2357**

BY DELEGATES HIGGINBOTHAM, HOTT, HOWELL,

MARTIN AND HANSEN

[Introduced February 12, 2021; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring all schools to instruct students on the Holocaust and other genocides.

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

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

**§18-2-9. Required courses of instruction.**

1 (a) ~~It shall be the duty of~~ All public, private, parochial, and denominational schools located within this state  
2 ~~there shall be given~~ give prior to the completion of the eighth grade at least one year of instruction  
3 in 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~~ shall prescribe courses of study for the schools  
12 under their control and supervision similar to those required for the public schools. To further such  
13 study, every high school student eligible by age for voter registration shall be afforded the  
14 opportunity to 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~~ shall be based on an  
39 instructional program established by the American Heart Association or the American Red Cross  
40 or another program which is nationally recognized and uses the most current national evidence-  
41 based Emergency Cardiovascular Care guidelines and incorporates psychomotor skills  
42 development into the instruction. A licensed teacher is not required to be a certified trainer of  
43 cardiopulmonary resuscitation to facilitate, provide or oversee such instruction. The instruction  
44 may be given by community members, such as emergency medical technicians, paramedics,  
45 police officers, firefighters, licensed nurses and representatives of the American Heart Association  
46 or the American Red Cross. These community members are encouraged to provide necessary  
47 training and instructional resources such as cardiopulmonary resuscitation kits and other material

48 at no 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~~ shall 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~~ shall include appropriate instruction in each social studies  
58 class 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 or  
69 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) All public, middle and high schools located within this state shall give instruction on the  
78 Holocaust and other genocides in order to teach students knowledge of the Holocaust and other  
79 genocides, identify relevant global actors in historical genocides, inform students of social and  
80 political contextual factors that influence genocides, describe the outcomes of genocides;  
81 familiarize students with, as applicable, the history, context, and explanation of the Holocaust and  
82 other genocides, and the influence of the Holocaust and other genocides on law, history,  
83 government, migration, religion, literature, art, music, customs, morals, values, and culture.

NOTE: The purpose of this bill is to require courses for all students regarding the Holocaust and other genocides.

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