

SENATE BILL REPORT

ESB 5355

As Amended by House, April 10, 2023

Title: An act relating to mandating instruction on sex trafficking prevention and identification for students in grades seven through 12.

Brief Description: Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12.

Sponsors: Senators Wilson, C., Kuderer, Lovelett, Nguyen, Randall, Valdez and Wellman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/26/23, 2/02/23 [DP-WM, w/oRec].

Ways & Means: 2/13/23 [w/oRec].

Floor Activity: Passed Senate: 3/1/23, 48-0.

Passed House: 4/10/23, 97-0.

Brief Summary of Engrossed Bill

- Requires school districts to provide instruction on sex trafficking prevention and identification at least once between grades 7 and 12 beginning no later than the 2025-26 school year.
- Creates a nonappropriated, public-private partnership account to be used for curriculum and professional development to support instruction on child sexual abuse and sex trafficking prevention and identification.

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; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, McCune, Mullet and Pedersen.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Hawkins, Ranking Member; Dozier.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Braun, Conway, Dhingra, Hasegawa, Keiser, Muzzall, Nguyen, Pedersen, Torres, Van De Wege, Wagoner and Wellman.

Staff: Trevor Press (786-7446)

Background: Educational Materials Regarding Sex Offenses. In 2014, the Legislature directed the Washington Coalition of Sexual Assault Programs, in consultation with other entities, to update existing educational materials about how to prevent children from being recruited into sex trafficking. Sexual health education should include age-appropriate information about the legal elements of sex offenses where a minor is a victim, and the consequences upon conviction.

Coordinated Program for the Prevention of Sexual Abuse, Child Abuse, and Neglect. Subject to appropriations, the Office of the Superintendent of Public Instruction must be the lead agency and assist the Department of Children, Youth, and Families and school districts to establish a coordinated program for the prevention of sexual abuse of students in grades K-12, child abuse, and neglect.

When developing the program, consideration must be given to training for children that includes:

- the right of every child to live free of abuse;
- how to disclose incidents of abuse and neglect;
- the availability of support resources and how to obtain help;
- child safety training and age-appropriate self-defense techniques; and
- a period of 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.

Summary of Engrossed Bill: Beginning no later than the 2025-26 school year, school districts must provide instruction on sex trafficking prevention and identification at least once between grades 7 and 12.

The instruction may be integrated into other relevant courses, or an existing course may be repurposed to include this instruction.

The instruction must include:

- information related to race, gender, and socioeconomic status as it relates to victims and perpetrators;
- medically and legally accurate definitions and information related to how these terms become stigmatized; and
- information related to reporting systems and community engagement opportunities, and basic identification training to determine if an individual is at risk of or has been sex trafficked.

The child sexual abuse and sex trafficking prevention and identification public-private partnership account is created in the custody of the state treasurer. All receipts from gifts, grants, or endowments from public or private sources, federal funds, and any appropriations made by the legislature or other sources must be deposited into the account. Expenditures from the account may be used only for curriculum and professional development to support instruction on child sexual abuse and sex trafficking prevention and identification. Only the superintendent of public instruction or designee may authorize expenditures from the account.

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.

Staff Summary of Public Testimony (Early Learning & K-12 Education): PRO: Washington is the sixth largest epicenter of sex trafficking in the United States, and more than 45 percent of all sex trafficking victims are minors who are in schools. Widespread, intersectional, accurate, and actionable sex trafficking education is a priceless component of future mitigation for this crime. The most vulnerable age for victims is between 12 and 18, which is roughly seventh to twelfth grade. Having this education in those grades can help save youth from harm. This education can be part of other existing courses. Providing this education in schools ensures that students are educated in a non-judgmental safe space that is relatable for students.

OTHER: There is concern about unfunded mandates. While it may not take much to stand up these programs, we are unsure about what is really going to be required of schools.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Claire Wilson, Prime Sponsor; Ria Bahadur, Author of SB 5355.

OTHER: Mike Hoover, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):

No one.

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): No one.

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

EFFECT OF HOUSE AMENDMENT(S):

- Requires school districts to offer instruction in sex trafficking awareness and prevention instead of providing instruction in sex trafficking prevention and identification.
- Specifies that the instruction may be offered beginning in grade seven, but each student must be offered the instruction at least once before completing grade 12.
- Requires OSPI to review curricula related to the awareness and prevention of sex trafficking on or before June 30, 2024, subject to appropriations.
- Directs OSPI to make available in the library of openly licensed courseware curricular resources related to this instruction, to the extent practicable.
- Modifies the elements that the curricular resources must relate to and includes information to help students recognize the signs and behavior changes in others that may indicate grooming for sex trafficking or other unlawful, coercive relationships.
- Applies these requirements to charter schools and state-tribal education compact schools.