WEST VIRGINIA CODE: §18-2-44

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

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

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

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

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

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

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

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

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

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

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

(C) The potential, based on the unique characteristics of the internet, of long-term and

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unforeseen consequences for sharing sexually suggestive or sexually explicit materials;

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

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

(b) The state board may develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the SWAT education program. In developing any such instructional materials and resources, the board may collaborate with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with expertise in child online safety issues and human trafficking prevention.

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

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

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

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

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

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