

JAN 18 2019

A BILL FOR AN ACT

RELATING TO SEXUAL VIOLENCE PREVENTION EDUCATION.

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

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

4 The National Sexual Violence Resource Center defines sexual
5 violence as when someone forces or manipulates someone else into
6 unwanted sexual activity without their consent. Forms of sexual
7 violence include rape, sexual abuse of children, sex trafficking
8 and exploitation, unwanted sexual contact and touching, exposing
9 sexual body parts to another person without that person's
10 consent, public sex acts, and watching someone in a private act
11 without their knowledge or permission.

12 According to the National Center for Victims of Crime, at
13 least one in five girls and one in twenty boys in the United
14 States is a victim of child sexual abuse, with self-report
15 studies showing that twenty per cent of adult females and five
16 to ten per cent of adult males recall a childhood sexual assault
17 or sexual abuse incident. The State's Youth Risk Behavior



1 Surveys for 2013, 2015, and 2017 further demonstrate that high
2 school-aged public school students in the State report
3 experiencing various forms of sexual violence, in childhood and
4 their immediate past, at a higher rate than their national peers
5 both on a statewide and county level.

6 Sexual violence experienced by children is a matter that is
7 often kept silent and, as a result, most people do not realize
8 the significance of the problem, and it is left unaddressed.
9 Child victims are often ashamed, made to feel that it is their
10 fault, and do not know how to seek help and protect themselves
11 from further violence. In many cases, the only witnesses to
12 these crimes are the perpetrator and the victim, and the victims
13 do not tell anyone until decades after the abuse, if they ever
14 tell at all.

15 Although programs and department of education approved
16 curricula currently exist in the State to provide sexual
17 violence prevention education to students and train school
18 staff, implementation is not consistent systemwide and resources
19 for the provision of training and education are limited.

20 Consequently, children who attend public schools in the
21 State may not receive sexual violence prevention education, nor



1 are parents informed about topics concerning sexual violence
2 against children. In addition, many school teachers and staff
3 do not receive sufficient training on talking to students about
4 sexual violence prevention, the effects of sexual violence on
5 children, handling disclosures made by children, and mandated
6 reporting.

7 Laws requiring that public school systems implement a
8 program of regular and consistent sexual violence prevention
9 education for students, teacher and staff training, and parental
10 involvement have passed in thirty-five states and the Territory
11 of Guam, and have been introduced in the legislatures of all
12 fifteen remaining states. These laws represent a national trend
13 in safety and health education and are collectively referred to
14 as "Erin's Law", after Erin Merryn, a survivor of child sexual
15 abuse who has led the national movement for required programs
16 for sexual violence prevention education in public school
17 systems.

18 The purpose of this Act is to form a task force to guide
19 the establishment of a program to educate public school students
20 on sexual violence prevention through use of age appropriate
21 curricula, provide relevant training to school teachers and



1 staff, inform parents about important topics concerning sexual
2 violence against children, and require that the department of
3 education establish and implement a systemwide program at the
4 conclusion of the task force.

5 SECTION 2. (a) There is established the Erin's Law task
6 force to be convened by the legislature to research and review
7 policies, programs, and curricula for educating students in the
8 public school system about sexual violence prevention, and to
9 report recommendations for the establishment of a program to
10 educate all children in grades pre-kindergarten through twelve
11 in public schools on sexual violence prevention through age
12 appropriate curricula.

13 (b) The task force shall be composed of the following
14 individuals:

- 15 (1) The superintendent of education, or the
16 superintendent's designee;
- 17 (2) The director of health, or the director's designee;
- 18 (3) The director of human services, or the director's
19 designee;
- 20 (4) The attorney general, or the attorney general's
21 designee;



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- 1 (5) The director of the executive office on early
2 learning, or the director's designee;
- 3 (6) A legislator designated by the co-conveners of the
4 Keiki Caucus of the Hawaii state legislature.
- 5 (7) An elementary school principal, to be designated by
6 the superintendent of education;
- 7 (8) A secondary school principal, to be designated by the
8 superintendent of education;
- 9 (9) A representative from a charter school, to be
10 designated by the executive director of the state
11 public charter school commission; and
- 12 (10) The executive director of the Hawaii state commission
13 on the status of women, or the executive director's
14 designee.
- 15 (c) The superintendent of education shall invite the
16 following individuals to become members of the task force:
- 17 (1) The executive director of the Hawaii Youth Services
18 Network, or the executive director's designee;
- 19 (2) The executive director of the Sex Abuse Treatment
20 Center, or the executive director's designee;



1 (3) A sex trafficking service provider designated by The
2 Sex Abuse Treatment Center;

3 (4) A representative of Planned Parenthood; and

4 (5) A public school teacher, to be designated by the
5 Hawaii state teachers association.

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

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

13 (f) The initial meeting of the task force shall be held no
14 later than August 11, 2019.

15 (g) The task force shall consider the following concepts
16 when researching and reviewing current policies, programs, and
17 curricula and making recommendations for the establishment of a
18 program:

19 (1) Current resources available in the State for educating
20 students in the public school system about sexual
21 violence prevention;



- 1 (2) Existing gaps in addressing sexual violence
- 2 experienced by children, including prevention,
- 3 education, training, and awareness, as needed, for
- 4 students, school teachers and staff, and parents and
- 5 guardians;
- 6 (3) The Hawaii content and performance standards;
- 7 (4) Required elements for an instructional program for
- 8 students in grades pre-kindergarten through twelve,
- 9 including:
 - 10 (A) Techniques to teach children to recognize sexual
 - 11 violence, equip them with skills to reduce their
 - 12 vulnerability, and encourage them to report when
 - 13 they experience sexual violence;
 - 14 (B) Sessions of instruction to reinforce the concepts
 - 15 learned in the program;
 - 16 (C) Sessions conducted annually, building on skills
 - 17 and knowledge learned in previous years;
 - 18 (D) Developmentally-appropriate instruction for each
 - 19 grade level;



- 1 (E) Involvement of students as active learning
- 2 participants, through such methods as discussion,
- 3 modeling, and role playing;
- 4 (F) Capacity to be delivered by a range of personnel
- 5 and professionals, including teachers, school
- 6 counselors, and outside agency prevention
- 7 educators; provided that the personnel and
- 8 professionals should have a thorough knowledge of
- 9 sexual violence experienced by children,
- 10 including how to respond appropriately to
- 11 disclosures made by children;
- 12 (G) An evaluation component with measurable outcomes;
- 13 (H) Instruction that is culturally sensitive and
- 14 adaptable for use within varying school contexts,
- 15 including age, race, and special needs;
- 16 (I) The use of evidence informed, age appropriate
- 17 curricula that use discussions, role plays,
- 18 activities, books, or other appropriate
- 19 educational materials and methods;
- 20 (J) A professional training component for
- 21 administrators, teachers, and other school



1 personnel on talking to students about sexual
2 violence prevention, effects of sexual violence
3 on children, handling of disclosures made by
4 children, and mandated reporting; and

5 (K) A component that encourages parental or guardian
6 involvement within the sexual violence prevention
7 education program, which should inform parents or
8 guardians about topics concerning sexual violence
9 against children, including discussion of sexual
10 violence myths, characteristics of offenders,
11 grooming behaviors, and how to discuss this topic
12 with children;

13 (5) Title IX and any other federal and state laws and
14 policies concerning a public school system's handling
15 of sexual violence issues, to the extent that they
16 relate to sexual violence prevention education;

17 (6) Resources needed to implement a systemwide program for
18 sexual violence prevention education;

19 (7) Updates to laws or policies that assist in the
20 implementation of a statewide program for sexual
21 violence prevention education; and



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



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

3 (k) The task force shall submit a report of its findings
4 and recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular session of 2020, and a follow-up report, including
7 any additional proposed legislation, no later than twenty days
8 prior to the convening of the regular session of 2021.

9 (l) The task force shall cease to exist on March 31, 2021.

10 SECTION 3. The department of education shall establish and
11 implement a systemwide program to educate public school children
12 on sexual abuse prevention through age appropriate curricula,
13 provide relevant training to school teachers and staff, and
14 inform parents and guardians about important child sexual abuse
15 topics, no later than June 30, 2021.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$60,000 or so much
18 thereof as may be necessary for fiscal year 2019-2020 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2020-2021 for the operations of the Erin's Law task force.



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1 The sums appropriated shall be expended by the department
2 of education for the purposes of this Act.

3 SECTION 5. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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Report Title:

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

Description:

Establishes the Erin's law task force to review policies, programs, and curricula for educating public school students about sexual abuse and sex trafficking prevention, report recommendations for the establishment of a program to educate public school children on sexual abuse prevention through age appropriate curricula, provide relevant training to school teachers and staff, and inform parents and guardians about important child sexual abuse topics. Requires the Department of Education to establish and implement a systemwide sexual abuse prevention education program at the conclusion of the task force. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

