

JAN 19 2018

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sexual abuse remains
2 a serious and ongoing threat to the safety, health, and well-
3 being of children and young people in the State.

4 Although programs and department of education-approved
5 curricula currently exist in the State to provide training to
6 school teachers and staff and sexual abuse prevention education
7 to students, implementation is not consistent systemwide and
8 resources for the provision of training and education are
9 limited.

10 Consequently, students in Hawaii may not receive regular,
11 consistent child abuse prevention education, nor are parents
12 informed about child sexual abuse topics. In addition, many
13 school teachers and staff do not receive sufficient training on
14 talking to students about child sexual abuse prevention, the
15 effects of child sexual abuse on children, handling sexual abuse
16 disclosures, and mandated reporting.



1 Laws requiring that public school systems implement a
2 program of regular, consistent sexual abuse prevention education
3 for students, teacher and staff training, and parental
4 involvement have passed in twenty-eight states and the Territory
5 of Guam and have been introduced in the legislatures of eighteen
6 others. These laws represent a national trend in safety,
7 health, and well-being education and are collectively referred
8 to as "Erin's Law" after Erin Merryn, an Illinois survivor of
9 child sexual abuse, who has led the national movement for
10 required programs for child sexual abuse prevention education.

11 The purpose of this Act is to form a task force to guide
12 the establishment of a program to educate public school students
13 on sexual abuse prevention through use of age appropriate
14 curricula, provide relevant training to school teachers and
15 staff, and inform parents about important child sexual abuse
16 topics.

17 SECTION 2. (a) There is established the Erin's Law task
18 force to be convened by the legislature to review current
19 policies, programs, and curricula for educating students in the
20 public school system about sexual abuse prevention and to report
21 recommendations for the establishment of a program to educate



1 all children in grades pre-kindergarten through twelve in public
2 schools on sexual abuse prevention through age appropriate
3 curricula.

4 (b) The task force shall be composed of the following
5 individuals:

6 (1) The superintendent of education, or the
7 superintendent's designee;

8 (2) The director of health, or the director's designee;

9 (3) The director of human services, or the director's
10 designee;

11 (4) The attorney general, or the attorney general's
12 designee;

13 (5) The director of the executive office on early
14 learning, or the director's designee;

15 (6) The chairperson of the senate standing committee with
16 primary jurisdiction over education, or the
17 chairperson's designee;

18 (7) The chairperson of the house of representatives
19 standing committee with primary jurisdiction over
20 education, or the chairperson's designee;



(8) An elementary school principal, to be designated by the superintendent of education;

(9) A secondary school principal, to be designated by the superintendent of education; and

(10) A representative from a charter school, to be designated by the executive director of the state public charter school commission.

(c) The superintendent of education shall invite the following individuals to become members of the task force:

(1) The executive director of the Hawaii Youth Services Network, or the executive director's designee;

(2) The executive director of the Sex Abuse Treatment Center, or the executive director's designee; and

(3) A representative of Planned Parenthood.

(d) The superintendent of education or the superintendent's designee shall serve as the chairperson of the task force.

(e) Members of the task force shall serve without compensation but shall be reimbursed for reasonable expenses, including travel expenses, incurred in relation to the performance of duties required pursuant to this Act.



1 (f) The initial meeting of the task force shall be held no
2 later than August 11, 2018.

3 (g) The task force shall consider the following concepts
4 when reviewing current policies, programs, and curricula and
5 making recommendations for the establishment of a program:

6 (1) Current resources available in the State for educating
7 students in the public school system about sex
8 trafficking and sexual abuse prevention;

9 (2) Existing gaps in addressing sex trafficking and sexual
10 abuse, including prevention, education, training, and
11 awareness, as needed, for students, school teachers
12 and staff, and parents and guardians;

13 (3) The Hawaii content and performance standards;

14 (4) Required elements for an instructional program for
15 students in grades pre-kindergarten through twelve,
16 including:

17 (A) Techniques to teach children to recognize sexual
18 abuse, equip them with skills to reduce their
19 vulnerability, and encourage them to report the
20 abuse;



- 1 (B) Sessions of instruction to reinforce the concepts
2 learned in the program;
- 3 (C) Sessions conducted annually, building on skills
4 and knowledge learned in previous years;
- 5 (D) Developmentally-appropriate instruction for each
6 grade level;
- 7 (E) Involvement of students as active learning
8 participants, through such methods as discussion,
9 modeling, and role playing;
- 10 (F) Capacity to be delivered by a range of personnel
11 and professionals, including teachers, school
12 counselors, and outside agency prevention
13 educators; provided that the personnel and
14 professionals should have a thorough knowledge of
15 child sexual abuse, including how to respond
16 appropriately to sexual abuse disclosures;
- 17 (G) An evaluation component with measurable outcomes;
- 18 (H) Instruction that is culturally sensitive and
19 adaptable for use within varying school contexts,
20 including age, race, and special needs;



- 1 (I) The use of evidence based, age appropriate
2 curricula that use discussions, role plays,
3 activities, books, or other appropriate
4 educational materials and methods;
- 5 (J) A professional training component for
6 administrators, teachers, and other school
7 personnel on talking to students about child
8 sexual abuse prevention, effects of child sexual
9 abuse on children, handling of sexual abuse
10 disclosures, and mandated reporting; and
- 11 (K) A component that encourages parental or
12 guardian involvement within the child sexual
13 abuse program, which should inform parents or
14 guardians about child sexual abuse topics,
15 including discussion of child sexual abuse myths,
16 characteristics of offenders, grooming behaviors,
17 and how to discuss this topic with children;
- 18 (5) Title IX and any other federal and state laws and
19 policies concerning a public school system's handling
20 of sexual violence issues, to the extent that they
21 relate to sexual abuse prevention education;



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- 1 (6) Resources needed to implement a systemwide program for
2 child sexual abuse prevention education;
- 3 (7) Updates to laws or policies that assist in the
4 implementation of a statewide program for child sexual
5 abuse prevention education; and
- 6 (8) The prevention of sex trafficking.
- 7 (h) The task force shall be subject to chapter 92, Hawaii
8 Revised Statutes; provided that, for the purposes of:
- 9 (1) Compliance with the Health Insurance Portability and
10 Accountability Act;
- 11 (2) Protecting minors;
- 12 (3) Preventing interference with any ongoing or potential
13 investigation; or
- 14 (4) Complying with any state or federal law, the testimony
15 of any minor before the task force shall be taken
16 during an executive meeting closed to the public.
- 17 (i) Following the testimony of a minor presented pursuant
18 to subsection (h), the chairperson shall summarize the testimony
19 of the minor at an open meeting without:
- 20 (1) Disclosing personal identifying information of the
21 minor;



(2) Disclosing protected health information;

(3) Violating any state or federal law; and

(4) Providing any information that may interfere with any ongoing or potential investigation.

(j) The department of education shall provide administrative support to the task force.

(k) The task force shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2019, and a follow-up report, including any additional proposed legislation, no later than twenty days prior to the convening of the regular session of 2020.

(l) The task force shall cease to exist on June 30, 2020.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000 or so much thereof as may be necessary for fiscal year 2018-2019 for the operations of the Erin's Law task force.

The sum appropriated shall be expended by the department of education for the purposes of this Act.



1 SECTION 4. This Act shall take effect on July 1, 2018.

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INTRODUCED BY:

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S.B. NO. 2308

Report Title:

Keiki Caucus; Erin's Law Task Force; Education; Sexual Abuse; Sex Trafficking; Prevention; Appropriation

Description:

Creates and appropriates funds for Erin's Law Task Force to review policies, programs, and curricula for educating public school students about sexual abuse and sex trafficking prevention, and report recommendations for the establishment of a program to educate public school children on sexual abuse prevention through age appropriate curricula. Appropriation.

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