

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 466

By Senators Clements, Barrett, Deeds, Grady,
Hamilton, Hunt, Oliverio, Phillips, Stuart, Chapman,
Roberts, and Taylor

[Passed March 8, 2024; in effect 90 days from
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-44, relating to requiring the West Virginia Board of Education to develop
3 a Safety While Accessing Technology education program; specifying topics of instruction
4 to be included in the program; allowing the state board to develop and provide age-
5 appropriate instructional materials and resources to assist county boards in establishing
6 and implementing the program; requiring each county board to adopt policies requiring all
7 elementary and secondary schools in the district to provide the education program to
8 students in grades three through 12 at least once each school year; requiring policies to
9 include process for parent, guardian, or custodian to review program instructional
10 materials; requiring policies to include option for parent, guardian, or custodian to opt his or
11 her child out of program participation; making implementation of program effective for the
12 2025-2026 school year; and requiring program to be based on certain concepts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Safety While Accessing Technology education program; annual instruction required.

1 (a) The state board shall, in collaboration with law-enforcement agencies, criminal justice
2 agencies, and other nongovernmental organizations with experience in child online safety issues
3 and human trafficking prevention, develop a Safety While Accessing Technology (SWAT)
4 education program for elementary and secondary school students in the State of West Virginia.
5 The SWAT education program shall include instruction on the following topics:

6 (1) Safe and responsible use of social networking websites, including internet chat rooms,
7 email, instant messaging, and other modes of electronic communication;

8 (2) The risks of transmitting personal information on the internet and the importance of
9 privacy protection;

10 (3) Copyright laws on written materials, photographs, music, and videos posted or shared

11 online;

12 (4) The importance of establishing open communication with responsible adults about any
13 online communications or activities;

14 (5) How to recognize, avoid, and report suspicious, potentially dangerous, or illegal online
15 communications or activities, including: (A) Potential solicitation by sexual predators; (B)
16 unsolicited or deceptive communications; and (C) harassment and cyberbullying;

17 (6) Resources and assistance programs available for any child or parent who may have
18 encountered online solicitation by sexual predators or other illegal online communications or
19 activities, including the National Center for Missing and Exploited Children's Cyber Tipline; and

20 (7) The risks associated with sharing sexually suggestive or sexually explicit materials
21 including at a minimum:

22 (A) The legal consequences and penalties for sharing sexually suggestive or sexually
23 explicit materials;

24 (B) The non-legal consequences of sharing sexually suggestive or sexually explicit
25 materials, including but not limited to, the effect on relationships, mental health, loss of educational
26 and employment opportunities, and being barred or removed from school programs and
27 extracurricular activities;

28 (C) The potential, based on the unique characteristics of the internet, of long-term and
29 unforeseen consequences for sharing sexually suggestive or sexually explicit materials;

30 (D) The potential of long-term and unforeseen consequences for sharing sexually
31 suggestive or sexually explicit materials during past relationships; and

32 (E) The potential connection between bullying, cyber-bullying, sextortion, and human
33 trafficking and juveniles sharing sexually suggestive or sexually explicit materials.

34 (b) The state board may develop and provide age-appropriate instructional materials and
35 resources to assist county boards in establishing and implementing the SWAT education program.

36 In developing any such instructional materials and resources, the board may collaborate with law-

37 enforcement agencies, criminal justice agencies, and other nongovernmental organizations with
38 expertise in child online safety issues and human trafficking prevention.

39 (c) Each county school board shall adopt policies requiring all elementary and secondary
40 schools in the district to provide the SWAT education program to students in grades three through
41 12 at least once each school year. The policies shall include:

42 (1) A process for allowing a parent, guardian, or custodian of any child enrolled in any
43 elementary or secondary school in the district to review the instructional materials used in the
44 SWAT education program; and

45 (2) An option to permit the parent, guardian, or custodian of any child enrolled in any
46 elementary or secondary school in the district to opt his or her child out of participating in the
47 SWAT education program.

48 (d) The board shall make the SWAT education program created pursuant to this act, and
49 any accompanying instructional materials and resources, available to county school boards before
50 the start of the 2025-2026 school year. Each county school board shall implement the SWAT
51 education program beginning with the 2025-2026 school year.

52 (e) The SWAT education program shall be based on the peer-to-peer observational
53 learning and modeling concepts prescribed in Social Foundations of Thought and Action: A Social
54 Cognitive Theory by Albert Bandura, PhD.