

# HOUSE BILL REPORT

## HB 1539

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### As Reported by House Committee On: Education

**Title:** An act relating to a curriculum for the prevention of sexual abuse of students.

**Brief Description:** Regarding a curriculum for the prevention of sexual abuse of students.

**Sponsors:** Representatives McCabe, Orwall, Griffey, Caldier, Senn, Dent, Gregerson, Smith, Kraft, Doglio and Kagi.

#### **Brief History:**

##### **Committee Activity:**

Education: 3/23/17, 1/30/18 [DPS].

#### **Brief Summary of Substitute Bill**

- Establishes new and modified duties for the Office of the Superintendent of Public Instruction (OSPI) related to a voluntary coordinated program for the prevention of child abuse and neglect, including requiring the program to incorporate provisions for the prevention of sexual abuse of students in kindergarten through twelfth grade.
- Requires the OSPI, by September 1, 2018, to review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matter pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants; and
- satisfying numerous reporting and other duties assigned by the Legislature.

### Student Emotional or Behavioral Distress Plans.

School districts are required to adopt plans for the recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, youth suicide, and sexual abuse. School districts must provide the plan to all district staff each year.

### Coordinated Primary Prevention Program for Child Abuse and Neglect.

In 1987 the Legislature created a coordinated primary prevention program for child abuse and neglect (program). The Office of the Superintendent of Public Instruction (OSPI) was designated as the lead agency for the program and was tasked with assisting the Department of Social and Health Services (DSHS), the Department of Community, Trade, and Economic Development (the agency was renamed the Department of Commerce in 2009), and school districts in developing the program. The 1987 legislation specified that the program is voluntary and that parents may refuse to have their children participate in the program.

In developing the program, the state agencies and school districts were required to give consideration to numerous factors, including:

- parent, teacher, and children's workshops where the information and training is provided in a clear, age-appropriate, and nonthreatening manner;
- training for school-age children's parents and school staff that includes physical and behavioral indicators of abuse; and
- training for children that includes information about how to disclose incidents of abuse and neglect.

### Dissemination of Child Abuse and Neglect Prevention Curricula.

The SPI is required collect and disseminate to school districts information on child abuse and neglect prevention curricula and to adopt rules addressing the prevention of child abuse for purposes of curriculum use in common schools. The SPI, the DSHS, and the Department of Community, Trade, and Economic Development (CTED) are required to share relevant information in support of the SPI's obligation to collect and disseminate information.

### Educational Materials Regarding Sex Offences, Sex Offenders, and Victims of Sexual Assault.

The Washington Coalition of Sexual Assault Programs (WCSAP), a nonprofit organization dedicated to uniting agencies engaged in the elimination of sexual violence, is charged with

making educational materials available throughout the state to inform parents and other interested community members about:

- the laws related to sex offenses;
- how to recognize behaviors characteristic of sex offenses and sex offenders;
- how to prevent victimization, particularly that of young children;
- how to take advantage of community resources for victims of sexual assault;
- how to prevent children from being recruited into sex trafficking; and
- other information as deemed appropriate.

In fulfilling its educational materials duties, the WCSAP is required to consult with:

- the Washington Association of Sheriffs and Police Chiefs;
- the Washington Association of Prosecuting Attorneys;
- the Washington State School Directors' Association;
- the Association of Washington School Principals;
- the Center for Children and Youth Justice;
- Youthcare;
- the Committee for Children;
- the Department of Early Learning;
- the DSHS;
- the Office of Crime Victims Advocacy;
- other relevant organizations; and
- the SPI.

By September 1 in each even-numbered year, the WCSAP, in consultation with the Washington Association of Sheriffs and Police Chiefs, the Washington Association of Prosecuting Attorneys, and the OSPI, is required review and update the educational materials to assure that they remain current and accurate, and are age-appropriate for a variety of ages.

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### **Summary of Substitute Bill:**

#### Modifications to the Coordinated Primary Prevention Program for Child Abuse and Neglect.

Provisions governing the coordinated primary prevention program for child abuse and neglect are modified to:

- require the program to also address the prevention of sexual abuse of students in kindergarten through twelfth grade;
- rename the program as "the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect;"
- remove a reference to the DSHS and the CTED, and insert a reference to the Department of Children, Youth and Families (DCYF).

The OSPI must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, make the curriculum available on its website and seek advice and comments regarding the curriculum from:

- the Washington Association of Sheriffs and Police Chiefs;
- the Washington Association of Prosecuting Attorneys;
- the Washington State School Directors' Association;

- the Association of Washington School Principals;
- the Center for Children and Youth Justice;
- Youthcare;
- the Committee for Children;
- the Office of Crime Victims Advocacy; and
- other relevant organizations.

Modifications to Requirements Governing the Dissemination of Child Abuse and Neglect Prevention Curricula.

Provisions governing the dissemination of child abuse and neglect prevention curricula are modified to require the SPI to:

- collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect;
- adopt rules addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes of curricula used in public schools;
- share, along with the DCYF, relevant information, effective July 1, 2018; and
- review, in accordance with specified requirements and by September 1, 2018, any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

- modifies existing child abuse and neglect prevention duties of the SPI and directs the SPI to collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect;
- directs the SPI to adopt rules addressing the prevention of sexual abuse of students in kindergarten through twelfth grade for purposes of curricula used in public schools;
- directs the SPI and the DCYF to share related information, effective July 1, 2018;
- directs the SPI, on or before September 1, 2018, to review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade;
- establishes new duties for the OSPI in its capacity as the lead agency in establishing a coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect;
- specifies that the OSPI must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, seek advice and comments regarding the curriculum from specified entities;
- removes provisions establishing and prescribing duties for an Erin's Law legislative task force;
- requires the OSPI to post any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade on its website; and
- modifies intent language.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2018.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill establishes a legislative task force. The Legislature creates programs and mechanisms for helping our children be safe with fire drills and other measures, but the Legislature does not do anything similar for sexual abuse prevention. This bill creates a legislative task force to adopt a model sexual abuse prevention curriculum and to post it on the SPI's website. Children need to tell their stories so that adults can get them the necessary help.

Sexual abuse is a significant issue for children and adults with disabilities. The curriculum proposed for adoption in the bill should reflect this issue.

The bill address a serious problem and closely aligns with other actions of the OSPI, including efforts related to social and emotional learning. Persons with expertise in sexual abuse prevention curriculum should be added to the task force. One curriculum may not be ideal, a set of curricula may be needed.

Sexual abuse is very damaging and has a life-long effect. If Erin's law had existed, some abuse victims would have been able to tell their stories. An educational program that is age appropriate would make a world of difference and would protect students. This bill is important to sexual abuse survivors.

(Opposed) None.

(Other) Support exists for the concepts of this bill, but stakeholders have concerns about the task force. The task force should include people with specific curriculum and sexual abuse prevention expertise. Multiple curricula options that can serve the needs of the community are necessary.

**Persons Testifying:** (In support) Representative McCabe, prime sponsor; Diana Stadden and Cheryl Monk, Arc of Washington; Laurie Dils, Office of the Superintendent of Public Instruction; Olivia Holderman; and Brittany Stadden.

(Other) Melanie Smith, Committee for Children.

**Persons Signed In To Testify But Not Testifying:** None.