

JAN 19 2022

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 in the State. Statistics show that one in
4 four girls and one in six boys will be the victim of child
5 sexual abuse by their eighteenth birthday and that there are
6 more than forty-two million survivors of child sexual abuse
7 nationwide.

8 The legislature also finds that the topic of child sexual
9 abuse is often kept silent and, as a result, is left
10 unaddressed. The victims of these crimes often do not even
11 realize that they are victims. In almost every case, the only
12 witnesses are the perpetrator and the victim. Perpetrators
13 often tell the child to keep the abuse a secret and that no one
14 will believe them if they do report the abuse. As a result,
15 these crimes are rarely reported, and the affected children
16 often feel that the abuse was their own fault. Many victims do



1 not tell anyone about the abuse they suffered until many years
2 later, if they ever tell anyone at all.

3 The legislature further finds that, although there are
4 programs and department of education-approved curricula that
5 provide training to department of education teachers and staff
6 and sexual abuse prevention education to students,
7 implementation of these programs is not consistent across the
8 department of education, and resources to provide this training
9 and education are limited. Consequently, students may not
10 receive regular, consistent child abuse prevention education,
11 nor are parents informed about child sexual abuse topics. In
12 addition, many teachers and staff do not receive proper training
13 on how to talk to children about child sexual abuse prevention,
14 the effects of this abuse on children, how to handle sexual
15 abuse disclosures, and mandatory reporting.

16 The legislature also finds that laws requiring public
17 school systems to implement a program of regular, consistent
18 sexual abuse prevention education for students, teachers, and
19 staff have been passed in thirty-seven states and the territory
20 of Guam. Eleven additional states introduced legislation
21 proposing these types of laws in 2019 and 2020. These laws,



1 which represent a national trend in safety, health, and well-
2 being in education, are collectively referred to as "Erin's
3 Law", after Erin Merryyn, an Illinois survivor of child sexual
4 abuse who has led a national movement to establish these types
5 of child sexual abuse prevention education programs.

6 Accordingly, the purpose of this Act is to require the
7 department of education to establish and implement a program to:

8 (1) Educate public and charter school students on sexual
9 abuse prevention;

10 (2) Provide relevant training to teachers and staff; and

11 (3) Inform parents and guardians about important child
12 sexual abuse topics.

13 SECTION 2. (a) The department of education shall
14 establish a sexual abuse prevention education program that shall
15 be implemented beginning with the 2022-2023 school year.

16 Implementation of the program shall include:

17 (1) A child abuse and child sexual abuse prevention
18 education program in public and charter schools, in
19 pre-kindergarten through grade twelve, that includes:

20 (A) Developmentally appropriate and evidence-based
21 instruction for each grade level;



- 1 (B) Instruction that is culturally sensitive and
2 adaptable for use within varying school contexts,
3 including age, race, and special needs;
- 4 (C) A minimum of one hour of instruction per school
5 year, building on skills and knowledge learned in
6 previous years;
- 7 (D) Instruction that provides students with the
8 knowledge and tools needed to communicate
9 incidents of sexual abuse;
- 10 (E) Techniques to teach students to recognize child
11 sexual abuse, equip them with skills to reduce
12 their vulnerability, and encourage them to report
13 sexual abuse;
- 14 (F) A professional training component for
15 administrators, teachers, and other school
16 personnel on talking to students about child
17 sexual abuse prevention, effects of child sexual
18 abuse on children, handling of child sexual abuse
19 reports and disclosures, and mandated reporting;
20 and



(G) A component that encourages parental or guardian involvement and informs parents and guardians about child sexual abuse topics, including characteristics of offenders, grooming behaviors, and methods to discuss child sexual abuse prevention with their children;

(2) Child abuse and child sexual abuse response and reporting policies;

(3) Capacity to be delivered by a range of personnel and professionals, including teachers, school counselors, and outside agency prevention educators; provided that the personnel and professionals shall have a thorough knowledge of child sexual abuse, including ways in which to respond appropriately to sexual abuse disclosures;

(4) An evaluation component with measurable outcomes; and

(5) Title IX of the federal Education Amendments of 1972, 20 United States Code section 1621 *et seq.*, and any other federal and state laws and policies concerning public school systems' handling of sexual violence



1 issues, to the extent that they relate to sexual abuse
2 prevention education.

3 (b) The department of education may contract with eligible
4 nonprofit or charitable organizations, private entities, or
5 public entities to carry out the purposes of this Act.

6 (c) The board of education shall adopt board policies to
7 effectuate the sexual abuse prevention education program
8 established pursuant to this section for public and charter
9 schools, which the department of education shall be required to
10 implement. The department shall allow charter school
11 participation and collaboration in the development of the
12 program.

13 (d) The department of education shall submit a report of
14 its findings and recommendations, including any proposed
15 legislation, to the legislature no later than twenty days prior
16 to the convening of the regular sessions of 2023, 2024, and 2025
17 on the status of the implementation of the child sexual abuse
18 prevention education program required by this Act.

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2022-2023 for the
2 implementation of the sexual abuse prevention education program.

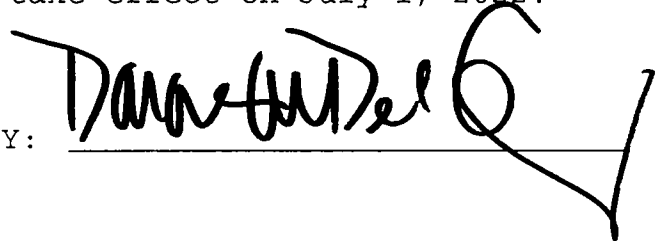
3 The sum appropriated shall be expended by the department of
4 education for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2022-2023 for the
8 implementation of the sexual abuse prevention education program.

9 The sum appropriated shall be expended by the state public
10 charter school commission for the purposes of this Act.

11 SECTION 5. This Act shall take effect on July 1, 2022.

12
INTRODUCED BY:





S.B. NO. 2141

Report Title:

Erin's Law; DOE; Sexual Abuse Prevention; Appropriation

Description:

Requires the Department of Education to establish and implement a sexual abuse prevention education program to educate public and charter school students on sexual abuse prevention, provide relevant training to teachers and staff, and inform parents and guardians about important child sexual abuse topics. Requires the Board of Education to adopt policies to effectuate the program. Requires reports to the Legislature. Appropriates moneys.

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

