# The WV State Task Force on the Prevention of Sexual Abuse of Children



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#### Why Pinwheels?

In 2008, Prevent Child Abuse America introduced the pinwheel as the new national symbol for child abuse prevention through Pinwheels for Prevention®. The campaign symbol, a blue and silver pinwheel, is a reminder of the happy childhoods and bright futures that all children deserve, as well as the important role we each play in ensuring every child has an equal opportunity for healthy growth and development.

### Acknowledgements

Established in March 2015 by West Virginia House Bill (HB) 2527, "Erin Merryn's Law" created the State Task Force on the Prevention of Sexual Abuse of Children (Task Force) to make recommendations on policies and practices to prevent child sexual abuse in West Virginia. The following report is the product of many hours of research, study, and dialogue by members of the Task Force and additional interested stakeholders.

The Task Force would like to express its sincere appreciation to three individuals for their outstanding advocacy. Erin Merryn, a child sexual abuse survivor who has been a national champion for similar legislation, provided inspiration and support in moving this important work forward in West Virginia. Brooke Drake, a child sexual abuse survivor and native West Virginian, championed and helped lead the fight to pass HB 2527. Crystal Good also bravely shared her experiences as a survivor of child sexual abuse, urging passage of the legislation and in testimony during the Task Force's inaugural meeting. The dedicated service of these women, and that of the other survivors who have participated in the Task Force, has been remarkable and profoundly impactful for those children who continue to suffer in silence.

Additionally, the Task Force would like to recognize the legislative leaders who have championed and led the work of this Task Force since 2015. Former Delegate Amanda Pasdon and Former Senator Chris Walters served as the lead sponsors of the legislation in 2015. Chairman Paul Espinosa and Chairman Kenny Mann provided critical leadership for the Task Force, building consensus and agreement for the report recommendations. The leadership shown by these legislators has been invaluable.

Finally, the Task Force extends its appreciation for the generous support from the Claude Worthington Benedum Foundation and the Bernard McDonough Foundation that enabled the facilitation and convening of the Task Force and the development of this report.



### Task Force Membership

Mickey Blackwell, WV Association of Elementary and Middle School Principals

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#### **Additional Stakeholder Participants**

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### Greetings

As co-chairmen of the State Task Force on the Prevention of Sexual Abuse of Children, it is our distinct honor to present the following report on behalf of the Task Force. This diverse and dedicated group of stakeholders has taken their charge seriously and dedicated countless hours of time and attention to preparing recommendations to improve the lives of West Virginia children.

The following recommendations are bold, yet attainable; aspirational, yet achievable. The recommendations recognize that adults are responsible for the safety of children, and that it is the responsibility of those in leadership to build systems of support and training for the adults who work with children every day.

We would like to express our sincere appreciation to each Task Force member and each participating stakeholder for their commitment to this process and for their unwavering passion for protecting all of our children. The various and diverse perspectives of the stakeholders created stronger and more achievable recommendations.

On behalf of the Task Force, we would like to thank the West Virginians who work in this field every day, ensuring that West Virginia children are protected, cared for, and safe. We hope that the recommendations included in this report will support your efforts and build on the remarkable work already taking place in our state on behalf of our children.

Sincerely,

Delegate Paul Espinosa, Co-Chair State Task Force on the Prevention of Sexual Abuse of Children Senator Kenny Mann, Co-Chair State Task Force on the Prevention of Sexual Abuse of Children



### **Decision Making Process**

The Task Force met six times between the passage of HB 2527 in March 2015 and the presentation of the report to the Governor and the Legislature in January 2018. The Task Force also established five work groups to solidify the details of the Task Force's recommendations. Each work group met at least once during that same period of time. During their meetings, the Task Force centered their research and decision-making around the following objectives as laid out in HB 2527:

- · Gathering information regarding sexual abuse of children throughout the state;
- Receiving related reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations;
- Creating goals for state education policy that would prevent the sexual abuse of children;
- Creating goals for other areas of state policy that would prevent the sexual abuse of children; and
- Submitting a report with its recommendations to the Governor and the Legislature.









WV Legislative Photography, Photos by Perry Bennett

### Rationale

The statistics are devastating. One in ten children will be the victim of child sexual abuse by their 18th birthday.¹ While child sexual abuse is one of the most prevalent health issues children in America face, it is rarely discussed. Unlike childhood cancer or autism, conversation about the topic has historically been taboo. However, with recent attention to the impact of sexual abuse and assault on children and vulnerable people in our country, individuals and communities are starting to recognize the need to act.

#### The Nature of Abuse

More than 90 percent of the time, children are abused by someone they know,<sup>2</sup> often someone who is supposed to protect them — a person in a position of trust or authority. In almost every case, the only witnesses to this crime are the perpetrator and the victim. Perpetrators often tell the child to keep the abuse a secret or that no one will believe them; the child may even feel the abuse was their fault. For these and many other reasons, children rarely report abuse immediately. Most victims never tell anyone until several years after the abuse, if they ever disclose at all.

#### The Cost of Abuse

Last year alone, Child Advocacy Centers in West Virginia served 3,941 children who were alleged victims of child sexual assault and serious physical abuse.<sup>3</sup> The Centers for Disease Control recently estimated the lifetime cost of abuse at \$210,012 per victim.<sup>4</sup> While that number is staggering, it pales in comparison to the human impact. Children who experience sexual abuse can face an increased risk for a multitude of adverse outcomes throughout their lifespan. Adverse Childhood Experiences (ACEs) have been shown to correlate with the following: poor academic performance, dropping out of high school, self-mutilation, persistent post-traumatic stress disorder, drug and alcohol abuse, increased risk for abuse in subsequent relationships, difficulty in forming meaningful and trusting relationships, cognitive deficits, depression, dissociative symptoms, and suicide.<sup>5</sup> Early identification of victims and strong support can significantly reduce the likelihood of the aforementioned human costs.

<sup>1</sup> Townsend, C., & Rheingold, A.A., (2013). Estimating a child sexual abuse prevalence rate for practitioners: studies. Charleston, S.C., Darkness to Light. Retrieved from www.D2L.org.

<sup>2</sup> Finkelhor, D. (2012). Characteristics of crimes against juveniles. Durham, NH: Crimes against Children Research Center.

<sup>3</sup> West Virginia Child Advocacy Network Statewide Data Report (2017). Retrieved from www.wvcan.org.

<sup>4</sup> Fang, X., Brown, D., Florence, C., Mercy, J. (2012) The economic burden of child maltreatment in the United States and implications for prevention. Child Abuse & Neglect, 36:2,156–165.

<sup>5</sup> Felitti, V.J., Anda, R.F., Nordenberg, D., Williamson, D., Spitz, A.M., Edwards, V., Koss, M., Marks, J.S., (1998) Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ACE) study. American Journal of Preventive Medicine 14(4).

#### **Impact of Abuse on School Performance**

Schools have long been a center of the community for the needs of children — academic and otherwise. West Virginia educators are especially cognizant that problems at home can greatly impact the classroom. Because academic problems in childhood are a common symptom of sexual abuse, this issue is having a tremendous impact on our school systems. Erin Merryn, for whom the Task Force is named, often points to her disruptive behavior in school — a cry for help when she didn't have words to convey her true pain.

Sexual abuse among children is associated with diminished cognitive ability, high school absentee rates, more grade retention, increased need for special education services and difficulty with school adaptation.<sup>6</sup> Not surprisingly, a history of child sexual abuse can significantly increase the chance of dropping out of school.<sup>6,7</sup> Teachers are frequently on the front lines of dealing with the impact of abuse in their students' lives. In fact, school personnel identify and report more child abuse cases classified as causing harm to the child than any other profession or organizational type.<sup>8</sup> However, national studies have shown that two-thirds of teachers do not receive specific training in preventing, recognizing, or responding to child sexual abuse in either their college coursework or as part of their professional development.<sup>9</sup> Put simply, our teachers are in an ideal position to recognize and respond to child abuse, but many feel under-prepared to do so.

6 Reyome, N.D. (1994). Teacher ratings of the academic achievement related classroom behaviors of maltreated and nonmaltreated children. Psychology in the Schools, 31, 253-260.

7 Daignault, I.V. & Hebert, M. (2009). Profiles of school adaptation: Social, behavioral, and academic functioning in sexually abused girls. Child Abuse & Neglect, 33, 102-115

8 Sedlak, A.J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., and Li, S. (2010). Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress, Executive Summary. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families.

9 Kenny, M.C. (2004). Teachers' attitudes toward and knowledge of child maltreatment. Child Abuse and Neglect, 28, 1311-1319.



### **Building on Progress**

#### **Adult Responsibility, Child Empowerment**

Child sexual abuse prevention efforts solely focused on "educating" children are not grounded in the realities of sexual abuse. Once popular, "stranger danger" has proven to be largely a myth, given that children are almost always abused by someone they know. In addition, it is unrealistic to expect a six-year-old to fend off sexual advances from an adult relative or friend. In fact, a six-year-old may not recognize sexual advances for what they are — she/he may have been taught to "mind" adults who are authority figures. Therefore, any child-focused prevention effort should be paired with adult education and systems accountability, as adults are ultimately responsible for the safety of children. In addition, education efforts focused on children should be age-appropriate and grounded in effective, trauma-sensitive messages that ultimately lead to healthy child development and empowerment.

The National Coalition to Prevent Child Sexual Abuse and Exploitation has identified six pillars for prevention, many of which are highlighted in the recommendations of this report:

- 1. Strengthening the prevention capacity of youth-serving organizations;
- 2. Supporting the healthy development of children;
- 3. Promoting healthy relationships and sexuality education for children and youth;
- 4. Ending the demand for children as sexual commodities;
- 5. Establishing sustainable funding for prevention; and
- 6. Preventing initial perpetration of child sexual abuse and exploitation.

#### **Building on Progress, Looking to the Future**

While the presence of child abuse is a devastating and corrosive issue facing West Virginia, there is hope. Powerful and effective work is taking place every day across the country and across our state to prevent child sexual abuse. We as a state do not need to build our prevention efforts from scratch. We have the opportunity to build on the successful and robust initiatives underway and to continue to support their work and efforts. Those initiatives include:

• "Stewards of Children" Child Sexual Abuse Prevention Training developed by Darkness to Light, national leader in Charleston, SC: An adult-focused prevention training program that centers on improving the awareness of the prevalence, consequences, and circumstances of child sexual abuse. The training aims to educate adults to prevent, recognize, and react responsibly to child sexual abuse. Over 50 trainers in West Virginia have been certified by Darkness to Light. During the past year, trainings were conducted in at least 12 locations across West Virginia by a variety of community-based organizations.

- Talking About Touching, A Personal Safety Curriculum developed by The Committee for Children (Seattle, WA): The Talking About Touching program for preschool/kindergarten through grade 3 focuses on teaching children basic skills designed to help them keep safe from dangerous or abusive situations. Despite good intentions to provide a safe environment for children, adults cannot always be there to protect children from every dangerous or abusive situation. Using the materials provided in the Talking About Touching kit, parents, caregivers, child-care providers, and teachers can work together to provide the rules, information, encouragement, and practice that children need to help protect themselves. There is also a curriculum geared for Middle School Students called Second Step, offered in at least four WV counties during the past year by Child Advocacy Center, Family Resource Center, and Family Resource Network staff.
- Body Safety Training: This is a locally developed program sponsored by the Mercer County Child Protect organization, a Child Advocacy Center. The Body Safety program is a curriculum-based child abuse education program that has been approved and endorsed by the Mercer County Board of Education. The 45-minute presentations are given in a small class setting in grades K-5 in Mercer County. Body Safety enables children to learn how to tell parents or other trusted adults if something unsafe, such as abuse, is happening to them and what to do if they are the victim of other "unsafe" touches such as bullying.
- Healthy Relationships Child Sexual Abuse Prevention Training: This child sexual abuse
  prevention training is provided through Prevent Child Abuse Vermont. The WV Foundation
  for Rape Information and Services (FRIS) recently trained over 20 local trainers in this
  curriculum to support schools and communities in their child sexual abuse prevention
  efforts.
- Partners in Prevention: These community child abuse prevention teams (PIP Teams) are
  operating in 44 counties, conducting local community-based child abuse prevention
  projects with \$5,000 grants from Prevent Child Abuse WV. Funding is provided with
  support from the WV Children's Trust Fund through voluntary donations via the Trust Fund
  check-off box on the WV State Income Tax Form.
- **Child Advocacy Centers:** Child Advocacy Centers (CAC) are how communities mount a coordinated response to allegations of child abuse. When law enforcement or Child Protective Services suspect a child is being abused, the child is brought to the CAC a safe, child-focused environment by a caregiver or other "safe" adult. At the CAC, the

child tells his or her story once to a trained interviewer who knows the right questions to ask. Then, based on the interview, a team of investigative and treatment professionals make decisions together about how to help the child. CACs then offer a wide range of services including therapy, medical exams, courtroom preparation, victim advocacy, case management, and more. There are currently 21 centers in West Virginia.

- WV Key Players in Sexual Violence Prevention: Comprised of a collective of sexual violence prevention experts in the state, this group completed a multi-year project that resulted in the completion of the West Virginia Sexual Violence Training and Prevention Toolkit for Working with School-Aged Children and Youth. This extensive resource, available for free at www.fris.org, includes a readiness assessment for conducting prevention programs, key information on conducting prevention programs on sexual violence, and a compilation of vetted prevention program resources.
- West Virginia Rape Crisis Centers: These nine centers across the state are working to
  both implement sexual violence prevention programs in the state and to train other
  professionals in implementing prevention programs. Collectively last year, through only
  nine half-time and one full-time Prevention Education Specialists embedded in the nine
  regional rape crisis centers, 1,070 prevention program sessions were presented that
  reached 20,329 students.
- The ACEs Coalition of West Virginia: The ACEs Coalition, formed in 2016, includes over 70 organizations and individuals working together to improve the health and well-being of all West Virginians by reducing the impact of Adverse Childhood Experiences (ACEs) and preventing their occurrence. The WV ACEs Coalition advocates for resources to support best practices to reduce the burden of ACEs; coordinates across agency boundaries to deliver the best possible services to reduce and mitigate ACEs; and educates the public and influential citizens/leaders on the role of ACEs in the present health and economic problems facing our state.
- Handle with Care: The West Virginia Defending Childhood Initiative, commonly referred to as "Handle with Care," is tailored to reflect the needs and issues affecting children in West Virginia. The Initiative, a result of a collaborative effort of key stakeholders and partners, builds upon the success of proven programs throughout the country. The goal of the Initiative is to prevent children's exposure to trauma and violence, mitigate negative effects experienced by children's exposure to trauma, and increase knowledge and awareness of this issue.

### Recommendations

As outlined earlier in the report, the Task Force strongly recognizes that the safety of children is the responsibility of the adults in their lives and the systems surrounding them. Adults are the ones who need to prevent, recognize, and react responsibly to child sexual abuse. Yet, statistics show that adults are not shouldering this responsibility adequately. Experts believe that this is because too many adults just do not know how to prevent, recognize, and react responsibly to child sexual abuse.

Therefore, the majority of the Task Force Recommendations focus on adult training, increased adult accountability, and capacity building.

After extensive research and discussion, the Task Force makes the following recommendations:

- 1) Require training for all public school employees, including but not limited to educators, administrators, and service personnel, and strongly recommend training for youth service and faith-based organization staff and volunteers. The training should focus on developing skills, knowledge, and capabilities related to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect.
  - a. This required training about child sexual abuse and its prevention will include comprehensive training and information to better equip schools, programs, and youth-serving organizations and their personnel, including how to:
    - Recognize sexually offending behaviors in adults, questionable behaviors such as boundary violations, and signs in adults that might indicate they pose a sexual risk to children;
    - Recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or abusive behaviors among children and youth served by schools, programs, and youth-serving organizations;
    - Recognize behaviors and verbal cues that might indicate a child or youth has been a victim of abuse or neglect;
    - Support the healthy development of children and youth and the building of protective factors to mitigate against their sexual victimization by adults or peers;
    - Recognize and appropriately respond to student infatuations and flirtations with adults in school and youth service organization environments;
    - Recognize appropriate and inappropriate social media usage by adults and children;

- Provide consistent and standard protocols for responding to disclosures of sexual abuse or reports of boundary-violating behaviors by adults or children in a supportive and appropriate manner which meet mandated reporting requirements; and
- Provide adequate understanding of the age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education which will be offered to their students as described under Recommendation #5 in this report.
- Additionally, the required training should reflect the research on Adverse Childhood Experiences (ACEs) and trauma-informed care.
- b. Convene content experts to develop training, resources, and materials.
- c. Public school employees will complete the required training every two years. The required training will be at least four hours (1/2 day) of instruction on the elements identified above. The required training will be a cumulative four hours within the first year and a skills renewal every two years. It is also recommended that youth service and faith-based organizations implement the aforementioned training.
- d. Teacher candidates will be required to complete the training as part of their teacher preparation program prior to entering the school environment and prior to student teaching.
- e. The mode of delivery for the trainings may include in-person or e-learning instruction and may include a series of trainings or modules.
- f. Training will be compensated and/or incentivized for school employees. The compensation may be financial or through compensated time.
- g. Schools, youth service organizations, and faith-based organizations will be strongly encouraged and recognized for developing codes of conduct to identify inappropriate or boundary-violating behaviors.
- h. Certificates of completion will be provided for the employee and the employer documenting completion of required training.

The Task Force recognizes that training and education are important to ensure that everyone in a school or youth service organization understands that preventing child sexual abuse and promoting child safety is each person's responsibility. Employees and volunteers should feel confident and comfortable in discussing child protection issues and responding to suspected abuse and neglect. Additionally, the training itself can promote an awareness of the appropriate standards of behavior when interacting with children and youth.

## 2) Simplify and clarify current mandatory reporting laws to make them easier to understand and implement without lessening or abdicating the responsibility of mandatory reporters by:

- a. Simplifying language for when to report suspected abuse and neglect.
- b. Clarifying timelines, making them consistent and emphasizing the urgency of immediate reporting.
- c. Eliminating exclusions where possible.
- d. Clarifying that indirect reporting to a school administrator does not abdicate responsibility for the individual to make a report of suspected abuse or neglect.
- e. Clarifying responsibilities of school personnel to notify appropriate local or county school administration when a report is made.
- f. Developing guidelines for mandatory reporters that also address Child Protective Services (CPS) and law enforcement responses to reports of suspected abuse.
- g. Addressing constitutionality and clarifying statutory requirements with a specified list of mandated reporters, including "anyone in a position of trust for a child" as a mandated reporter of suspected abuse and neglect.

The Task Force recognizes the intent of the current mandatory reporting language but notes that the most recent changes have had the unintended consequence of creating protocol that is too confusing and too complicated. Simplifying the language will increase the likelihood of successful and responsive reporting.

#### 3) Strengthen non-criminal sanctions for offenders by:

- a. Requiring background checks for professional educators:
  - prior to receiving professional license;
  - following a period of time not teaching in West Virginia; or
  - upon new or returning employment in West Virginia.
- b. Considering additions to the list of criminal convictions that automatically lead to the revocation of a professional license based on best practices of surrounding states.
- c. Exploring the establishment of subpoena power for the Superintendent of Schools (Professional Teaching Licensing Authority) for criminal records and employment records while:
  - Ensuring that the subpoena is directed to the correct entity and avoiding negatively impacting investigations or other unintended consequences;
  - Addressing the confidentiality of child records:
  - Addressing any other sections of code that may include related language or penalty for prosecutors; and
  - Ensuring that the subpoena power language aligns with the subpoena power of other West Virginia licensing boards.
- d. Exploring mandatory training on child sexual abuse prevention for license renewal in professions requiring continuing education.

### 4) Collaborate and coordinate to leverage resources and identify strategies for the sustainability of child abuse prevention approaches and education by:

- a. Sustaining efforts to foster multi-agency, public, and private collaboration and leadership through the continuation of the State Task Force on the Prevention of Sexual Abuse of Children to review implementation of the Task Force recommendations.
- b. Developing and adopting WV Safe-Child Standards to be modeled after nationally recognized and successful standards and a review of the literature in the field, including the Centers for Disease Control and Prevention publication "Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures" (2007).

- c. Creating a Program Manager level position at West Virginia Department of Health and Human Resources (DHHR) within the Bureau of Children and Families to coordinate the child abuse and neglect prevention work for the state of West Virginia. This work should include the continued facilitation of the State Task Force on the Prevention of Sexual Abuse of Children.
  - Include "Certification of Compliance" language in all state agency grant agreements
    dealing with youth service organizations, acknowledging that they have reviewed
    and accepted the standards and are taking appropriate actions to implement the
    recommended strategies.
- d. Exploring and studying the feasibility of:
  - Ensuring that all public school employees are held to the same background check standard used by DHHR and mandated by federal Child Care Development Block Grant Act of 2014 (CCDBG) and the Head Start Program Performance Standards of the Head Start Act requirements;
  - WV Board of Risk and Insurance Management (BRIM) issuing a reduction in insurance rates for agencies and organizations that adopt and meet WV Safe-Child Standards;
  - Funding and expansion of child abuse prevention initiatives as the State Budget outlook improves as an acknowledgement and endorsement of effective prevention strategies in combatting many of the most severe issues currently facing West Virginia; and
  - Expanding Mental Health and Social Services provided within public schools, including increasing the resources to support additional licensed school social workers, school nurses, and school counselors.





The final recommendation of the Task Force serves as a tool to empower and inform students on their rights, their bodies, and their environment. This recommendation is a direct response to the advocacy and message of Erin Merryn, whose story and efforts led to the formation of this Task Force. As Erin stated:

As a child I never had to take cover because of a real tornado. I never had to stop, drop, and roll or run out of a burning building. I never had to evacuate a school bus due to an emergency, but I had the knowledge to know what to do if any of those situations happened. Where was the drill on how to escape a child molester? Where was the lesson plan on sexual abuse, safe touches, and safe secrets? It never came. I was not educated on "How to Tell Today or How to Get Away." I was never educated on "My Body Belongs to Me."

Therefore, the Task Force makes the following recommendation:

### 5) Strengthen school systems' capacity to provide age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education.

- a. Children grades K-12 should receive body safety information one time minimally during the school year every year (four times per year is encouraged) with the intent to embed sexual abuse prevention into the school climate.
  - Review and evaluate value of existing mandatory school requirements to allay concerns about adding the sexual abuse prevention requirement.
- b. Sexual abuse prevention education for children grades K-12 should also be reinforced as a part of the health education standards.
- c. Ensure that personnel training (see Recommendation #1) is fully implemented to support the student education component. (\*This does not preclude any existing student education program from continuing).
- d. Convene content experts to develop resources and materials that can be provided to school systems via resource sharing by the WV Department of Education. These resources should aid schools in implementing the above prevention education without incurring additional cost and without requiring counties to develop their own resources.

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- e. The resources should:
  - · Be developmentally appropriate;
  - Address social media usage and content;
  - Articulate the implementation of best practices:
  - Model multiple implementation strategies that address differing county and school size, demographics, etc.;
  - Build school capacity for dealing with the increased number of disclosures after student education;
  - Be informed by family voice while cognizant of offender dynamics;
  - · Address child-on-child abuse scenarios; and
  - Consider supplementary materials (posters, mirror clings, etc.) to embed content into the school climate.
- f. School systems should utilize a collaborative team approach that may include the health educators and existing structures for family representation in deciding the appropriate individual(s) to present the information.







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