

JAN 19 2023

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 any type of unwanted sexual contact, whether by
6 force, manipulation, or coercion. Forms of sexual violence
7 include rape, sexual abuse of children, sex trafficking and
8 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
16 between five and ten per cent of adult males recall a childhood
17 sexual assault or other incident of sexual abuse. According to



1 the Hawaii Youth Risk Behavior Surveys for 2013, 2015, and 2017,
2 high 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 Sexual violence experienced by children is often kept
6 silent. Consequently, most people do not realize the
7 significance of the problem and it frequently remains
8 unaddressed. Child victims are routinely made to feel ashamed
9 or blameworthy and are not equipped to seek help or protect
10 themselves from further violence. In many cases, the only
11 witnesses to these crimes are the perpetrator and the victim,
12 and victims often do not disclose the abuse for decades or
13 longer.

14 Systemwide implementation of programs and curricula
15 approved by the Hawaii department of education currently provide
16 sexual violence prevention education to students and train
17 school staff, but this training and education is inconsistent
18 and resources for it are limited. Consequently, children who
19 attend public schools in the State may not receive sexual
20 violence prevention education, and parents may remain uninformed
21 about topics concerning sexual violence against children.



1 Additionally, many teachers and staff do not receive adequate
2 training regarding how to best communicate with students about
3 sexual violence prevention, handle disclosures made by children,
4 or comply with mandatory reporting requirements.

5 Nationally, thirty-six states and the Territory of Guam
6 have enacted legislation relating to child sexual violence
7 safety and health education, collectively referred to as "Erin's
8 Law", after Erin Merryn, a survivor of child sexual abuse who
9 has led a national movement to require programs for sexual
10 violence prevention education in public school systems. Erin's
11 Law requires that public school systems implement a program of
12 consistent sexual violence prevention education for students and
13 related education and training for teachers, school staff, and
14 parents. Erin's Law has been introduced in the legislatures of
15 the fourteen remaining states that have not yet passed Erin's
16 Law, including Hawaii.

17 The purpose of this Act is to establish a task force known
18 as the Erin's Law task force to guide the creation of a
19 systemwide program of child sexual violence protection education
20 in the State's public schools. The Erin's Law task force will
21 be responsible for focusing on the development of age-



1 appropriate curricula regarding this subject matter and also
2 developing relevant training for teachers, school staff, and
3 parents about important topics concerning sexual violence
4 against children.

5 SECTION 2. (a) There is established the Erin's Law task
6 force to be convened by the legislature to:

- 7 (1) Research and review policies, programs, and curricula
8 for educating students in the Hawaii public school
9 system about child sexual violence prevention; and
10 (2) Report recommendations for the establishment of a
11 program to educate all children in prekindergarten
12 through grade twelve in public schools regarding child
13 sexual violence prevention through age appropriate
14 curricula.

15 (b) The task force shall comprise the following:

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



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



- 1 (2) The executive director of The Sex Abuse Treatment
2 Center, or the executive director's designee;
- 3 (3) An anti-sex trafficking service provider designated by
4 The Sex Abuse Treatment Center;
- 5 (4) A representative of Planned Parenthood; and
- 6 (5) A public school teacher, to be designated by the
7 Hawaii State Teachers Association.
- 8 (d) The superintendent of education or the
9 superintendent's designee shall serve as chairperson of the
10 Erin's Law task force.
- 11 (e) Members of the task force shall serve without
12 compensation but shall be reimbursed for any reasonable
13 expenses, including travel expenses, necessary for the
14 performance of their duties as required pursuant to this Act.
- 15 (f) The initial meeting of the task force shall be held no
16 later than August 10, 2023.
- 17 (g) The task force shall consider the following when
18 researching and reviewing current policies, programs, and
19 curricula and making recommendations for the establishment of a
20 program pursuant to this Act:



S.B. NO. 308

- 1 (1) Current resources available in the State for educating
2 students in the public school system about sexual
3 violence prevention;
- 4 (2) Existing gaps in addressing sexual violence
5 experienced by children, including prevention,
6 education, training, and awareness, as needed, for
7 students, teachers, school staff, parents, and
8 guardians;
- 9 (3) The Hawaii content and performance standards III;
- 10 (4) Required elements for an instructional program for
11 students in prekindergarten through grade twelve,
12 including:
- 13 (A) Techniques to teach children to recognize sexual
14 violence, equip them with skills to reduce their
15 vulnerability, and encourage them to report any
16 experience of sexual violence;
- 17 (B) Developmentally appropriate instruction for each
18 grade level;
- 19 (C) Involvement of students as active learning
20 participants, through such methods as discussion,
21 modeling, and role playing;



- 1 (D) Sessions of instruction to reinforce the concepts
- 2 learned in the program;
- 3 (E) Sessions conducted annually, building on skills
- 4 and knowledge learned in previous years;
- 5 (F) Capacity to be delivered by a range of personnel
- 6 and professionals, including teachers, school
- 7 counselors, and outside agency prevention
- 8 educators; provided that the personnel and
- 9 professionals should have a thorough knowledge of
- 10 sexual violence experienced by children,
- 11 including how to respond appropriately to
- 12 disclosures made by children;
- 13 (G) An evaluation component with measurable outcomes;
- 14 (H) Instruction that is culturally sensitive and
- 15 adaptable for use within varying school contexts,
- 16 including age, race, and special needs;
- 17 (I) Informed, age appropriate curricula utilizing
- 18 discussions, role plays, activities, books, or
- 19 other appropriate educational materials and
- 20 methods;



- 1 (J) A professional training component for
- 2 administrators, teachers, and other school
- 3 personnel on talking to students about sexual
- 4 violence prevention, effects of sexual violence
- 5 on children, handling of disclosures made by
- 6 children, and mandated reporting; and
- 7 (K) A component that encourages parental or guardian
- 8 involvement within the sexual violence prevention
- 9 education program and informs parents or
- 10 guardians about topics concerning sexual violence
- 11 against children, including discussion of sexual
- 12 violence myths, characteristics of offenders,
- 13 grooming behaviors, and how to discuss this topic
- 14 with children;
- 15 (5) Title IX and any other federal and state laws and
- 16 policies concerning a public school system's handling
- 17 of sexual violence issues, to the extent that they
- 18 relate to sexual violence prevention education;
- 19 (6) Resources necessary to implement a systemwide program
- 20 for sexual violence prevention education;



1 (7) Updates to existing laws or policies that may assist
2 in the implementation of a statewide program for
3 sexual violence prevention education; and

4 (8) The prevention of sex trafficking.

5 (h) The task force shall be subject to chapter 92, Hawaii
6 Revised Statutes; provided that, for purposes of:

7 (1) Compliance with the Health Insurance Portability and
8 Accountability Act;

9 (2) Protecting minors;

10 (3) Preventing interference with any ongoing or potential
11 investigation; and

12 (4) Complying with any state or federal law,
13 the testimony of any minor before the task force shall be taken
14 during an executive meeting that is closed to the public.

15 (i) Following the testimony of a minor presented pursuant
16 to subsection (h), the chairperson shall summarize the testimony
17 of the minor at an open meeting; provided that any summary shall
18 not:

19 (1) Disclose personal identifying information of the
20 minor;

21 (2) Disclose protected health information;



1 (3) Violate any state or federal law; or

2 (4) Provide any information that may interfere with any
3 ongoing or potential investigation.

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

6 (k) The task force shall submit a report of its findings
7 and recommendations, including any proposed legislation, to the
8 legislature no later than twenty days prior to the convening of
9 the regular session of 2024. The task force shall submit to the
10 legislature a follow-up report, including any additional
11 proposed legislation, no later than twenty days prior to the
12 convening of the regular session of 2025.

13 (l) The task force shall cease to exist on March 31, 2025.

14 SECTION 3. The department of education shall establish and
15 implement a systemwide program to educate public school children
16 on sexual abuse prevention through age appropriate curricula,
17 provide relevant training to teachers and school staff, and
18 inform parents and guardians about important child sexual abuse
19 topics, no later than June 30, 2025.

20 SECTION 4. This Act shall take effect on July 1, 2023.

21



S.B. NO. 308

INTRODUCED BY: Dunworth & Co



S.B. NO. 308

Report Title:

Erin's Law Task Force; Sexual Violence Prevention Education;
Sexual Abuse; Sex Trafficking; DOE

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 teachers and school 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.

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

