

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**For**

**Committee Substitute**

**for**

**Senate Bill 468**

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

MARTIN, SMITH, STOVER, STUART, TAYLOR, KARNES, AND

MAYNARD

[Originating in the Committee on Rules; reported

February 24, 2024]



1 A BILL to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating  
2 to the required instruction in human growth and development and the Holocaust; providing  
3 for courses to include human growth and development related to pregnancy and human  
4 development inside the womb; requiring methods of presenting this instruction; requiring  
5 age-appropriate instruction and reading 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, including  
42 each public charter school, the subject of health education, including instruction in any of the  
43 grades six through 12 as considered appropriate by the county board, on: (1) The prevention,

44 transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted  
45 diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco  
46 products, and other potentially harmful drugs, with special instruction as to their effect upon the  
47 human system and upon society in general; (3) the importance of healthy eating and physical  
48 activity in maintaining healthy weight; ~~and~~ (4) education concerning cardiopulmonary  
49 resuscitation and first aid, including instruction in the care for conscious choking, and recognition  
50 of symptoms of drug or alcohol overdose. The course curriculum requirements and materials for  
51 the instruction shall be adopted by the state board by rule in consultation with the Department of  
52 Health and Human Resources. The state board shall prescribe a standardized health education  
53 assessment to be administered within health education classes to measure student health  
54 knowledge and program effectiveness; and (5) Education concerning human growth and  
55 development by means of an oral, written, or digital lesson, lecture, or presentation about human  
56 biology related to pregnancy and human development inside the womb. Human growth and  
57 development instruction shall occur in grades eight and 10. Beginning in the 2024-2025 school  
58 year, the course standards, as adopted by the state board by rule pursuant to §29A-3B-1 et seq.  
59 of this code, shall include:

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

63 (B) The Meet Baby Olivia video developed by Live Action, showing the process of  
64 fertilization and every stage of human development inside the uterus, noting significant markers  
65 in cell growth and organ development for every significant marker of pregnancy until birth:  
66 Provided, That the Department of Education shall at all times maintain a downloaded copy of the  
67 Meet Baby Olivia video developed by Live Action to distribute to public county schools, teachers,  
68 or staff for purposes of viewing the video in accordance with this subsection.

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

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

93 (e) A full week of classes during the week selected by the county board of education shall  
94 be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to

95 educate students about the sacrifices made for freedom in the founding of this country and the  
96 values on which this country was founded.

97 Celebrate Freedom Week shall include appropriate instruction in each social studies class  
98 which:

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

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

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

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

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

118 (g) All public schools located within this state shall give age-appropriate instruction on the  
119 Holocaust, the systematic, planned annihilation on European Jews and other groups by Nazi  
120 Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an

121 investigation of human behavior and an examination of what it means to be a responsible and  
122 respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society  
123 and for nurturing and protecting democratic values and institutions: *Provided*, That beginning in  
124 the 2024-2025 school year, each public school, including each public charter school, shall  
125 incorporate age-appropriate reading and discussion into its Holocaust education curriculum, in  
126 grades 10 or 11. The Holocaust discussion must include a reading of *The Diary of a Young Girl*,  
127 by Anne Frank.