

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5075

By Delegates Coop-Gonzalez, McGeehan, Hornby,

Chiarelli, Longanacre, Butler, Kimble, Mazzocchi,

Crouse, Petitto, and Clark

[Introduced ; referred

to the Committee on]

1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §18-2-44, all relating to the
 3 state board of education and required courses of education; courses to include human
 4 growth and development related to pregnancy and human development inside the womb;
 5 required methods of presenting this instruction and adding a human growth and
 6 development curriculum to be known as the "Baby Olivia Act"; and authorizing the Attorney
 7 General to sue for any violation of the "Baby Olivia Act".

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 the
 3 history of the State of West Virginia. The schools shall require regular courses of instruction by the
 4 completion of the 12th grade in the history of the United States, in civics, in the Constitution of the
 5 United States, and in the government of the State of West Virginia for the purpose of teaching,
 6 fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in
 7 America, and increasing the knowledge of the organization and machinery of the government of
 8 the United States and of the State of West Virginia. The required courses shall include instruction
 9 on the institutions and structure of American government, such as the separation of powers, the
 10 Electoral College, and federalism. The required courses shall include instruction that provides
 11 students an understanding of American political philosophy and history, utilizing writings from
 12 prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and
 13 Thomas Jefferson. The courses of instruction shall offer an objective and critical analysis of
 14 ideologies throughout history including, but not limited to, capitalism, republicanism, democracy,
 15 socialism, communism, and fascism. The required courses shall emphasize the use of primary
 16 sources and interactive learning techniques, such as mock scenarios, debates, and open and

17 impartial discussions.

18 (2) The state board shall, with the advice of the state superintendent, and after consultation
19 with other entities, prescribe the courses of study, including the basic course requirements for
20 middle school and high school, and the academic standards listed in subdivision (1) of this
21 subsection for these courses of study covering these subjects for the public schools, and publish
22 an approved list of instructional resources pursuant to §18-2A-1 *et seq.* of this code. The
23 curriculum used in the delivery of instruction shall cover the standards adopted for such courses.
24 The other entities for consultation may include such organizations as the Florida Joint Center for
25 Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman
26 Institute of American History, the Constitutional Sources Project, educators, school administrators,
27 postsecondary education representatives, elected officials, business and industry leaders,
28 parents, and the public. Officials or boards having authority over the respective private, parochial,
29 and denominational schools shall prescribe courses of study for the schools under their control
30 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 shall
40 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 of
42 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; and
54 (5) Education concerning human growth and development by means of an oral, written, or digital
55 lesson, lecture, or presentation about human biology related to pregnancy and human
56 development inside the womb. Human growth and development instruction shall commence in
57 grade three. Beginning the 2024-25 school year, the course curriculum materials, as adopted by
58 the state board by legislative rule, shall include:

59 (A) A high-definition ultrasound video, at least three minutes in duration, showing the
60 development of the brain, heart, sex organs, and other vital organs in early fetal development; and

61 (B) The *Meet Baby Olivia* video developed by Live Action, showing the process of
62 fertilization and every stage of human development inside the uterus, noting significant markers in
63 cell growth and organ development for every significant marker of pregnancy until birth.

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

69 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
70 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior
71 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
72 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor
73 skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training
74 does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional
75 program established by the American Heart Association or the American Red Cross, or another
76 program which is nationally recognized and uses the most current national evidence-based
77 emergency cardiovascular care guidelines and incorporates psychomotor skills development into
78 the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary
79 resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by
80 community members, such as emergency medical technicians, paramedics, police officers,
81 firefighters, licensed nurses, and representatives of the American Heart Association or the
82 American Red Cross. These community members are encouraged to provide necessary training
83 and instructional resources such as cardiopulmonary resuscitation kits and other material at no
84 cost to the schools. The requirements of this subsection are minimum requirements. A local school
85 district may offer CPR instruction for longer periods of time and may enhance the curriculum and
86 training components, including, but not limited to, incorporating into the instruction the use of an
87 automated external defibrillator (AED): *Provided*, That any instruction that results in a certification
88 being earned shall be taught by an authorized CPR/AED instructor.

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

93 Celebrate Freedom Week shall include appropriate instruction in each social studies class
94 which:

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

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

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

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

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

§18-2-44. Human growth and development curriculum; the "Baby Olivia Act."

1 (a) This section shall be known and cited as the "Baby Olivia Act."

2 (b) As used in this section, a "human growth and development discussion" means an oral,
3 written, or digital lesson, lecture, or presentation about human biology related to pregnancy and
4 human development inside the womb.

5 (c) Beginning the 2024-25 school year, each public school, including each public charter
6 school, shall incorporate a human growth and development discussion into its curriculum, in

7 grades three, five and eight. The human growth and development discussion must include:

8 (1) A high-definition ultrasound video, at least three minutes in duration, showing the
9 development of the brain, heart, sex organs, and other vital organs in early fetal development; and

10 (2) The *Meet Baby Olivia* video developed by Live Action, showing the process of
11 fertilization and every stage of human development inside the uterus, noting significant markers in
12 cell growth and organ development for every significant marker of pregnancy until birth.

13 (d).The state board shall promulgate a legislative rule pursuant §29A-3B-1 et seq. of this
14 code to implement this section.

15 (e) Enforcement—

16 (1) Acknowledging the state's interest in safeguarding the health and well-being of its
17 residents and citizens, the attorney general of the State of West Virginia shall have a cause of
18 action to enforce this section on behalf of any or all residents or citizens of West Virginia.

19 (2) The attorney general of the State of West Virginia shall have a cause of action to sue for
20 damages and injunctive relief on behalf of any or all residents or citizens of West Virginia against
21 any person or entity that violates this section.

NOTE: The purpose of this bill is to amend required courses of education to include human growth and development related to pregnancy and human development inside the womb; required methods of presenting this instruction and adding a human growth and development curriculum to be known as the "Baby Olivia Act"; and to authorize the Attorney General to sue for any violation of the "Baby Olivia Act".

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