

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

House Bill 4402

BY DELEGATES ESPINOSA, STATLER, MOYE,

HORNBUCKLE, KELLY, RODIGHIERO, BLAIR,

HOUSEHOLDER, HIGGINBOTHAM, DEAN AND CAMPBELL

[Passed March 5, 2018; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §18-2-41, 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-
2 12 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 propose a legislative rule for promulgation, in accordance with
5 §29A-3b-1 *et seq.* of this code, by December 31, 2018. The rule shall provide for at least the
6 following:

- 7 (1) Developmentally appropriate education and resources;
- 8 (2) Social media usage and content;
- 9 (3) Implementation of best practices;
- 10 (4) Differing county and school sizes, demographics, etc. relating to implementation
11 strategies;
- 12 (5) Strategies for dealing with disclosures after student education;

13 (6) Rules informed by family voice;

14 (7) Offender dynamics;

15 (8) Child-on-child scenarios;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor