

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 636

BY SENATORS RUCKER, PHILLIPS, SMITH, ROBERTS,

KARNES, AND STOLLINGS

[Passed April 10, 2021; in effect 90 days from passage (July 9, 2021)]

1 AN ACT 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. Officials or boards having authority over the respective private,
29 parochial, and denominational schools shall prescribe courses of study for the schools under their
30 control and supervision similar to those required for the public schools.

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

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

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

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

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38 interrelate and the reasons behind historical documents and events.

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

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

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

59 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
60 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior
61 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
62 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor

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

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

83 Celebrate Freedom Week shall include appropriate instruction in each social studies class
84 which:

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2021.

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Governor