

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1684

By: Denney of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to education; creating Erin's Law;
12 stating legislative intent; requiring schools to
13 establish a sexual abuse prevention program; giving
14 school board discretion over content; setting minimum
15 instructional requirements; listing broad guidelines
16 for the program; allowing student to opt out of
17 participation if parent or guardian objects;
18 requiring school districts to provide certain written
19 notification; prohibiting placement of certain
20 parents or guardians on certain list or watch;
21 providing for codification; providing for
22 noncodification; and providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law not to be
25 codified in the Oklahoma Statutes reads as follows:

26 This act shall be known and may be cited as "Erin's Law". The
27 Children's Advocacy Centers of Illinois, Illinois Coalition Against

1 Sexual Assault, and Prevent Child Abuse Illinois collaborated to
2 create "Erin's Law", which has passed in nineteen states and is
3 being actively considered by twenty other states. As a child, Erin
4 Merryn was sexually abused for six and one-half (6 1/2) years by a
5 neighbor and family member. Erin is not unique; the Centers for
6 Disease Control and Prevention and the Adverse Childhood Experiences
7 Study report that twenty-five percent (25%) of women and sixteen
8 percent (16%) of men are sexually abused as children. Approximately
9 ninety percent (90%) of children who are sexually abused know their
10 abuser. Only thirty-eight percent (38%) of children ever disclose
11 that they have been sexually abused and the median age of child
12 sexual abuse victims is nine (9) years of age. Only twenty-nine
13 percent (29%) of parents ever talk to their children about sexual
14 abuse and rarely with children less than nine (9) years of age.
15 Child sexual abuse victims suffer significantly higher rates of
16 severe mental and physical health problems both as children and
17 adults. The Oklahoma Legislature finds that children are not taught
18 how to respond to a sexual assault or how to avoid becoming a victim
19 of child sexual abuse. Children need to be educated and empowered
20 about how to report abuse and how to protect themselves which will
21 remove the abusers' ability to keep their child victims silent.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1210.160 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 A. All public schools shall establish a sexual abuse prevention
2 instructional program for students in grades prekindergarten through
3 fifth grade, consistent with subsection B of this section. The
4 content of instruction shall be at the discretion of the school
5 board; provided, that the instructional program shall include:

6 1. Developmental and age-appropriate curriculum to teach
7 children how to recognize sexual abuse, risk-reduction strategies
8 (how to identify dangerous situations, personal boundary violations,
9 refuse approaches and invitations, and summon help), and what to do
10 if they have been abused (understand safe and unsafe secrets,
11 identify safe people in their lives, and how to speak up and be
12 safe). Additionally students need to be taught that if they are
13 abused it is not their fault, and that there are people available to
14 protect them and help them heal;

15 2. Instructions that the prevention program is taught at least
16 annually, reinforcing and building on skills learned the previous
17 year;

18 3. Involvement of students as active learning participants, to
19 include discussions, modeling and role-playing;

20 4. A capacity to be delivered by a wide range of personnel
21 including teachers, school counselors, agency prevention educators
22 and other professionals; provided, that the personnel and
23 professionals should have a thorough knowledge of child sexual
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1 abuse, including how to respond appropriately to sexual abuse
2 disclosures;

3 5. An evidence-based curriculum;

4 6. An evaluation component that utilizes a pre- and post-
5 program survey of the students to measure the acquisition of the
6 lessons taught;

7 7. Instruction that is culturally sensitive and adaptable so it
8 can be used within varying school contexts, including age, race and
9 special needs;

10 8. A component that encourages parental involvement within the
11 child sexual abuse prevention program. Parents should be given
12 information on child sexual abuse prevention, risk-reduction
13 techniques (this should include characteristics of offenders,
14 grooming behaviors and how to discuss child sexual abuse with their
15 children), and what to do if abuse occurs (warning signs of abuse,
16 reporting guidelines and other immediate responses after abuse has
17 occurred to reduce and prevent additional trauma to the victim); and

18 9. A professional training component, in addition to required
19 training in child sexual abuse reporting pursuant to subsection C of
20 Section 6-194 of Title 70 of the Oklahoma Statutes. Administrators,
21 counselors, teachers and other school personnel shall participate in
22 professional education activities on primary child sexual abuse
23 prevention, risk reduction and secondary child abuse prevention
24 (warning signs of abuse, reporting guidelines and immediate

1 responses after a child reports abuse to reduce and prevent
2 additional trauma).

3 B. The broad guidelines of the sexual abuse prevention
4 instructional program shall be to:

5 1. Educate children regarding child sexual abuse prevention
6 (recognition, risk reduction, and what to do if abused) in grades
7 prekindergarten through fifth grade using developmental and age-
8 appropriate curriculum to include role-play, discussions,
9 activities, and books;

10 2. Give children the tools to speak up and tell if anyone has
11 ever touched them inappropriately rather than keep it a secret; and

12 3. Educate children on safe touch, unsafe touch, safe secrets,
13 unsafe secrets, and how to get away and report an incident
14 immediately.

15 C. No student shall be required to participate in a sexual
16 abuse prevention instructional program if a parent or guardian
17 objects in writing to such participation. School districts shall
18 provide written notification to parents and guardians of students
19 involved not less than thirty (30) days prior to implementation of
20 the program of their right to inspect curriculum and materials and
21 to notify the school in writing if they do not want their child to
22 participate in a program. Parents or guardians who opt out of a
23 program shall not be placed on a watch list or placed under
24 suspicion of child abuse.

SECTION 3. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/11/2015
- DO PASS, As Amended and Coauthored.