

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4830

FISCAL
NOTE

By Delegates Toney, Statler, Ellington, Ferrell, and

Campbell

[Introduced January 17, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-2-40 and §18-2-41 of the Code of West Virginia, 1931, as
 2 amended; to amend and reenact §18-2C-5 of said code; to amend and reenact §18-5-15a
 3 of said code; to amend and reenact §18-9F-10 of said code; and to amend and reenact
 4 §61-8F-6 of said code, all relating generally to training requirements for school personnel;
 5 modifying frequency of training from annually to upon employment and every three years
 6 thereafter, for suicide prevention awareness, child sexual abuse prevention, the county
 7 policy on harassment, intimidation or bullying, and multicultural education; requiring first
 8 aid training include blood borne pathogen information; requiring those who care for,
 9 educate, or house disabled children to be trained on mandatory reporting obligations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-40. Suicide prevention awareness training; dissemination of information.

1 (a)(1) *Legislative findings.* — The Legislature recognizes that the state of West Virginia has
 2 one of the highest rates of suicide in the nation, and that suicide serves as one of the leading
 3 causes of death in our state.

4 (2) The Legislature further finds that nationwide, suicide rates amongst adolescents and
 5 young adults are on the rise. As a result of disrupted families, poverty, and the opioid crises which
 6 have severely affected a significant number of families across this state, West Virginia’s students
 7 face a number of issues which may increase their risk of suicide.

8 (3) Consequently, the Legislature finds that it is imperative that those in our education
 9 system closest to our students receive training to increase their ability to better recognize students
 10 who may be exhibiting signs that they are at risk of suicide.

11 (b) On or before September 1, 2020, ~~and each year thereafter~~ upon employment and every
 12 three years after, the State Board of Education shall provide for the routine education of all

13 professional educators, including principals and administrators, and those service personnel
14 having direct contact with students on warning signs and resources to assist in suicide prevention
15 under guidelines established by the state board. The education may be accomplished through
16 self-review of suicide prevention materials and resources approved by the state board.

17 (c) On or before September 1, 2020, and each year thereafter, a public middle and high
18 school administrator shall disseminate and provide opportunities to discuss suicide prevention
19 awareness information to all middle and high school students. The information may be obtained
20 from the Bureau for Behavioral Health and Health Facilities or from a commercially developed
21 suicide prevention training program approved by the State Board of Education in consultation with
22 the bureau to assure the accuracy and appropriateness of the information.

23 (d) The provisions of this section shall be known as Jamie's Law.

§18-2-41. Education and Prevention of the Sexual Abuse of Children.

1 (a) Education of children in grades K-12 — Beginning July 1, 2019, children in grades K-12
2 shall receive body age-appropriate safety information at least once per academic school year, with
3 a preference for four times per academic year. To facilitate this process and develop resources,
4 the state board shall propose a legislative rule for promulgation, in accordance with §29A-3b-1 *et*
5 *seq.* of this code, by December 31, 2018. The rule shall provide for at least the following:

- 6 (1) Developmentally appropriate education and resources;
- 7 (2) Social media usage and content;
- 8 (3) Implementation of best practices;
- 9 (4) Differing county and school sizes, demographics, etc. relating to implementation
10 strategies;
- 11 (5) Strategies for dealing with disclosures after student education;
- 12 (6) Rules informed by family voice;
- 13 (7) Offender dynamics;
- 14 (8) Child-on-child scenarios;

15 (9) Rules on development of supplementary materials, including posting of the child abuse
16 hotline, to embed into the school climate;

17 (10) Protocols for local crisis response in conjunction with §18-9F-9 of this code.

18 (b) Training of public school employees upon their employment and then again every three
19 years. The state board shall propose by December 31, 2018 a legislative rule for promulgation in
20 accordance with §29A-3b-1 *et seq.* of this code, and if necessary may promulgate an emergency
21 rule in accordance with said article, for the establishment of standards for training requirements of
22 all public school employees focused on developing skills, knowledge, and capabilities related to
23 preventing child sexual abuse and recognizing and responding to suspected abuse and neglect.

24 The rule shall provide for at least the following:

25 (1) This required training shall include comprehensive instruction and information to better
26 equip schools and their employees, including how to:

27 (A) Recognize sexually offending behaviors in adults, questionable behaviors such as
28 boundary violations, and signs in adults that might indicate they pose a sexual risk to children;

29 (B) Recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or
30 abusive behaviors among children and youth served by schools;

31 (C) Recognize behaviors and verbal cues that might indicate a child or youth has been a
32 victim of abuse or neglect;

33 (D) Support the healthy development of children and youth and the building of protective
34 factors to mitigate against their sexual victimization by adults or peers;

35 (E) Recognize and appropriately respond to student infatuations and flirtations with adults
36 in schools;

37 (F) Recognize appropriate and inappropriate social media usage by adults and children;

38 (G) Provide consistent and standard protocols for responding to disclosures of sexual
39 abuse or reports of boundary-violating behaviors by adults or children in a supportive and
40 appropriate manner which meet mandated reporting requirements;

41 (H) Provide adequate understanding of the age-appropriate, comprehensive, evidence-
42 informed child sexual abuse prevention education which will be offered to their students; and

43 (I) Reflect the research on Adverse Childhood Experiences (ACEs) and trauma-informed
44 care.

45 (2) The rule shall contain provisions to ensure public school employees complete the
46 required training every ~~two~~ three years.

47 (A) The required training shall be at least a cumulative four hours (half day) of instruction
48 on the elements identified in this section.

49 (B) A skills renewal is required every ~~two~~ three years thereafter.

50 (C) The mode of delivery for the trainings may include in-person or e-learning instruction
51 and may include a series of trainings or modules.

52 (D) The state board shall provide certificates of satisfactory completion for the employee
53 and the employer documenting the employee completed the required training.

ARTICLE 2C. HARASSMENT, INTIMIDATION OR BULLYING PROHIBITION.

§18-2C-5. Policy training and education.

1 (a) Schools and county boards are encouraged, but not required, to form bullying
2 prevention task forces, programs and other initiatives involving school staff, students, teachers,
3 administrators, volunteers, parents, law enforcement and community members.

4 (b) To the extent state or federal funds are appropriated for these purposes, each school
5 district shall:

6 (1) Provide training on the harassment, intimidation or bullying policy to school employees
7 upon employment and volunteers who have direct contact with students; and

8 (2) Develop a process for educating students on the harassment, intimidation or bullying

9 policy.

10 (c) Information regarding the county board policy against harassment, intimidation or
11 bullying shall be incorporated into each school's current employee training program upon
12 employment and renewed every three years thereafter.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-15a. Study of multicultural education for school personnel.

1 County boards of education shall annually upon employment and every three years
2 thereafter, provide a program, during at least one noninstructional day of the school term, for the
3 study of multicultural education for all school personnel as defined in subsection (a), section one,
4 article one, chapter eighteen-a of this code. The study provided shall be in compliance with
5 regulations to be developed by the state Board of Education.

6 As used in this section, multicultural education means the study of the pluralistic nature of
7 American society, including its values, institutions, organizations, groups, status positions and
8 social roles.

ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.

§18-9F-10. School safety requirements.

1 In addition to any other requirement contained in this article or the Crisis Response Plan
2 required by §18-9F-9 of this code, each county board of education shall implement a school safety
3 program before September 1, 2019, that at a minimum, requires:

4 (1) Room numbers to be placed on exterior walls or windows of school buildings, so rooms
5 with exterior walls can be identified by law enforcement, first responders, and State Fire Marshals
6 from the outside;

7 (2) Providing updated floor plans of the school to first responders, local law enforcement,
8 and State Fire Marshals by September 1 of each school year;

9 (3) First aid training, that includes blood borne pathogen information, for all school

10 personnel upon employment ~~and students each school year~~; and

11 (4) Active shooter training for all school personnel and students at the beginning of each
12 school year.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8F. SPECIAL PROTECTIONS FOR DISABLED CHILDREN ACT OF 2022.

§61-8F-6 Specific directives to enhance the safety of disabled children.

1 (a) The West Virginia Department of Education in collaboration with the Secretary of
2 Health and Human Resources shall:

3 (1) On or before January 1, 2023, develop, produce, and disseminate an eight-hour
4 education program for people employed in or to be employed in the care, housing, and education
5 of disabled children as well as their supervisory personnel and administrators. The program shall
6 include, but not be limited to, the legal duties of persons so employed, the behavioral
7 characteristics associated with different disabling conditions, symptoms of disabling conditions
8 ~~and~~ appropriate interventions necessary to support a child in a particular setting. and the
9 process of mandatory reporting of abuse. Successful completion of the program shall be
10 mandatory for state, county, and municipal employees engaged in the care, housing, and
11 education of disabled children as well as their supervisory personnel and administrators on and
12 after July 1, 2023; and

13 (2) On or before January 1, 2023, investigate the availability and implementation cost of a
14 program for public schools and government operated programs for disabled children which allows
15 parents, guardians, and custodians to remotely view classrooms and other areas where disabled
16 children are taught, housed, or cared for and provide copies of the findings and proposals to the
17 President of the Senate and the Speaker of the House of Delegates prior to the first day of the
18 2023 Regular Session of the Legislature.

19 (3) To the extent practicable the program shall consider and include input from family

20 members and caregiving of disabled children.

21 (b) On or before January 1, 2023, the West Virginia Prosecuting Attorney's Institute in
22 collaboration with the Law Enforcement Professional Standards subcommittee on the Governor's
23 Committee on Crime Delinquency and Correction shall develop a three-hour mandatory
24 educational program for prosecuting attorneys and law enforcement officers that offers education:

25 (1) As to the provisions of this article; and

26 (2) In the investigation and prosecution of crimes against disabled children including
27 mandatory reporting of all abuse.

28 (3) To the extent practicable the program shall consider and include input from family
29 members and caregiving of disabled children.

30 (c) The State Board of Education shall create a database which identifies school
31 employees who are under active investigation for misconduct towards children into which county
32 boards of education shall report and review when considering employing a person with previous
33 experience in the education system.

NOTE: The purpose of this bill relates generally to training requirements for school personnel; it modifies the frequency of training from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requires first aid training include blood borne pathogen information; and requires those who care for, educate, or house disabled children to be trained on mandatory reporting obligations.

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