A BILL FOR AN ACT

RELATING TO SEXUAL VIOLENCE PREVENTION EDUCATION.

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

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

The National Sexual Violence Resource Center defines sexual violence as any type of unwanted sexual contact, whether by force, manipulation, or coercion. Forms of sexual violence include rape, sexual abuse of children, sex trafficking and exploitation, unwanted sexual contact and touching, exposing sexual body parts to another person without that person's consent, public sex acts, and watching someone in a private act without their knowledge or permission.

According to the National Center for Victims of Crime, at least one in five girls and one in twenty boys in the United States is a victim of child sexual abuse, with self-report studies showing that twenty per cent of adult females and between five and ten per cent of adult males recall a childhood sexual assault or other incident of sexual abuse. According to
the Hawaii Youth Risk Behavior Surveys for 2013, 2015, and 2017, high school-aged public school students in the State report experiencing various forms of sexual violence in childhood and their immediate past at a higher rate than their national peers.

Sexual violence experienced by children is often kept silent. Consequently, most people do not realize the significance of the problem and it frequently remains unaddressed. Child victims are routinely made to feel ashamed or blameworthy, and are not equipped to seek help or protect themselves from further violence. In many cases, the only witnesses to these crimes are the perpetrator and the victim, and victims often do not disclose the abuse for decades or longer.

Systemwide implementation of programs and curricula approved by the Hawaii department of education currently provide sexual violence prevention education to students and train school staff, but this training and education is inconsistent and resources for it are limited. Consequently, children who attend public schools in the State may not receive sexual violence prevention education, and parents may remain uninformed about topics concerning sexual violence against children.
Additionally, many teachers and staff do not receive adequate training regarding how to best communicate with students about sexual violence prevention, handle disclosures made by children, or comply with mandatory reporting requirements.

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

The purpose of this Act is to establish a task force known as the Erin's Law task force to guide the creation of a systemwide program of child sexual violence protection education in the State's public schools. The Erin's Law task force will be responsible for focusing on the development of age
appropriate curricula regarding this subject matter, and also to
develop relevant training for teachers, school staff, and
parents about important topics concerning sexual violence
against children.

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

(1) Research and review policies, programs, and curricula
for educating students in the Hawaii public school
system about child sexual violence prevention; and

(2) Report recommendations for the establishment of a
program to educate all children in prekindergarten
through grade twelve in public schools regarding child
sexual violence prevention through age appropriate
curricula.

(b) The task force shall comprise the following:

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

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

(3) The director of human services, or the director's
designee;
(4) The attorney general, or the attorney general's
designee;

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

(6) A legislator designated by the co-conveners of the
keiki caucus of the Hawaii state legislature;

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

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

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

(10) The executive director of the Hawaii state commission
on the status of women, or the executive director's
designee.

(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;

(3) An anti-sex trafficking service provider designated by The Sex Abuse Treatment Center;

(4) A representative of Planned Parenthood; and

(5) A public school teacher, to be designated by the Hawaii State Teachers Association.

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

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

(f) The initial meeting of the task force shall be held no later than August 10, 2020.

(g) The task force shall consider the following when researching and reviewing current policies, programs, and curricula and making recommendations for the establishment of a program pursuant to this Act:
(1) Current resources available in the State for educating students in the public school system about sexual violence prevention;

(2) Existing gaps in addressing sexual violence experienced by children, including prevention, education, training, and awareness, as needed, for students, teachers, school staff, parents, and guardians;

(3) The Hawaii content and performance standards III;

(4) Required elements for an instructional program for students in prekindergarten through grade twelve, including:

(A) Techniques to teach children to recognize sexual violence, equip them with skills to reduce their vulnerability, and encourage them to report any experience of sexual violence;

(B) Developmentally appropriate instruction for each grade level;

(C) Involvement of students as active learning participants, through such methods as discussion, modeling, and role playing;
(D) Sessions of instruction to reinforce the concepts learned in the program;

(E) Sessions conducted annually, building on skills and knowledge learned in previous years;

(F) 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 should have a thorough knowledge of sexual violence experienced by children, including how to respond appropriately to disclosures made by children;

(G) An evaluation component with measurable outcomes;

(H) Instruction that is culturally sensitive and adaptable for use within varying school contexts, including age, race, and special needs;

(I) Informed, age appropriate curricula utilizing discussions, role plays, activities, books, or other appropriate educational materials and methods;
(J) A professional training component for administrators, teachers, and other school personnel on talking to students about sexual violence prevention, effects of sexual violence on children, handling of disclosures made by children, and mandated reporting; and

(K) A component that encourages parental or guardian involvement within the sexual violence prevention education program, and informs parents or guardians about topics concerning sexual violence against children, including discussion of sexual violence myths, characteristics of offenders, grooming behaviors, and how to discuss this topic with children;

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

(6) Resources necessary to implement a systemwide program for sexual violence prevention education;
(7) Updates to existing laws or policies that may assist in the implementation of a statewide program for sexual violence prevention education; and

(8) The prevention of sex trafficking.

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

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

(2) Protecting minors;

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

(4) Complying with any state or federal law,

the testimony of any minor before the task force shall be taken during an executive meeting that is closed to the public.

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

(1) Disclose personal identifying information of the minor;

(2) Disclose protected health information;
(3) Violate any state or federal law; or

(4) Provide 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 2021. The task force shall submit to the
legislature a follow-up report, including any additional
proposed legislation, no later than twenty days prior to the
convening of the regular session of 2022.

(l) The task force shall cease to exist on March 31, 2022.

SECTION 3. The department of education shall establish and
implement a systemwide 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, no later than June 30, 2022.

SECTION 4. There is appropriated out of the general
revenues of the State of Hawaii the sum of $60,000 or so much
thereof as may be necessary for fiscal year 2020-2021 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.

SECTION 5. This Act shall take effect on July 1, 2020.

INTRODUCED BY:

[Signatures]
Report Title:
Keiki Caucus; Erin's Law Task Force; DOE; 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 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. Appropriates funds.

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