

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1227 (Bonta and Low) – As Amended April 18, 2017

[This bill was double referred to the Assembly Committee on Human Services, and was heard with regard to issues in that Committee's jurisdiction]

SUBJECT: Human Trafficking Prevention Education and Training Act

SUMMARY: Requires school districts to provide instruction on human trafficking, includes human trafficking in the definition of "child abuse and neglect," and makes changes to the Commercially Sexually Exploited Children Program. Specifically, **this bill:**

- 1) Makes findings and declarations related to the need to reduce the vulnerability of children to incidents of human trafficking, as specified.
- 2) Makes the following changes to current statute regarding school district provision of sexual abuse and sex trafficking prevention education:
 - a) Mandates training which is currently authorized.
 - b) Broadens the training from sex trafficking to human trafficking
 - c) Deletes "how to safely report an incident" from specified components of instruction and adds "how to safely seek assistance;"
 - d) Requires that a parent or guardian have the right to excuse his or her child from all or part of human trafficking prevention education
 - e) Adds abuse and human trafficking to the information the California Department of Education (CDE) is authorized to make available on its website.
 - f) Adds county probation, mental health, public health, and sheriff's departments, juvenile courts, and county offices of education to the list of entities a school district is encouraged to collaborate with on intervention programs for pupils and other minors, and removes the requirement that these programs serve high-risk youth.
 - g) Changes "in-service" to "continuation training," mandates it, and requires it to include specified content related to human trafficking.
 - h) Encourages a school district to include training on early identification of abuse, including sexual abuse, and human trafficking of pupils and other minors.
- 3) Includes "human trafficking" as defined in existing law to the definition of the term "child abuse or neglect."
- 4) Makes the following changes to the Commercially Sexually Exploited Children Program, operated by the Department of Social Services (DSS):

- a) States that the program is intended to address children who may become (in addition to those who already are) victims of commercial sexual exploitation.
- b) Adds educators to those who are to provide training under the program and those who are trained through the program.
- c) Requires that training be conducted in consultation with county offices of education.
- d) Authorizes prevention activities provided under the program to include:
 - i. educating children (not only foster children) to recognize and help avoid commercial sexual exploitation, and states that counties may target educational activities to foster children who are at higher risk of commercial sexual exploitation.
 - ii. engaging survivors of commercial sexual exploitation to participate in activities that may include education and technical assistance.
- e) Authorizes a participating county to measure the impact of its training and prevention education by surveying educators, county workers, and children.
- f) Requires that a participating county include documentation on collaboration with educational entities in a required plan.
- g) Requires that local educational agencies be included in multidisciplinary teams serving children through the program.
- h) Requires that county offices of education and county sheriff's departments be included in the team responsible for the development of interagency protocols.
- i) States that counties that developed a protocol prior to the inclusion of county offices of education and county sheriff's departments as required partners may, but are not required to, revise protocols to reflect input by these entities.
- j) Changes the date, from June 1, 2015 to June 1, 2018, by which the DSS must ensure that the Child Welfare Services/Case Management System is capable of collecting data concerning children who are commercially sexually exploited, as specified.

EXISTING LAW:

- 1) States that a school district may provide sexual abuse and sex trafficking prevention education.
- 2) Defines, for purposes of the section, "sexual abuse and sex trafficking prevention education" to mean instruction on the prevalence and nature of sexual abuse and sex trafficking, strategies to reduce their risk, techniques to set healthy boundaries, and how to safely report an incident.
- 3) States that a parent or guardian of a pupil has the right to excuse his or her child from all or part of sexual abuse and sex trafficking prevention education, and assessments related to that education.

- 4) Authorizes the California Department of Education (CDE) to make available on its website resources on sexual abuse and sex trafficking prevention for professional learning purposes, and relevant materials for parents and guardians of pupils.
- 5) Encourages school districts to collaborate with law enforcement on intervention programs for high-risk pupils and minors.
- 6) Authorizes in-service training to be conducted periodically to enable school district personnel to learn about new developments in the understanding of sexual abuse and sex trafficking, and to receive instruction on current prevention efforts and methods.
- 7) Encourages school districts to include training on early identification of sexual abuse and sex trafficking of pupils and minors. (EC 51950)

FISCAL EFFECT: Unknown

COMMENTS:

Need for this bill: According to the author’s office: “To date, efforts to combat human trafficking have focused largely on after-the-fact services for victims and legislation designed to stiffen penalties for perpetrators. While admirable, neither of these attacks the problem at the root cause where both the human and financial costs can be dramatically reduced or eliminated. The goal of prevention education is to not only identify students who are actively being trafficked, but also reduce the number of students who become victims, buyers, or traffickers.

It is necessary for counties to implement comprehensive prevention education and training procedures in order to reduce incidents of human trafficking. Training teachers and administrators about the signs of human trafficking and their county’s response protocol can help provide the tools necessary to identify when a child is at risk of being trafficked and connect them with the services they need.

Prevention education serves a three-fold purpose for students who are vulnerable to human trafficking. First, when delivered on a large scale across multiple communities, it provides a common baseline for students to understand modern day slavery and human trafficking. Second, it helps students recognize human trafficking when they see it. This is a crime that can hide in plain sight—trafficking victims will often continue to go about their daily routines while they are being trafficked. Teaching other students and teachers how to recognize the types of victims creates critical mass of eyes and ears in our school system. Finally, prevention education helps students directly avoid becoming victims of trafficking themselves. The techniques traffickers use are subtle and clever. However, once known, they become obvious and simplistic. When students learn in the classroom about the tactics of traffickers, they become immediately recognizable to anyone who has gone through the program. Prevention education can also help avoid the mental health impacts and chronic absenteeism that result when a student becomes a victim of human trafficking.”

Human trafficking and schools. According to the California Department of Justice, “human trafficking is a modern form of slavery [which]...involves controlling a person through force, fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both.”

In 2015, the U.S. Department of Education released a report titled “Human Trafficking in America’s Schools” which argued that “everyone who is part of the school community—

administrators, teachers, bus drivers, maintenance personnel, food service staff, resource officers, and other school community members—has the potential to be an advocate for child victims of human trafficking.” The report noted that in order to maintain healthy school environments, school personnel should be knowledgeable about the signs and symptoms of trafficking, ways to support disclosure, and the steps to take when there is a suspicion of trafficking.

The report noted that many victims experience severe physical, emotional, and psychological trauma, which may manifest as problematic behaviors, such as aggression and truancy. Trafficking is also associated with learning disabilities.

The report recommended that, to have an effective anti-trafficking protocol, schools should, at a minimum:

- develop, adopt, enforce, and implement a policy to address child trafficking
- make sure all school personnel are properly trained on the policy
- make certain campus security is in place so that all visitors are screened
- provide programs and roles for parents and guardians to make them part of their children’s safety and security, both at school and while going to and from school
- assess the environmental structure and take every possible step to help make it safe
- partner with local law enforcement experts to provide a parent awareness program on the dangers and warning signs of child sex trafficking
- partner with local law enforcement agencies to protect the routes that students use to travel to and from schools

Sex trafficking research in San Diego high schools. A study conducted through University of San Diego and Point Loma Nazarene University of gang-related sex trafficking was released in 2015. This research was the first to use schools as a source of data for sex trafficking research. The study included focus groups at 20 area high schools and found that between 8,830 and 11,773 victims, mainly girls, were trafficked in San Diego County each year.

All of the 20 San Diego high schools confirmed that recruitment of their students for sex trafficking was occurring. School personnel reported a total of 69 distinctly named gangs, of which 31 were seen as involved in sex trafficking. In total, the high school staff in 20 high schools across the county identified 417 reported victims along with an additional 60 suspected victims in the past 5 years (averaging approximately 95 victims at least suspected per year).

The study’s authors recommended that San Diego County increase resources for the training of school personnel in identifiers and protocols, as well as awareness training for students from middle and high schools.

Role of educators increased in the Commercially Sexually Exploited Children (CSEC) Program. According to the Assembly Human Services Committee, in 2014, SB 855 (Senate Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2014, created the CSEC

Program, which is an optional program for counties that provides funds for prevention and intervention services related to children who are victims of commercial sexual exploitation. SB 855 also required the state to track various data points and report to the Legislature information no later than April 1, 2017, including the number of children who are CSEC, the risk factors associated with commercial sexual exploitation of children, the types of services required by CSEC, and the barriers to serving CSEC victims. Current law requires states to submit data to the federal government with regard to the CSEC. The 2014-15 Budget Act appropriated \$5 million General Fund for the CSEC program, and in fiscal year 2016-17, the CSEC Program received a total of \$14 million in state funding.

This bill increases the role of educators in the program. It requires that participating counties provide training for educators for the purposes of identifying, intervening, and providing case management services to children who are victims of commercial sexual exploitation and human trafficking. The bill requires that prevention activities include educating students in schools to help them recognize and avoid human trafficking, and allows counties to target educational activities to children who are at a higher risk of human trafficking. The bill also requires county offices of education to be included in teams responsible for the development of interagency protocols, among other requirements.

Curricula on human trafficking. The author identifies a human trafficking curriculum called PROTECT as a model for instruction in human trafficking required by this bill. The PROTECT curriculum offers modules designed to be delivered sequentially in 5th, 7th, 9th and 11th grades. The goal of the curriculum is to identify victims at the earliest possible stage, reduce the vulnerability of all children to human trafficking, and empower children to conquer these kinds of challenges in their own lives. The modules provide a comprehensive understanding of the dangers, signs and historical roots of human trafficking. Other curricula are offered by the Frederick Douglass Family Initiatives, Love146, and many other organizations.

Health curriculum framework under revision, will incorporate sex trafficking content. The state's health framework was last revised in 2003. It does not reflect the state's current health content standards, which were adopted in 2008.

Work on revising of the health framework was initiated in 2008. In 2009 the state's fiscal emergency halted all work on instructional materials adoptions and framework revisions until the 2013-14 school year by AB 4 X2 (Evans) Chapter 2, Statutes of 2009. That suspension was later extended until the 2015-16 school year by SB 70 (Committee on Budget), Chapter 7, Statutes of 2011. CDE reports that the framework is now scheduled for adoption by the SBE in 2019.

The health curriculum framework revision is now underway, and final adoption by the SBE is scheduled for May, 2019. Four focus group meetings were held in the fall of 2016. The Curriculum Framework and Evaluation Criteria Committees have been chosen, and will be holding meetings between May, 2017 and January, 2018.

The Budget Act of 2016 includes \$362,000 in one-time funds for the revision of the health framework, editorial charges associated with the development of the science framework, and the operational expenses of the IQC. The 2016 budget also includes \$135,000 for the CDE to contract with a researcher/writer with expertise in sex trafficking and sexual abuse to draft a section of the health framework for consideration by the IQC. This appropriation is related to SB 1165 (Mitchell), Chapter 713, Statutes of 2014, which requires the IQC to consider including

sexual abuse and sex trafficking prevention education in the health framework when it is next revised.

Status of comprehensive sexual health mandate implementation. While the mandate to provide comprehensive sexual health education, including instruction on sex trafficking, has been effective since January 1, 2016, instructional materials aligned to the content required by law will not be adopted until well after the Health Curriculum Framework is completed and adopted in May, 2019.

In the interim, schools are required by law to provide this instruction, and school districts may look to the CDE for guidance on how to meet the requirements of the law. The CDE website currently says only that new legislation has been enacted which will change sexual health education, that the law goes into effect January 1, 2016, and to check back for updates. Another page states that the content is under review.

At least one independent organization has developed curriculum materials and a compliance checklist to assist school districts in meeting the requirements of the law. However, as AB 329 included significant revisions to content and instruction, and as school districts look to the state for guidance, ***the Committee may wish to consider*** whether the state is providing sufficient information to school districts on the requirements of the law.

Recommended amendments. The section proposed to be amended by this bill predates a major reform in sexual health education established by AB 329 (Weber) of the 2015-16 Session (known as the California Healthy Youth Act). That measure requires instruction once in middle and once in high school in a comprehensive list of sexual health topics, including instruction related to sex trafficking.

Human trafficking refers both to sex trafficking and labor trafficking. Amending the California Healthy Youth Act to broaden sex trafficking to human trafficking would accomplish the author's goal of mandating instruction in this topic, while including it in an already mandated part of the curriculum, and would incorporate established requirements related to parental consent, qualifications and training of personnel delivering the instruction, and would provide for the natural integration of this content into the Health curriculum framework in the appropriate grades.

For these reasons, ***staff recommends that this bill be amended*** to move the section proposed to be amended into the California Healthy Youth Act, broadening "sex trafficking" to "human trafficking," and modifying existing law to conform to the requirements of that Act.

Related and prior legislation. AB 329 (Weber), Chapter 398, Statutes of 2015 requires schools to provide comprehensive sexual health education in grades 7-12, and modifies the currently required components of sexual health education and HIV/AIDS prevention education.

SB 1435 (Jackson) Chapter 633, Statutes of 2016 requires, when the health curriculum framework is next revised after January 1, 2017, the Instructional Quality Commission to consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, as specified.

SB 1165 (Mitchell), Chapter 713, Statutes of 2014, requires the IQC to consider including sexual abuse and sex trafficking prevention education in the health framework when it is next revised.

SB 855 (Senate Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2014, created the CSEC Program, which is an optional program for counties that provide funds for expenditures related to the costs of implementing the program, prevention and intervention services related to children who are victims of commercial sexual exploitation.

REGISTERED SUPPORT / OPPOSITION:

Support

3 Strands Global (sponsor)
American Federation of State, County and Municipal Employees, AFL-CIO
California Teachers Association
Children's Advocacy Institute
Court Appointed Special Advocates of Sacramento County
The Lynch Foundation
150+ individuals

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087