

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 448

BY SENATORS OLIVERIO, WOODRUM, WOELFEL, RUCKER,

AND SMITH

[Introduced January 15, 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
2 to requiring all public schools located within this state to give age-appropriate instruction
3 on the Holocaust.

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 CPR. The term "psychomotor skills" means the use of
63 hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as
64 "psychomotor skills". The CPR instruction shall be based on an instructional program established
65 by the American Heart Association or the American Red Cross, or another program which is
66 nationally recognized and uses the most current national evidence-based emergency
67 cardiovascular care guidelines and incorporates psychomotor skills development into the
68 instruction. A licensed teacher is not required to be a certified trainer of CPR to facilitate, provide,
69 or oversee such instruction. The instruction may be given by community members, such as
70 emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and
71 representatives of the American Heart Association or the American Red Cross. These community

72 members are encouraged to provide necessary training and instructional resources such as CPR
73 kits and other material at no cost to the schools. The requirements of this subsection are minimum
74 requirements. A local school district may offer CPR instruction for longer periods of time and may
75 enhance the curriculum and training components, including, but not limited to, incorporating into
76 the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction
77 that results in a certification being earned shall be taught by an authorized CPR/AED instructor.

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

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

84 (1) Includes an in-depth study of the intent, meaning, and importance of the Declaration
85 of Independence, the Emancipation Proclamation, and the Constitution of the United States with
86 an emphasis on the amendments that are crucial to the survival of democracy and freedom, such
87 as the Bill of Rights and the 13th, 14th, 15th, and 19th amendments;

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

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

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

96 (f) Beginning the 2018-2019 school year, students in public schools shall be administered
97 a test the same as or substantially similar to the civics portion of the naturalization test used by

98 the United States Citizenship and Immigration Services between their ninth and 12th grade years
99 as an indicator of student achievement in the area of civics education. The test results may be
100 reported in the aggregate to the county board for evaluation by the board's curriculum director
101 and reported to the board members. Nothing in this subsection creates a standard or requirement
102 subject to state accountability measures.

103 (g) All public schools located within this state shall give age-appropriate instruction on the
104 Holocaust, the systematic, planned annihilation of European Jews and other groups by Nazi
105 Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an
106 investigation of human behavior, an understanding of the ramifications of prejudice, racism, and
107 stereotyping, and an examination of what it means to be a responsible and respectful person, for
108 the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and
109 protecting democratic values and institutions.