

# HOUSE BILL REPORT

## SHB 1539

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### As Amended by the Senate

**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:** House Committee on Education (originally sponsored by 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];

Appropriations: 2/3/18, 2/6/18 [DPS(ED)].

##### Floor Activity:

Passed House: 2/12/18, 98-0.

Senate Amended.

Passed Senate: 3/1/18, 49-0.

#### 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.

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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.*

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

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

**Staff:** Jordan Clarke (786-7123).

### **Background:**

#### 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.

**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.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment: (1) changes the date by which the Superintendent of Public Instruction must review any existing curricula related to the prevention of sexual abuse of students in kindergarten through grade 12 from on or before September 1, 2018, to on or before June 30, 2019, and makes the duty subject to the availability of amounts appropriated for this specific purpose; (2) makes lead agency duties of the Office of the Superintendent of Public Instruction (OSPI) related to establishing a coordinated program for the prevention of (a) sexual abuse of students in kindergarten through grade 12, (b) child abuse, and (c) neglect subject to the availability of amounts appropriated for this specific purpose; (3) makes a requirement obligating the OSPI to make any curriculum included within a program for the

prevention of sexual abuse of students in kindergarten through grade 12 available on its website subject to the availability of amounts appropriated for this specific purpose; and (4) makes the bill null and void if funding for the purposes of the bill is not provided in the Omnibus Appropriations Act by June 30, 2018.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony (Education):**

(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.

**Staff Summary of Public Testimony (Appropriations):**

(In support) If Erin's Law had been taught in schools earlier, students could have come forward and told their teachers about the sexual abuse they had experienced. It can take decades for adults to process what happened to them as children and years of therapy. Erin's Law could change this for children. Pedophiles are not going away, and neither are children. Funding Erin's Law will give students a fighting chance.

Students have had to watch too many close friends experience sexual assault and rape at the hands of their peers. There are long-lasting effects and challenges that follow these experiences. Sexual assault amongst teenagers in high school is a much larger problem than most people assume. At Mercer Island High School, one in seven seniors has been sexually assaulted. This number is higher than the number of seniors that reported being bullied in the last 30 days. These numbers are well below state averages for the prevalence of sexual assault. Creating better consent education in high schools is the best and most direct way to address this problem. Many survivors of sexual assault do not fully understand consent and are hesitant to come forward because they are not sure if their experiences qualify as assault. In addition, underclassmen have backwards ideas about consent. While these students are too old to not understand consent, they are still young. While their misunderstanding is dangerous, they have yet to hurt anyone. These students are the reason why programs like the one introduced in this bill are so important. With more robust consent education, these students would correct their misconceptions of consent. We must deliberately help students understand consent better so that they become productive and positive members of their communities.

There is no response to child abuse that is as good as preventing it in the first place. The first protocol is to do everything possible in the area of prevention. This bill is the culmination of 30 years of efforts to try to get personal safety curricula in public schools. Many instances of abuse could have been prevented had this bill been enacted earlier. During a four-year grant period, the Children's Advocacy Centers of Washington saw more cases of indecent liberties or felonious touching as opposed to rape. This was likely due to personal safety curricula in the county, which was supplemented with performances by the Open Door Theater. The curricula effectively interrupted the grooming period much sooner, preventing the victim from suffering years of abuse and preventing the perpetrator from going on to abuse other children.

(Opposed) None.

**Persons Testifying** (Education): (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 Testifying** (Appropriations): Representative McCabe, prime sponsor; Olivia Holderman; Allison Bunker; and Seth Dawson, Children's Advocacy Centers of Washington.

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

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