

SENATE BILL REPORT

SHB 1539

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 20, 2018
Ways & Means, February 26, 2018

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

Committee Activity: Early Learning & K-12 Education: 2/19/18, 2/20/18 [DP-WM].
Ways & Means: 2/24/18, 2/26/18 [DPA(WM)].

Brief Summary of Amended Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI) to review and evaluate any existing curricula related to the prevention of sexual abuse of students by June 30, 2019.
- Tasks OSPI with seeking advice and comments from certain entities regarding any curriculum included within a voluntary coordinated program for the prevention of sexual abuse, child abuse, and neglect.
- Directs OSPI to make curriculum available on its website.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hawkins, Hunt, Mullet, Padden, Pedersen and Rivers.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Ways & Means.

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.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Billig, Brown, Carlyle, Conway, Darneille, Fain, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

Staff: Jeffrey Naas (786-7708)

Background: Child Abuse and Neglect Prevention. Current state law requires OSPI to collect and disseminate to school districts information on child abuse and neglect prevention curriculum and adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. OSPI, the Department of Social and Health Services (DSHS), and the Department of Commerce (Commerce) must share relevant information.

OSPI must be the lead agency and assist DSHS, Commerce, and school districts in establishing a coordinated and voluntary primary prevention program for child abuse and neglect. In developing the program, consideration must be given to the following:

1. Parent, teacher, and children's workshops whose information and training is:
 - a. provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;
 - b. culturally and linguistically appropriate to the population served;
 - c. appropriate to the geographic area served; and
 - d. designed to help counteract common stereotypes about child abuse victims and offenders.
2. Training for school-age children's parents and school staff, which includes:
 - a. physical and behavioral indicators of abuse;
 - b. crisis counseling techniques;
 - c. community resources;
 - d. rights and responsibilities regarding reporting;
 - e. school district procedures to facilitate reporting and apprise supervisors and administrators of reports; and
 - f. caring for a child's needs after a report is made.
3. Training for licensed day care providers and parents that includes:
 - a. positive child guidance techniques;
 - b. physical and behavioral indicators of abuse;
 - c. recognizing and providing safe, quality day care;
 - d. community resources;
 - e. rights and responsibilities regarding reporting; and
 - f. caring for the abused or neglected child.
4. Training for children that includes:
 - a. the right of every child to live free of abuse;
 - b. how to disclose incidents of abuse and neglect;
 - c. the availability of support resources and how to obtain help;
 - d. child safety training and age-appropriate self-defense techniques; and
 - e. a period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

Parents must be given notice of the primary prevention program and may refuse to have their children participate in the program.

Department of Children, Youth, and Families (DCYF). In 2017, the Legislature created this new department. Child welfare programs from the Children's Administration (CA) within DSHS will move to DCYF on July 1, 2018. CA programs include Child Protective Services, the Family Assessment Response program, foster care, and adoption support.

Summary of Amended Bill: Subject to the availability of amounts appropriated for this specific purpose, OSPI and DCYF must share relevant information, and DCYF must assist in establishing a coordinated program for the prevention of sexual abuse of students in K-12, child abuse, and neglect, effective June 30, 2019. DSHS and Commerce are no longer required to assist with this program.

OSPI must seek advice and comments regarding any curriculum included within the coordinated program from the following:

- Washington Association of Sheriffs and Police Chiefs;
- Washington Association of Prosecuting Attorneys;
- Washington State School Directors' Association;
- Association of Washington School Principals;
- Center for Children and Youth Justice;
- Youthcare;
- Committee for Children;
- Office of Crime Victim Advocacy within Commerce; and
- other relevant organizations.

Subject to the availability of amounts appropriated for this specific purpose, OSPI must make the curriculum available on its website and may adopt rules addressing the prevention of sexual abuse of students.

Subject to the availability of amounts appropriated for this specific purpose, OSPI must review any existing curricula, on or before June 30, 2019, related to the prevention of sexual abuse of students in K-12. OSPI must evaluate the curricula for alignment with the coordinated program for the prevention of sexual abuse, child abuse, and neglect.

There is a null and void clause.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Changes the date that OSPI must review existing curricula from September 1, 2018, to June 30, 2019.
- Adds "subject to the availability of amounts appropriated for this specific purpose" to OSPI requirements.
- Adds a null and void clause.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed. Includes a null and void clause.

Staff Summary of Public Testimony on Substitute House Bill (Early Learning & K-12 Education): PRO: Sexual abuse destroys children's lives. Schools teach students what to do when there is a fire or earthquake, but not what to do when they are sexually abused. Children are also taught about stranger danger and avoiding drugs, but children are not taught about speaking out when there is sexual abuse. This bill will help teach children about sexual abuse prevention and how to report inappropriate touching. It is important to specifically call out sexual abuse from other types of abuse because of the shame and the post-traumatic stress. Education about consent in grades K-12 helps prevent sexual assault on higher education campuses. Teachers want this curriculum and will use it. Many people with disabilities experience sexual abuse and are especially vulnerable. OSPI would like more time to conduct a thorough review of sexual abuse curriculum with stakeholders. Funds are needed to support this work.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Gina McCabe, Prime Sponsor; Seth Dawson, Children's Advocacy Centers of Washington, Washington Association for Substance Abuse & Violence Prevention; Olivia Holderman, citizen; Leah Griffin, Teacher and Sexual Assault Forensic Examination (SAFE) Task Force; Linda Schaeffer, citizen; Erin Merryyn, citizen; Marissa Rathbone, OSPI; Diana Stadden, The Arc Of WA.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony on Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This sort of curricula is effective by interrupting the grooming process. Kids that are molested do less well in school and can become suicidal. In order to do this bill justice OSPI asks that the deadline be extended out to June 30, 2019.

Persons Testifying (Ways & Means): PRO: Seth Dawson, Children's Advocacy Centers of Washington; Washington Association for Substance Abuse & Violence Prevention; Dave Mastin, OSPI.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.