

HOUSE BILL REPORT

ESSB 5563

As Passed House:
April 3, 2013

Title: An act relating to training school employees in the prevention of sexual abuse.

Brief Description: Regarding training for school employees in the prevention of sexual abuse.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Litzow, Rolfes, Keiser, McAuliffe and Kline).

Brief History:

Committee Activity:

Education: 3/14/13, 3/26/13 [DP].

Floor Activity:

Passed House: 4/3/13, 97-0.

Brief Summary of Engrossed Substitute Bill

- Adds the identification of Commercial Sexual Abuse of a Minor and Sexual Exploitation of a Minor to the course on issues of abuse that is required to receive initial certification as a teacher.
- Expands the educational materials developed by the Washington Coalition of Sexual Assault Programs to include materials related to the prevention of child sex trafficking.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 20 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Hunt, Klippert, Lytton, Maxwell, McCoy, Orwall, Pike, Pollet, Seaquist and Warnick.

Staff: Luke Wickham (786-7146).

Background:

Commercial Sexual Abuse of a Minor.

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.

A person is guilty of Commercial Sexual Abuse of a Minor, a class B felony, if he or she:

- pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct;
- pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct; or
- solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

Sexual Exploitation of a Minor.

A person is guilty of Sexual Exploitation of a Minor, also a class B felony, if he or she:

- compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;
- aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or
- being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

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

In 2006 the Legislature required that the Washington Coalition of Sexual Assault Programs (Coalition), in consultation with the Washington Association of Sheriffs and Police Chiefs, the Washington Association of Prosecuting Attorneys, and the Office of the Superintendent of Public Instruction, develop educational materials to inform parents and 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 of young children;
- how to take advantage of community resources for victims of sexual assault; and
- other appropriate information.

Summary of Bill:

Two subjects are added to the course on issues of abuse that is required to receive initial certification as a teacher: the identification of commercial sexual abuse of a minor and the identification of sexual exploitation of a minor.

The educational materials regarding sex offenses, sex offenders, and victims of sexual assault developed by the Coalition are expanded to include how to prevent children from being recruited into sex trafficking. These materials must be updated by June 1, 2014. The organizations that the Coalition consults with to update these materials are increased, to include the Washington State School Directors' Association, the Center for Children and Youth Justice, YouthCare, the Committee for Children, the Department of Early Learning, the Department of Social and Health Services, and other relevant organizations.

The training for certificated and classified school employees regarding sexual or physical abuse reporting requirements may be incorporated within existing training programs.

Appropriation: None.

Fiscal Note: Preliminary 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:

(In support) The Legislature tackled a similar issue regarding sexual harassment in 1994. In the 2000s the Legislature considered legislation on bullying and identifying sexual grooming behaviors. More recently, the Legislature has dealt with issues relating to sexual exploitation and commercial sexual abuse. Children should not be prostituted or be commercially sold. There is an important role for schools in preventing this kind of sexual exploitation. School employees are in a very good position to recognize and identify when students are being exploited. Teachers need to know the signs of abusers so they can help children before the abuse occurs.

The Catholic Church has a tragic history of sexual abuse. Twenty percent of Catholic children are enrolled in Catholic schools. It is important to the 80 percent of Catholic children who attend public schools that these services are offered. Throughout western Washington there are stories of how these programs work. Children are afraid to tell anyone about sexual abuse, and in some cases this abuse occurs in the family. Educators and staff are the only lifeline that children have. Educators could be the lifesaver in these situations. These children are in desperate situations and it is crucial that educators be able to identify the signs that children are experiencing abuse.

(Opposed) None.

Persons Testifying: Senator Kohl-Welles, prime sponsor; Karen Besserman, Committee for Children; Geraldine Laemmler; Shawna McMahon, Washington State Catholic Conference; and Bob Rudolph, Grandparents Rights of Washington State.

Persons Signed In To Testify But Not Testifying: None.