

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 468

BY SENATORS RUCKER, AZINGER, DEEDS, GRADY, HUNT,

MARTIN, SMITH, STOVER, STUART, AND TAYLOR

[Originating in the Committee on Education; reported

January 24, 2024]

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; providing for courses to
4 include human growth and development related to pregnancy and human development
5 inside the womb; requiring methods of presenting this instruction; and adding a human
6 growth and development curriculum to be known as 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
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; 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 eight. Beginning in the 2024-2025 school year, the course curriculum materials, as adopted
58 by 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;
61 and

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

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

70 (d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in
71 subsection (b) of this section shall include at least 30 minutes of instruction for each student prior
72 to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the
73 psychomotor skills necessary to perform CPR. The term "psychomotor skills" means the use of
74 hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as
75 "psychomotor skills". The CPR instruction shall be based on an instructional program established
76 by the American Heart Association or the American Red Cross, or another program which is
77 nationally recognized and uses the most current national evidence-based emergency
78 cardiovascular care guidelines and incorporates psychomotor skills development into the
79 instruction. A licensed teacher is not required to be a certified trainer of CPR to facilitate, provide,
80 or oversee such instruction. The instruction may be given by community members, such as
81 emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and
82 representatives of the American Heart Association or the American Red Cross. These community
83 members are encouraged to provide necessary training and instructional resources such as CPR
84 kits and other material at no cost to the schools. The requirements of this subsection are minimum
85 requirements. A local school district may offer CPR instruction for longer periods of time and may
86 enhance the curriculum and training components, including, but not limited to, incorporating into
87 the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction
88 that results in a certification 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
96 of Independence, the Emancipation Proclamation, and the Constitution of the United States with
97 an emphasis on the amendments that are crucial to the survival of democracy and freedom, such
98 as 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
109 the United States Citizenship and Immigration Services between their ninth and 12th grade years
110 as 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
112 and 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 in the 2024-2025 school year, each public school, including each public
6 charter school, shall incorporate a human growth and development discussion into its health

7 education curriculum, in grades eight and 10. The human growth and development discussion
8 must include:

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

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

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