

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

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 to
2 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 by
4 the completion of the 12th grade in the history of the United States, in civics, in the Constitution of
5 the 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, 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 resuscitation
49 and first aid, including instruction in the care for conscious choking, and recognition of symptoms
50 of drug or alcohol overdose. The course curriculum requirements and materials for the instruction
51 shall be adopted by the state board by rule in consultation with the Department of Health and
52 ~~Human Resources~~. The state board shall prescribe a standardized health education assessment
53 to be administered within health education classes to measure student health knowledge and
54 program effectiveness; and (5) Education concerning human growth and development by means
55 of an oral, written, or digital lesson, lecture, or presentation about human biology related to
56 pregnancy and human development inside the womb. Human growth and development instruction
57 shall occur in grades eight and 10. Beginning in the 2024-2025 school year, the course standards,
58 as adopted by the state board by rule pursuant to §29A-3B-1 et seq. of this code, 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) An accurate, high-quality, computer-generated rendering or animation showing the
62 process of fertilization and every stage of human gestational development inside the uterus,
63 noting significant markers in cell growth and organ development for every week of pregnancy until
64 birth.

65 (c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction
66 in the prevention, transmission, and spread of acquired immune deficiency syndrome and other
67 sexually transmitted diseases to examine the course curriculum requirements and materials to be
68 used in the instruction. The parent or guardian may exempt the child from participation in the
69 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 by
76 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 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 13th, 14th, 15th, and 19th 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.

114 (g) All public schools located within this state shall give age-appropriate instruction on the
115 Holocaust, the systematic, planned annihilation on European Jews and other groups by Nazi
116 Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an
117 investigation of human behavior and an examination of what it means to be a responsible and
118 respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and
119 for nurturing and protecting democratic values and institutions: *Provided*, That beginning in the
120 2024-2025 school year, each public school, including each public charter school, shall incorporate
121 age-appropriate reading and discussion into its Holocaust education curriculum, in grades 10 or
122 11. The Holocaust discussion must include a reading of *The Diary of a Young Girl*, by Anne Frank.

