

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5484

By Delegates Dillon, Foster, Kirby, Ridenour, Coop-
Gongalez, Ross, Ellington, Kelly, Willis, Martin, and
Longanacre

[Introduced February 06, 2024; 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 to
 2 empowering the state board of education to direct guidance to all local education agencies
 3 on what is appropriate for pre-kindergarten through five to be taught regarding health
 4 education.

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.

54 The state board shall direct guidance to all local education agencies on what is appropriate
55 for pre-kindergarten through grade five to be taught regarding health education. The guidance
56 shall state that a public school in this state may not teach any instruction or distribute any
57 curriculum or educational resource to a student in pre-kindergarten through grade five that:

58 (1) Contains a photograph, drawing, or image of actual or simulated sexual intercourse,
59 sexual conduct, or human genitals;

60 (2) Depicts or describes sexual intercourse or sexual conduct involving children or adults;

61 (3) Has the goal or purpose of depicting or describing any sexual intercourse or sexual
62 conduct; or

63 (4) Has the goal or purpose of studying, exploring, or informing students about sexual
64 relationships, family planning, abortion, human contraception, gender identity, gender expression,
65 or sexual orientation.

66 Each county board shall post this guidance on their website which then shall be posted on
67 each elementary school's website in the county. A form shall be signed by each individual in
68 administration where children in pre-kindergarten through grade five attend school, that the
69 responsible individual in administration understands what is and is not allowed in the school.

70 If a local education agency creates a limited public forum where outside organizations can
71 distribute information or materials to students or their families, the local education agency shall

72 prohibit outside organizations from distributing any information or materials listed in subdivisions
73 (1) through (4). An outside organization that distributes information or materials listed in
74 subdivisions (1) through (4) shall be prohibited from participating in any limited public forums
75 operated by the local education agency for two years.

76 Should the administrator neglect their duty to ensure the inappropriate material listed in
77 subdivision (1) through (4) is not taught, distributed, or brought into the school they shall receive a
78 probationary period given by each local education agency.

79 (c)(1) An opportunity shall be afforded to the parent or guardian of a child subject to
80 instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome
81 and other sexually transmitted diseases to examine the course curriculum requirements and
82 materials to be used in the instruction. The parent or guardian may exempt the child from
83 participation in the instruction by giving notice to that effect in writing to the school principal.

84 (2) A public school shall obtain the written permission of the parent or guardian of a child in
85 grades six through 12 before the child may participate in any instruction or receive any curriculum
86 or educational resource described in subsection (b)(1) through (4).

87 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
88 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior
89 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
90 psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor
91 skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training
92 does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional
93 program established by the American Heart Association or the American Red Cross, or another
94 program which is nationally recognized and uses the most current national evidence-based
95 emergency cardiovascular care guidelines and incorporates psychomotor skills development into
96 the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary
97 resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by

98 community members, such as emergency medical technicians, paramedics, police officers,
99 firefighters, licensed nurses, and representatives of the American Heart Association or the
100 American Red Cross. These community members are encouraged to provide necessary training
101 and instructional resources such as cardiopulmonary resuscitation kits and other material at no
102 cost to the schools. The requirements of this subsection are minimum requirements. A local school
103 district may offer CPR instruction for longer periods of time and may enhance the curriculum and
104 training components, including, but not limited to, incorporating into the instruction the use of an
105 automated external defibrillator (AED): *Provided*, That any instruction that results in a certification
106 being earned shall be taught by an authorized CPR/AED instructor.

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

111 Celebrate Freedom Week shall include appropriate instruction in each social studies class
112 which:

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

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

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

122 The requirements of this subsection are applicable to all public, private, parochial, and
123 denominational schools located within this state. Nothing in this subsection creates a standard or

124 requirement subject to state accountability measures.

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

NOTE: The purpose of this bill is to empower the state board of education to direct guidance to all local education agencies on what is appropriate for pre-kindergarten through five to be taught regarding health education.

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