

# The SIECUS State Profiles



## WEST VIRGINIA

### WEST VIRGINIA'S SEX ED SNAPSHOT

#### THE STATE OF SEX EDUCATION

West Virginia advocates have taken significant steps to advance sex education in recent years. Despite repeated legislative efforts to limit access to reproductive health care services, including abortion, and attempts to ban sex education, progress has been made in the state. Most recently, Representative Joe Jefferies introduced [House Bill 4153](#) in an ultimately unsuccessful effort to forbid displays related to sexuality in public schools and, alarmingly, prohibit teaching sex education.

In light of the coronavirus, advocates have reported that sex education is a low priority among educators as districts work to address the basic needs of their students during this time. In response, advocates have worked to offer online assistance, resources, and digital lessons to sex educators.

Between 2014 and 2018, four unsuccessful bills ([House Bill 2482](#), [House Bill 2458](#), [House Bill 2467](#), [House Bill 4371](#)) were introduced in an attempt prohibit school officials from providing assistance to students related to abortion care, including counseling, referring, transporting, or other assistance. In 2014, Representative Carol Miller introduced [House Bill 2303](#) in an unsuccessful attempt to require sex education courses to include instruction on fetal development, with the bill further clarifying that it cannot be interpreted to permit or approve of abortion. While these efforts highlight a continuous effort to restrict access to comprehensive instruction that is inclusive of all pregnancy outcomes, advocates have successfully advanced legislation to ensure youth receive instruction on a wide variety of topics related to sexual health. In 2018, the West Virginia legislature passed “[Erin’s Law](#)”, mandating the creation of a task force to prevent the sexual abuse of children. The passage of Erin’s Law allowed for further, ongoing efforts to incorporate sexual violence prevention education in K-12. Advocates such as WV FREE are working with local partners to advance Erin’s Law and ensure schools are supported in implementing sexual abuse prevention education for young people. Advocates are also working to gradually update the state’s wellness standards and note that improved implementation of updated requirements will be essential in schools’ abilities to adjust sex education curriculum.

While schools in West Virginia are required to teach sex education, they establish their own standards for curriculum. Because HIV/AIDS is the only mandatory topic that sex education must cover, curriculum varies greatly across the state and even within districts. Mandating local control over sex education presents unique challenges that have resulted in a glaring disparity regarding the quality of sex education that students receive. Such discretion allows for the implementation of policies and curriculum that stigmatize marginalized youth, such as students of color and LGBTQ youth, and presents further challenges in ensuring that low income districts have access to the resources needed to implement comprehensive sex education.

While some districts, such as Raleigh County, have successfully implemented comprehensive sex education, others continue to fail to provide substantial instruction. Students [report](#) that curriculum often lacks information about contraceptive options. To address this gap in education, community health educators from Planned Parenthood South Atlantic and WV Free provide comprehensive sex education programming for

students and parents. Similarly, McDowell County schools have begun offering an after school elective sex education program called “Teen Talk” in collaboration with OBGYNs affiliated with Marshall University. Advocates report that the lack of a consistent implementation process and formal educator training for sex education instruction are among the biggest barriers to quality sex education for young people in West Virginia.

Right now, advocates can take action to ensure young people in their community have access to quality sex education. After identifying what topics are missing from local sex education requirements, advocates can vocalize the importance of implementing specific elements such as trauma informed, culturally responsive curriculum that addresses the needs of youth of color and LGBTQ young people, expansive instruction on contraceptive options, and consent. Advocates are also encouraged to contact their representatives and discuss the critical need for advanced sex education policies in West Virginia schools. Advocates are encouraged to use the SIECUS [Community Action Toolkit](#) to guide local efforts to advance sex education.

## STATE SEX EDUCATION POLICIES AND REQUIREMENTS AT A GLANCE

- West Virginia schools are required to teach sex education.
  - Curriculum is not required to be comprehensive.
  - Curriculum must include instruction on abstinence.
- Curriculum is not required to include instruction on sexual orientation or gender identity.
- Curriculum is not required to include instruction on consent.
- Parents or guardians may remove their children from any part of this instruction by written notification to the principal. [This is referred to as an “opt-out” policy.](#)
- West Virginia has no standard on medically accurate sex education.

## STATE HOUSE HIGHLIGHTS

This section highlights sex education bills that were introduced during the 2020 state legislative session as well as bills that have been introduced thus far in 2021. These proposed bills provide a brief overview of both recent and current legislative action taken to advance or restrict sex education. For a more comprehensive look at relevant legislation concerning sex education and related topics such as reproductive health care, LGBTQ rights, and HIV/AIDS, continue reading on to the “State Legislative Activity” section of West Virginia’s profile.

### 2021 Legislative Session

**No bills have been introduced concerning sex education to date.**

### 2020 Legislative Session

**[House Bill 2327](#)** (failed): Sought to will require that all schools develop sex education curricula for grades 6-12 that includes effective and evidence-based programs that prevent dating violence, domestic abuse, and sexual violence.

**[House Bill 4153](#)** (failed): Sought to prohibit displays relating to sexuality in public schools and forbid sex education in public schools.

## MORE ON SEX ED IN WEST VIRGINIA

### STATE LAW

West Virginia law ([West Virginia Code §18-2-9](#)) requires “course curriculum requirements and materials [to] be adopted by the state board by rule in consultation with the Department of Health and Human Resources.” This means all school districts must adhere to the *West Virginia College- and Career-Readiness Standards for Wellness Education*. [West Virginia Code §18-2-9](#) also requires human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) prevention education within the general health education curriculum in grades 6–12. According to the West Virginia Board of Education’s AIDS Education Policy [2422.4](#), “[t]he goal of this policy is to assist in the protection of students by providing them with the knowledge and skills necessary to avoid behaviors that will put them at the risk of infection with [HIV].” Each county board must integrate HIV prevention education into health courses and may also include it in “science, social studies, and developmental guidance” courses in order to “assure total understanding of the disease and its consequences.” Educators conducting classroom instruction about HIV/AIDS must be qualified professionals who participate in staff development to ensure they teach current AIDS information.

Parents or guardians may remove their children from any part of this instruction by written notification to the principal. [This is referred to as an “opt-out” policy.](#)

### STATE STANDARDS

West Virginia does not require any specific curriculum; however, the Board of Education’s [West Virginia College- and Career-Readiness Standards for Wellness Education](#) curriculum framework includes sexual health. The standards include discussion on communicable disease prevention and transmission, including HIV and sexually transmitted diseases (STDs), the functions of the reproductive system, and “factors that lead to teen pregnancy” as well as methods to prevent pregnancy.

### STATE LEGISLATIVE ACTIVITY

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. Attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals, and efforts to limit access to abortion care and other reproductive health care services prevent students from receiving comprehensive sex education and accessing sexual and reproductive health care services. Below are highlights of current legislative activity related to these topics. **West Virginia’s 2021 session convened on February 10, 2021.**

TITLE	DESCRIPTION	STATUS
<a href="#">House Bill 2327</a>	REQUIRES THAT ALL SCHOOLS DEVELOP SEX EDUCATION CURRICULUM FOR GRADES 6-12 THAT INCLUDE EFFECTIVE AND EVIDENCE-BASED PROGRAMS THAT PREVENT DATING VIOLENCE, DOMESTIC ABUSE, AND SEXUAL VIOLENCE.	DIED IN THE HOUSE COMMITTEE ON EDUCATION (2020)
<a href="#">House Bill 2903</a>	PROHIBITS ABORTION AFTER A FETAL HEARTBEAT IS DETECTED UNLESS IN THE CASE OF A MEDICAL EMERGENCY AND ESTABLISHES ADDITIONAL REQUIREMENTS TO OBTAIN AN ABORTION.	DIED IN THE HOUSE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)
<a href="#">House Bill 2915</a>	PROHIBITS ABORTION AFTER A FETAL HEARTBEAT IS DETECTED UNLESS IN THE CASE OF A MEDICAL EMERGENCY AND PROHIBITS THE USE OR TRANSFER OF FETAL BODY PARTS.	DIED IN THE HOUSE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)

<a href="#">House Bill 4037</a>	PROHIBITS ABORTION AFTER A FETAL HEARTBEAT IS DETECTED UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE HOUSE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)
<a href="#">HOUSE BILL 4153</a>	PROHIBITS DISPLAYS RELATING TO SEXUALITY IN PUBLIC SCHOOLS AND FORBIDS THE TEACHING OF SEXUALITY IN PUBLIC SCHOOLS.	DIED IN THE HOUSE COMMITTEE ON EDUCATION (2020)
<a href="#">House Bill 4609</a>	PROHIBITS MINORS FROM RECEIVING GENDER-AFFIRMING SURGERY OR HORMONES.	DIED IN THE HOUSE JUDICIARY COMMITTEE (2020)
<a href="#">Senate Bill 83</a>	PROHIBITS ABORTION AFTER A FETAL HEARTBEAT IS DETECTED UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE SENATE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)
<a href="#">Senate Bill 212</a>	PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY.	DIED IN THE SENATE COMMITTEE ON JUDICIARY (2020)
<a href="#">Senate Bill 296</a>	PROHIBITS TRANSGENDER STUDENTS FROM COMPETING ON PUBLIC SCHOOL ATHLETICS TEAMS. STUDENTS MUST SHOW A BIRTH CERTIFICATE WHICH HAS NOT BEEN ALTERED SINCE THEIR BIRTH IN ORDER TO COMPETE. IF A SCHOOL ALLOWS A TRANSGENDER ATHLETE TO COMPETE, THEY CAN LOSE ALL OF THEIR STATE FUNDING FOR ATHLETICS.	REFERRED TO THE SENATE COMMITTEE ON EDUCATION
<a href="#">Senate Bill 480</a>	PROHIBITS ABORTION UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE SENATE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)
<a href="#">Senate Bill 585</a>	PROHIBITS ABORTION BASED ON THE RACE OR SEX OF THE FETUS UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE SENATE COMMITTEE ON HEALTH AND HUMAN RESOURCES (2020)

#### LEGISLATIVE KEY

**SEX EDUCATION**  
**REPRODUCTIVE HEALTH CARE**  
**SEXUAL ORIENTATION AND GENDER IDENTITY**  
**HIV/AIDS (THAT IMPACTS YOUTH)**

## YOUTH SEXUAL HEALTH DATA

Young people are more than their health behaviors and outcomes. While data can be a powerful tool to demonstrate the sex education and sexual health care needs of young people, it is important to be mindful that these behaviors and outcomes are impacted by systemic inequities present in our society that affect an individual's sexual health and well-being. To learn more about West Virginia's Youth Risk Behavior Survey (YRBS) results, [click here](#).

## STATE SCHOOL HEALTH PROFILES DATA

In 2019, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools' principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of

more positive policies and practices. In the School Health Profiles, the [CDC identifies 20 sexual health education topics](#) as critical for ensuring a young person's sexual health. Below are key instruction highlights for secondary schools in West Virginia as reported for the 2017–2018 school year.

Reported teaching all 20 critical sexual health education topics

- 28.0% of West Virginia secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 59.0% of West Virginia secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about the benefits of being sexually abstinent

- 86.1% of West Virginia secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 6, 7, or 8.
- 97.1% of West Virginia secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy

- 78.9% of West Virginia secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 6, 7, or 8.
- 92.7% of West Virginia secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to create and sustain healthy and respectful relationships

- 84.9% of West Virginia secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 92.5% of West Virginia secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about preventive care that is necessary to maintain reproductive and sexual health

- 73% of West Virginia secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 6, 7, or 8.
- 89.6% of West Virginia secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to correctly use a condom

- 41.0% of West Virginia secondary schools taught students how to correctly use a condom in a required course in any of grades 6, 7, or 8.
- 68.5% of West Virginia secondary schools taught students how to correctly use a condom in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about methods of contraception other than condoms

- 61.0% of West Virginia secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 6, 7, or 8.
- 88.1% of West Virginia secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about sexual orientation

- 42.7% of West Virginia secondary schools taught students about sexual orientation in a required course in any of grades 6, 7, or 8.
- 72.8% of West Virginia secondary schools taught students about sexual orientation in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about gender roles, gender identity, or gender expression

- 41.6% of West Virginia secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 6, 7, or 8.
- 74.2% of West Virginia secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 9, 10, 11, or 12.

Reported providing curricula or supplementary materials relevant to lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth

- 55.8% of West Virginia secondary schools provided students with curricula or supplementary materials that included HIV, STD, or pregnancy prevention information relevant to LGBTQ youth.

Visit the CDC's [School Health Profiles](#) report for additional information on school health policies and practices.

**The quality of sex education taught often reflects funding available for sex education programs.**

**To learn more about federal funding streams, [click here](#).**