

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 302

BY SENATORS WOELFEL AND DEEDS

[Originating in the Committee on Education; reported

January 24, 2024]

1 A BILL to amend and reenact §18-2-41 of the Code of West Virginia, 1931, as amended, relating
2 to requiring in grades three through six, at least annual age-appropriate instruction in child
3 sexual abuse prevention; requiring in grades three through six, at least annual instruction
4 in personal safety and assault prevention; providing exception; requiring annual notice to
5 parent or guardian at least one week prior to personal safety and assault prevention
6 instruction; and requiring in grades seven through 12, at least annual age-appropriate
7 instruction in dating violence prevention and sexual violence prevention.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§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~~ 2024, children in grades
2 K-12 shall receive body age-appropriate safety information at least once per academic school
3 year, with a preference for four times per academic year. To facilitate this process and develop
4 resources, the state board shall ~~propose a legislative rule for promulgation, in accordance with~~
5 propose a legislative rule pursuant to §29A-3B-1 et seq. of this code by December 31, 2018 July
6 1, 2024. The rule shall provide for at least the following:

7 (1) Developmentally appropriate education and resources, including, but not limited to:

8 (A) In grades three through six, at least annual age-appropriate instruction in child sexual
9 abuse prevention, including information on available counseling and resources for children who
10 are sexually abused;

11 (B) In grades three through six, at least annual instruction in personal safety and assault
12 prevention, except that upon written request of the student's parent or guardian, a student shall
13 be excused from taking instruction in personal safety and assault prevention. The school shall
14 provide annual notice to each student's parent or guardian at least one week prior to any
15 instruction provided pursuant to this paragraph; and

16 (C) In grades seven through 12, at least annual age-appropriate instruction in dating
17 violence prevention and sexual violence prevention, which shall include instruction in recognizing
18 dating violence warning signs and characteristics of healthy relationships;

19 (2) Social media usage and content;

20 (3) Implementation of best practices;

21 (4) Differing county and school sizes, demographics, etc. relating to implementation
22 strategies;

23 (5) Strategies for dealing with disclosures after student education;

24 (6) Rules informed by family voice;

25 (7) Offender dynamics;

26 (8) Child-on-child scenarios;

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

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

30 (b) Training of public school employees. The state board shall ~~propose by December 31,~~
31 ~~2018~~ promulgate a legislative rule ~~for promulgation in accordance with~~ pursuant to §29A-3B-1 ~~et~~
32 ~~seq. of this code and if necessary may promulgate an emergency rule in accordance with said~~
33 ~~article~~ for the establishment of standards for training requirements of all public school employees
34 focused on developing skills, knowledge, and capabilities related to preventing child sexual abuse
35 and recognizing and responding to suspected abuse and neglect. The rule shall provide for at
36 least the following:

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

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

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

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

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

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

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

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

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

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

56 (2) The rule shall contain provisions to ensure public school employees complete the
57 required training every two years.

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

60 (B) A skills renewal is required every two years thereafter.

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

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