

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1684

6 By: Denney

7 COMMITTEE SUBSTITUTE

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

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

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

23 This act shall be known and may be cited as "Erin's Law". The
24 Children's Advocacy Centers of Illinois, Illinois Coalition Against
25 Sexual Assault, and Prevent Child Abuse Illinois collaborated to
26 create "Erin's Law", which has passed in nineteen states and is
27 being actively considered by twenty other states. As a child, Erin
28 Merryn was sexually abused for six and one-half (6 1/2) years by a

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

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

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

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

12 2. Instructions that the prevention program is taught at least
13 annually, reinforcing and building on skills learned the previous
14 year;

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

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

23 5. An evidence-based curriculum;

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

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

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

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

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

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

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

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

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

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

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