

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 12, 2015

3:31 p.m.

MEMBERS PRESENT

Senator Mike Dunleavy, Chair
Senator Charlie Huggins, Vice Chair
Senator Cathy Giessel
Senator Gary Stevens
Senator Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 31

"An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 31

SHORT TITLE: SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

SPONSOR(S): SENATOR(S) GARDNER

01/26/15	(S)	READ THE FIRST TIME - REFERRALS
01/26/15	(S)	EDC, FIN
02/12/15	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR BERTA GARDNER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 31.

THOMAS PRESLEY, Staff
Senator Berta Gardner
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented SB 31 on behalf of the sponsor.

DAVID HOLTHOUSE, representing himself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 31.

JEFF JESSE, Chief Executive Officer

Alaska Mental Health Trust Authority

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 31.

LISA SKILES PARADY, Executive Director

Alaska Council of School Administrators (ACSA) and

Alaska Superintendents Association

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 31 as an unfunded mandate.

TAI MAZE, Superintendent

Lake and Peninsula School District

King Salmon, Alaska

POSITION STATEMENT: Testified in opposition to SB 31 as an unfunded mandate.

JASMINE, representing herself

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 31.

KEVIN SHIPLEY, Superintendent

Kake City School District

Kake, Alaska

POSITION STATEMENT: Testified in opposition to SB 31 as an unfunded mandate.

SARALYN TABACHNIK, Executive Director

AWARE

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 31.

KATHRYN CARPENTER, student representing herself

Department of Alaska Native Studies and Rural Development

University of Alaska - Fairbanks

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 31.

MATT HIRSCHFIELD, Pediatrician

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 31.

TREVOR STORRS, Executive Director

Alaska Children's Trust

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 31.

PATRICK MAYER, Superintendent

Wrangell Public School District

Wrangell, Alaska

POSITION STATEMENT: Testified in opposition to SB 31 as an unfunded mandate.

ROBIN SMITH, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 31.

WASSILIISIA BENNIS, Chief Administrator

Bristol Bay Native Association

Dillingham, Alaska

POSITION STATEMENT: Testified in support of SB 31.

MARILYN CASTEEL, Executive Director

SAFE Women's Shelter

Bristol Bay, Alaska

POSITION STATEMENT: Testified in support of SB 31.

ERIN MERRYIN, Founder

Erin's Law

Chicago, Illinois

POSITION STATEMENT: Testified in support of SB 31.

JACK WALSH, Superintendent

Craig City School District

Craig, Alaska

POSITION STATEMENT: Testified in support of SB 31.

TERRA BURNS, representing herself

Juneau, Alaska,

POSITION STATEMENT: Testified in support of SB 31.

MIKE HANLEY, Commissioner

Department of Education and Early Development (DEED)

Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 31.

DAVE HERBERT, Superintendent
St. Mary's School
St. Mary, Alaska

POSITION STATEMENT: Testified in opposition to SB 1 as an unfunded mandate.

ACTION NARRATIVE

[3:31:30 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Education Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Huggins, Giessel, Gardner, Stevens, and Chair Dunleavy.

SB 31-SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

[3:32:02 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 31. He said it was the first hearing of the bill and he would hold the bill in committee.

[3:32:29 PM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, sponsor of SB 31, introduced her staff, T.J. Presley, noting he has worked extensively on the bill. She mentioned David Holthouse's story which the committee will hear today. She said the bill is a relatively simple effort to try to give children in school the tools to understand when touch is bad or good and when secrets are bad or good. The proposal also ensures that educators will know how to teach the curriculum, as well as recognize signs of distress.

[3:34:07 PM](#)

THOMAS PRESLEY, Staff, Senator Berta Gardner, Alaska State Legislature, presented SB 31 on behalf of the sponsor. He said the legislation was introduced by Representative Tarr in 2014 and received substantial support. The Senate voted unanimously to pass Erin's Law in 2014.

He described Erin's Law, founded by Erin Merryn, a survivor of childhood sexual abuse, and its efforts in all fifty states. Currently, 19 states have adopted Erin's Law and 18 others have introduced, or will introduce, the law this year. Erin's Law mandates school districts to develop a policy to train teachers to detect signs of sexual assault and provide training for children to know what actions they can take when abuse occurs.

The material must be age appropriate and can be developed locally.

He noted a legislative research report and statistics from the Office of Children Services in members' packets. He said the tools in the law give children, parents, and teachers what they need to respond to a traumatic experience like sexual assault. The law empowers children to identify and report offenders and requires mandatory reporting by teachers.

He related since the bill was introduced last year, the Fairbanks North Star Borough School District has voluntarily started its own version of Erin's Law. In members' packets are numerous letters of support from organizations and individuals. The sponsor was overwhelmed by the amount of public support for this bill. The sponsor has invited David Holthouse to share his story of abuse with the committee.

[3:37:23 PM](#)

SENATOR HUGGINS referred to Fairbanks and asked why school districts have to wait to be told to include this curriculum.

MR. PRESLEY said the school district could probably speak to that question.

SENATOR HUGGINS said he and Senator Dunleavy should suggest that the Mat-Su School District do the same as Fairbanks did.

SENATOR GARDNER commented that schools are reluctant to add another mandate, even though they support the concept. She opined that it is among the very most important issues. She wished the opportunity for children to learn what they need to know to protect themselves will happen.

SENATOR HUGGINS expected districts have made their decisions because it is an unfunded mandate and they have no time, but he stressed the importance of the information. He concluded that he did not have a solution.

[3:40:02 PM](#)

SENATOR STEVENS realized that mandatory reporting is not required, but mandatory training is.

MR. PRESLEY noted that mandatory reporting already exists and the bill would complement that requirement.

CHAIR DUNLEAVY said teachers must report if they even suspect sexual abuse. He asked about the fiscal note.

MR. PRESLEY said the bill has a zero fiscal note.

CO-CHAIR DUNLEAVY predicted that there will be a fiscal impact to districts and that there would be testimony as such.

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At ease

[3:42:05 PM](#)

CHAIR DUNLEAVY requested that Mr. Holthouse testify.

DAVID HOLTHOUSE, representing himself, testified in support of SB 31. He shared a personal story about abuse as a child, saying he did not have the tools to deal with a rape when he was seven. He said the perpetrator told him that he had done a bad thing, his dad would spank him if he told, and if he told he would say he was lying, and he would kill him and his parents. Mr. Holthouse pointed out that is typical predator behavior. He said he did not tell for 25 years, at significant cost to his own well-being.

MR. HOLTHOUSE stressed that Erin's Law could have protected him from the assault in the first place. It would have given him the language to describe what happened and who to tell. He maintained that had the schools acknowledged the prevalence of this issue, he would not have felt so alone. He said the loneliness was the worst part of it.

[3:45:44 PM](#)

He recalled a moment in a class in school when he was 16 and the relief he found when the high rate of sexual abuse of children in Alaska was acknowledged. He said Erin's Law should be mandated because it sends a message to predators and to kids.

[3:47:14 PM](#)

JEFF JESSE, Chief Executive Officer, Alaska Mental Health Trust Authority, testified in support of SB 31. He spoke of the science regarding the effects of abuse of children. Some of the less-known effects are an increase in asthma and heart disease. He maintained that the real unfunded mandate is that children aren't taught how to protect themselves and that teachers are not given the tools and resources to help identify abused children. He stated that the law is not trying to put the responsibility of ending sexual abuse on the schools, but rather

help identify the problems. He said he is amazed that the two bureaucratic system that need the most help to do their jobs, and the most difficult to help, are the schools and the Office of Children's Services. Schools have access to community partners that could assist them to identify these kids, such as domestic violence shelters, child advocacy centers, and behavioral health centers. He said he understands the dilemma of why schools "wait until they are told." They do have a lot on their plate. He concluded that the schools need to help educate kids about how to protect themselves and give teachers the tools and resources to help identify abused kids, and avoid the real unfunded mandate of children who will not do well in school or in life and cost a lot more in the long run.

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SENATOR STEVENS asked how teachers would be trained to identify abused children. He wondered if it is a long-term process.

MR. JESSE replied that it is not rocket science; it's looking for behavioral changes like discipline problems and sexualized behavior. The law would provide resources for teachers to use. He asked, "How would I feel if I was a teacher and I did not have this information and I found out later that there were kids in my classes that were being sexually abused? If I had just had some basic information, I might have been able to change that kid's life." He pointed out that abused kids are in a family situation and are not getting the parental training and information that all kids should get.

[3:53:43 PM](#)

LISA SKILES PARADY, Executive Director, Alaska Council of School Administrators (ACSA), and the Alaska Superintendents Association, testified in opposition to SB 31 as an unfunded mandate. She thanked the sponsor and other legislators who have brought forth child sexual abuse in Alaska for discussion and for bringing the bill forward for consideration. She opined that this subject matter of the safety of students is of a critical nature. She noted she understands the statistics and has four daughters.

She stated that superintendents do support the merits of the bill, but are concerned with instructional time and cost. Districts have ten days of professional development per year in which to fit mandated training as well as instructional training. That box is already full. She agreed that this issue may rise to the top in importance. She listed other mandated training topics. She said the bill is an unfunded mandate:

Section 2 of the bill is amended to add a new section that would mandate school boards to provide a K-12 training program and the costs for that would reside with the school district. Though the fiscal note is zero, there is not a zero cost to the district.

[3:57:45 PM](#)

She shared two comments by superintendents who support the merits of the law, but not the unfunded mandate. She said that adding an unfunded mandate during this time of deep cuts is going the wrong direction. She concluded that not all districts have access to resources and support services. She emphasized that the bill should not go forth without the resources to do it right.

[3:59:56 PM](#)

TAI MAZE, Superintendent, Lake and Peninsula School District, testified in opposition to SB 31 as an unfunded mandate. He said as a parent and educator he cannot argue with the intent of the law. He noted his district's budget deficit and overloaded schedule. In light of that situation, he requested funding, resources, and support in order to implement a quality program.

[4:02:33 PM](#)

JASMINE, representing herself, testified in support of SB 31. She shared a personal story about the abuse she and her brother suffered in their home. She talked about the effects of the abuse and the counseling she received from AWARE. She said most kids do not receive help like she did and the law will provide the education they need. It will also help them understand that they are not alone. She noted that many criminals are children from abusive homes who did not receive the help they needed. Erin's Law will educate and prevent future criminals. She concluded that she wishes she and her brother had received this information when they were younger because now her brother is in a facility for depression related to abuse and she might have been able to help him.

SENATOR GARDNER thanked Jasmine and suggested that she did learn how to help.

[4:05:08 PM](#)

KEVIN SHIPLEY, Superintendent, Kake City School District, testified in opposition to SB 31 as an unfunded mandate. He stated support for the merits of the law, but opposed the cost and time the district would have to bear. He noted that the district does not have community partners readily available to

help. He suggested finding a way to implement the program correctly from the start.

4:07:22 PM

SARALYN TABACHNIK, Executive Director, AWARE, testified in support of SB 31. She stated that "knowledge is power" and when kids have knowledge and the information they need to keep themselves safer, they are actually able to do that. This bill which states that districts provide age-appropriate personal safety information to students in grades K-12 provides critical information. It also gives school staff and administrators the ability to recognize the signs of abuse. She said the issue is too important to not figure out solutions to the unfunded mandate. She said she does not have the answer. She concluded that some people have not testified because they could not live with the isolation and shame of their victimization and have taken their lives. The bill gives all school children the knowledge of who, and how, to tell and is a prevention and intervention strategy.

4:09:41 PM

KATHRYN CARPENTER, Student, Department of Alaska Native Studies and Rural Development, University of Alaska - Fairbanks, testified in support of SB 31. She said she is a temporary assistant for needy families with the Bristol Bay Native Association and mother of two young girls. She spoke in support of sharing knowledge with children about safe and unsafe touch. She stated that sexual abuse of children in Alaska is a silent epidemic and crosses race, culture, social economic groups, and religion. Alaska Native children have the highest rates of abuse. She shared statistics of abuse and what might have been prevented if Erin's Law was in effect years ago, such as abuse by priests

She related that DEED directs what constitutes an education in Alaska, and all children should be provided access to Erin's Law in schools because it is the only place to reach all children. She encouraged the committee to consider Erin's Law because it gives children the tools to tell, so the shame and guilt of the trauma and abuse fades.

4:13:06 PM

MATT HIRSCHFIELD, Pediatrician, testified in support of SB 31. He agreed with Mr. Jesse's comments about the effects of abuse. He said abuse puts children at significant risk for long-term health problems like alcoholism, suicide, depression, and heart disease. He noted kids change when abuse happens; behavior

problems can be prevented with intervention. This law will save money to the state by preventing issues caused by behavior and health problems.

[4:15:42 PM](#)

TREVOR STORRS, Executive Director, Alaska Children's Trust, testified in support of SB 31. He thanked the sponsor and all who have worked on the bill. He said Erin's Law transforms an unspeakable issue to one with a voice. He noted the goal at the Alaska Children's Trust is to prevent child abuse and neglect. Erin's Law is true prevention by empowering the community, parents, teachers, and children. It gives a voice to the issue and establishes a safe place for the conversation. The law will establish a norm and will make all aware, and then child abuse will be unacceptable. He agreed the funding is a challenge. He offered that Children's Trust will act as a partner and a funding agent. He concluded that not passing this law will lead to more trauma.

[4:20:29 PM](#)

PATRICK MAYER, Superintendent, Wrangell Public School District, testified in opposition to SB 31 as an unfunded mandate. He thanked the sponsor for bringing the issue of child abuse forward. He opined that student safety is number one in educators' eyes and the content of the law is critical. He said his district's schools are four-star and five-star schools with a premium on instruction time and limited in-service days. He argued that there is no time or money for adding another mandated program. He noted there are community programs available in Wrangell. He questioned the scope of the program and what he could leave out in order to add it.

[4:23:14 PM](#)

ROBIN SMITH, representing herself, testified in support of SB 31. She stated that children with a prior history of sexual victimization are extremely likely to be re-victimized or sexually trafficked. She appreciated the previous testimony of several victims of abuse. She shared characteristics and statistics of abused children. She said Alaska has a very high rate of abuse of children that produces high costs to the state. She described the violation and disruption to normal development of children. She concluded that Governor Walker is in favor of the legislation and it would prevent many future problems and costs.

WASSILIISIA BENNIS, Chief Administrator, Bristol Bay Native Association (BBNA), testified in support of SB 31. She shared

her personal story of sexual abuse. She said she believes that emotional and physical abuse has long-term effects. SB 31 will help provide education and training to stop this abuse. She said she believes in empowering adults and students to speak up about child sexual abuse to give Alaskans the tools to prevent sexual abuse and break the silence. She share BBNA's wellness principles. She requested support for Erin's Law.

4:29:54 PM

MARILYN CASTEEL, Executive Director, SAFE Women's Shelter, testified in support of SB 31. She said, "We are voice of the many students in Bristol Bay that will become one of our statistics as a victim of child sexual abuse this year." She shared statistics and stressed the need to give every child his or her voice. All children need to be educated about child sexual abuse. The bill allows teachers and staff to recognize signs of abuse and know the proper protocols to keep students safe. She described her experience with seeing abuse in Dillingham and the problems of silence.

4:32:41 PM

ERIN MERRYIN, Founder, Erin's Law, testified in support of SB 31. She told her story of sexual abuse. She said what stopped the abuse is when the abuser moved, but then there was another abuser. She said the abuser is often someone who a child knows and trusts. The perpetrators both said to stay silent. She said the abuse finally ended when her sister became a victim and she spoke up. She shared her journey on a destructive path. She stated that she is now using her voice to give children a voice. She believes that if someone had intervened when she was six, she could have been spared years of abuse.

MS. MERRYIN said she is giving children a voice about abuse so they can speak up and tell. She began the mission five years ago in Illinois. Erin's Law is now mandated in Illinois to occur once a year. All pre-K to grade 12 students are taught personal body safety and all staff are trained on sexual abuse prevention and warning signs of abuse and how to handle reporting properly. She said she has made it her mission to have Erin's Law enacted in all fifty states. She said she was in Alaska in 2014, but the law did not pass. Currently, 20 states have passed the law and it is pending in 21 others.

She related that schools say the biggest hurdle is lack of time. She stressed that takes only an hour or two out of a school year. Kids that do not have a voice take up more time in the classroom with unacceptable behavior. She noted that funding is

the other issue that often gets brought up. She countered that there are programs that costs nothing or very little. A school could hire outside staff to come into the schools. Salaried teachers in the schools who are already teaching children could teach the curriculum. There is researched-based curriculum throughout the nation. She cautioned not to put a cost on a child's life.

4:41:40 PM

MS. MERRYNN shared a story of when a police department reported on a child's experience after being educated by Erin's Law. She gave another example of a child who disclosed abuse after a school assembly. She gave examples of the flexibility schools use to deliver the program. She concluded that she hopes Alaska will pass the bill.

4:44:10 PM

JACK WALSH, Superintendent, Craig City School District, testified in support of SB 31. He commented on the compelling testimony today and thanked the sponsor for the legislation. He agreed that protecting children should be a priority in Alaska. He shared his experience in this issue over the last 28 years. He spoke of the training that can serve the students and families. He opined that every school is in support of the effort, but some have issues with expense and time. He recalled the challenges he found in rural Alaska. He concluded that the concerns are significant, but requested that schools not put up road blocks and instead partner with agencies to find solutions. He noted issues with a zero fiscal note saying it does not reflect the impact the bill will have on a district.

4:49:15 PM

TERRA BURNS, representing herself, testified in support of SB 31. She said she is a victim of sex trafficking in Alaska. She related that early abuses in her life were not recognized and resulted in behavior problems. She shared a story of another girl who had a similar experience. She thought Erin's Law would have prevented a lot of trauma for herself and the other girl, but it would also have saved the state hundreds of thousands of dollars in court costs, foster care costs, victims of violent crime compensation funds, and prison costs. She encourage the legislature to prioritize and invest in the safety of Alaska's children.

4:52:10 PM

MIKE HANLEY, Commissioner, Department of Education and Early Development (DEED), answered questions related to SB 31.

CHAIR DUNLEAVY asked for DEED's position on the bill.

COMMISSIONER HANLEY said the department supports the bill.

CHAIR DUNLEAVY requested a response regarding the cost and time-factor for districts.

COMMISSIONER HANLEY said the testimony speaks for itself: districts are being honest about the challenges the bill presents; proponents expressed the cost of not supporting the bill. He said the department is not satisfied with the status quo - there is an epidemic of child abuse in Alaska. He viewed both sides as valid, but maintained that standing up for kids is the way to go.

CHAIR DUNLEAVY asked about mandatory reporting and any other regulations pertaining to child abuse.

COMMISSIONER HANLEY explained that AS 47.17.022 speaks to mandated reporting of child abuse and neglect. All educators are mandatory reporters. He said AS 18.66.310 speaks to continuing education for public employees on domestic violence and does require additional training for mandated reporters. Also, AS 14.33.60 speaks to a curriculum that recommends districts' health education programs include personal safety in the K-12 curriculum. He said there are similarities to Erin's Law, however, health education recommends and does not mandate the curriculum.

[4:55:27 PM](#)

SENATOR GARDNER asked if Erin's Law could fall under the personal safety statute.

COMMISSIONER HANLEY thought there were a lot of similarities, but said Erin's Law speaks to specifics that probably are not addressed in the health curriculum. He suggested that there may be curriculum that Erin's Law could be added to or additional curriculum might be required.

CHAIR DUNLEAVY asked if he has had discussions with other states that have adopted the law.

COMMISSIONER HANLEY said no.

CHAIR DUNLEAVY asked if he has looked at any curriculum that would pertain to Erin's Law.

COMMISSIONER HANLEY said no.

CHAIR DUNLEAVY said it sounds like the curriculum could be expensive or cheap. He noted state law stipulates that districts adopt curriculum. He asked Senator Gardner if she has looked at any curriculum.

SENATOR GARDNER said she has not looked into existing curriculum, but understands that the idea is that districts have flexibility to choose what is appropriate for them. The heart of the issue is "good touch/bad touch, good secrets/bad secrets, and that you can tell and you can be safe." Ensuring safety means that school staff know who to contact.

[4:58:42 PM](#)

CHAIR DUNLEAVY commented that current law provides that suspicion of abuse is reported, not investigated.

He asked if any districts besides Fairbanks have a curriculum in place.

COMMISSIONER HANLEY said he is not aware of any.

CHAIR DUNLEAVY asked if Commissioner Hanley ranks this issue as a high priority.

COMMISSIONER HANLEY replied, in light of the context of Alaska and the protection of children, it is a high priority.

CHAIR DUNLEAVY asked if DEED would consider beginning a list of mandatory regulations to see if any could be pulled off the plate in order to add Erin's Law.

COMMISSIONER HANLEY said that would be a straightforward task to do.

[5:00:56 PM](#)

DAVE HERBERT, Superintendent, St. Mary's School, testified in opposition to SB 1 as an unfunded mandate. He said he supports the content of the bill, however, school districts are too maxed out with providing time and training for more laws. The committee should consider the financial burden on school districts and the time factor. He noted staff are already mandated to report all kinds of child abuse. He suggested eliminating a lesser regulation.

[5:05:11 PM](#)

CHAIR DUNLEAVY agreed that there are merits in the concept of Erin's Law. He requested that DEED get examples of the curriculum used in other states.

He closed public testimony and held SB 31 in committee.

SENATOR HUGGINS thanked the testifiers. He argued for punishment of perpetrators and talked about the high recidivism rate of sexual predators.

[5:08:41 PM](#)

SENATOR GARDNER thanked Chair Dunleavy for the suggestions to the commissioner. She said she knew schools were busy, however, she emphasized that there are thousands of children in Alaska who are suffering and that knowledge gives the state the responsibility to act. The legislature has the power to act. She concluded that there may be more than one way to do the right thing. She said, "The right thing is to protect our kids." She pointed out that a number of the perpetrators were victims, also, and are still victims.

CHAIR DUNLEAVY thanked all the testifiers for speaking about a very difficult topic. He said he hoped to work out the details of the bill. SB 31 was held in committee.

[5:10:47 PM](#)

There being nothing further to come before the committee, Co-Chair Dunleavy adjourned the Senate Education Standing Committee at 5:10 p.m.