

SENATE BILL REPORT

ESSB 5563

As Passed Senate, March 5, 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: Early Learning & K-12 Education: 2/18/13, 2/21/13 [DPS].
Passed Senate: 3/05/13, 49-0.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

Staff: Katherine Taylor (786-7434)

Background: Currently, the Office of Superintendent of Public Instruction (OSPI) does not require teachers, administrators, and educational staff to receive sex abuse prevention training. However, the Professional Educator Standards Board (PESB) does. PESB requires the training for initial, continuing, and professional certification.

Commercial sexual abuse of a minor occurs when a person does any of the following:

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

The crime of commercial sexual abuse of a minor was created in law in 2007.

Sexual exploitation of a minor occurs when a person does any of the following:

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- 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.

The crime of sexual exploitation of a minor was created in law in 1984.

The Washington Coalition of Sexual Assault Programs is a nonprofit organization that provides information and training to programs and individual members who work with victims and the general public on sexual assault.

Summary of Engrossed Substitute Bill: To receive initial certification as a teacher in this state after August 31, 1991, an applicant must successfully complete a course on issues of abuse. The content of the course must discuss the identification of physical abuse, emotional abuse, sexual abuse, commercial sexual abuse of a minor, sexual exploitation of a minor, and substance abuse; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

The Washington Coalition of Sexual Assault Programs, in consultation with a number of other organizations and entities must, by June 1, 2014, update existing educational materials made available throughout the state to inform parents and other interested community members about how to prevent children from being recruited into sex trafficking, among other issues.

Certificated and classified school employees must receive training regarding their reporting obligations for student physical abuse or sexual misconduct victimization in their orientation training and then every three years thereafter. The training required may be incorporated within existing training programs and related resources.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: One in four girls and one in seven boys are sexually abused currently; this is an improvement. We need to redouble our efforts. There is a link between kids who were sexually abused at home and those who are sex trafficked later. This bill strengthens language and focuses on prevention. This is a small step. The Catholic Archdiocese teaches similar preventive measures. We want Catholic kids who are not enrolled in Catholic schools

to also be protected. I urge support of this bill. Kids cannot learn if they are faced with these problems. We need more training. This is important. We want to mobilize volunteers. Washington Engage wants to be named to work with OSPI. Federal Way Coalition Against Trafficking wants to be included in the bill. Sometimes police do not have time or the resources to deal with these issues. Help from other committee members is needed. Youth and teachers need to be educated on sex trafficking. Parents, kids, and teachers do not know what is going on. This bill will help a lot. Yakima has a lot of sex trafficking.

Persons Testifying: PRO: Joan Duffell, Committee For Children; Shawna McMahon, Safe Environment Coordinator for Catholic Archdiocese; Geraldine Laemmle, citizen; Rose Gundersen, WA Engage; Diane Thynes, Federal Way Coalition Against Trafficking; Shayna Burmeister, Human Trafficking Prevention Alliance of Thurston County; Marisha Cosby, Junior Leagues of WA State; Candice Caldwell, Junior League of Seattle.