

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4402

BY DELEGATES ESPINOSA, STATLER, MOYE,
HORNBUCKLE, KELLY, RODIGHIERO, BLAIR,
HOUSEHOLDER, HIGGINBOTHAM, DEAN AND CAMPBELL

[Introduced February 2, 2018; Referred
to the Committee on Education then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §18-2-41, relating to the education and prevention of sexual abuse of children;
3 mandating that children in grades K-12 receive sexual abuse education at least once
4 during the academic year beginning July 1, 2019; requiring the State Board of Education
5 to promulgate legislative rules to facilitate this process and develop resources by
6 December 31, 2018; providing a list of minimum content for said legislative rules; requiring
7 that the state board promulgate legislative rules for sexual abuse education and
8 prevention training of public school employees by December 31, 2018; providing for an
9 emergency rule, if necessary; providing a list of minimum content for said legislative rules;
10 providing that said training be administered every two years; and providing additional
11 requirements of said training.

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, children in grades K-12
2 shall receive body age-appropriate safety information at least once per academic school year,
3 with a preference for four times per academic year. To facilitate this process and develop
4 resources, the state board shall promulgate a legislative rule, 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) Education and resources shall be developmentally appropriate;

7 (2) Social media usage and content shall be addressed;

8 (3) Implementation of best practices shall be articulated;

9 (4) Differing county and school sizes, demographics, etc. shall be taken into account in
10 implementation strategies;

11 (5) Strategies for dealing with disclosures after student education shall be articulated;

12 (6) Rules shall be informed by family voice;

13 (7) Offender dynamics shall be addressed;

14 (8) Child-on-child scenarios shall be addressed;

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

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

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

47 (A) The required training will be at least a cumulative four hours (half-day) of instruction
48 on the elements identified above.

49 (B) A skills renewal will be required every two 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) Certificates of satisfactory completion will be provided for the employee and the
53 employer documenting completion of required training.

NOTE: The purpose of this bill is to prevent sexual abuse by educating students in K-12 and providing training to public school employees. The bill requires yearly education to students and requires the state board to promulgate rules therefore. It also requires the board to promulgate rules for the training of public school employees.

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