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[California Law](#)
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AB-1227 Human Trafficking Prevention Education and Training Act. (2017-2018)

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Assembly Bill No. 1227

CHAPTER 558

An act to amend Sections 51934 and 51950 of the Education Code, and to amend Sections 16524.6, 16524.7, 16524.8, and 16524.9 of the Welfare and Institutions Code, relating to sexual abuse.

[Approved by Governor October 07, 2017. Filed with Secretary of State October 07, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1227, Bonta. Human Trafficking Prevention Education and Training Act.

(1) Existing law, the California Healthy Youth Act, requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education, as specified. Under the act, this instruction includes, among other things, information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

This bill would require that instruction to additionally include information about sexual abuse and to include information about human trafficking instead of sex trafficking. To the extent that this requirement would impose additional duties on school districts, the bill would impose a state-mandated local program.

(2) Existing law authorizes a school district to provide sexual abuse and sex trafficking prevention education, as described, and authorizes the periodic conducting of in-service training of school district personnel relating to sexual abuse and sex trafficking.

This bill would recast those provisions to instead authorize a school district to provide abuse, including sexual abuse, and human trafficking prevention education, and to require the availability and periodic conducting of continuation, rather than in-service, training of school district personnel relating to abuse, including sexual abuse, and human trafficking.

(3) Existing law establishes the Commercially Sexually Exploited Children Program, which is administered by the State Department of Social Services, in order to adequately serve children who have been sexually exploited. The program requires the department, in consultation with the County Welfare Directors Association of California, to develop an allocation methodology to distribute funding for the program. The program authorizes the use of these funds by counties electing to participate in the program for certain prevention and intervention activities and services to children who are victims, or at risk of becoming victims, of commercial sexual exploitation, for the provision of training to county children's services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation, and for the training of county workers and foster caregivers for the prevention and identification of potential victims, as specified.

This bill would amend various provisions of the program to include components relating to education and training, as specified.

Existing law requires a county that elects to receive funds from the program to develop an interagency protocol to be utilized in serving sexually exploited children. Existing law requires the protocol to be developed by a team that includes representatives from specified agencies.

This bill would require that team to include representatives from the county office of education and the sheriff's department, as specified.

Under existing law, the program also requires the department to 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 requires the department to implement these provisions by June 1, 2015.

This bill would extend the requirement that the provision be implemented to June 1, 2018.

(4) This bill would incorporate additional changes to Section 51934 of the Education Code proposed by AB 643 to be operative only if this bill and AB 643 are enacted and this bill is enacted last.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Human Trafficking Prevention Education and Training Act.

SEC. 2. The Legislature finds and declares that to reduce the vulnerability of all children in California to incidents of commercial labor or sexual exploitation and to begin to eradicate human trafficking from the state, it is necessary that the state, schools, and counties implement comprehensive prevention education and training procedures designed to do all of the following:

- (a) Coordinate the efforts of counties, local agencies, and other stakeholders through agreed-upon protocols.
- (b) Train county leadership, administrators, and educators to identify children that have been, or may be at risk of being, exploited and how to proceed when potential victims are identified.
- (c) Teach California's school-age population how to avoid becoming victims of exploitation, and help them understand the problem of human exploitation and learn ways to address the problem through service initiatives.
- (d) Evaluate how the implementation of prevention education and training affect both the incidence of human trafficking and the levels of knowledge and vigilance about the issue.

SEC. 3. Section 51934 of the Education Code is amended to read:

51934. (a) Each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. This instruction shall include all of the following:

- (1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.
- (2) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.
- (3) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to

prevent unintended pregnancy. Instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

(4) Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the federal Centers for Disease Control and Prevention.

(5) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing.

(6) Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others.

(7) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and the only way to know if one is HIV-positive is to get tested.

(8) Information about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence.

(9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following:

(A) Parenting, adoption, and abortion.

(B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(C) The importance of prenatal care.

(10) Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, sexual abuse, and human trafficking. Information on human trafficking shall include information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.

(b) A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (10), inclusive, of subdivision (a).

SEC. 3.5. Section 51934 of the Education Code is amended to read:

51934. (a) Each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. This instruction shall include all of the following:

(1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.

(2) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.

(3) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction shall provide information about the value of delaying sexual activity

while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

(4) Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the federal Centers for Disease Control and Prevention.

(5) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing.

(6) Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others.

(7) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and the only way to know if one is HIV-positive is to get tested.

(8) Information about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence.

(9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following:

(A) Parenting, adoption, and abortion.

(B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(C) The importance of prenatal care.

(10) Information about sexual harassment, sexual assault, sexual abuse, and human trafficking. Information on human trafficking shall include information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.

(11) Information about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof.

(b) A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (11), inclusive, of subdivision (a).

SEC. 4. Section 51950 of the Education Code is amended to read:

51950. (a) A school district may provide abuse, including sexual abuse, and human trafficking prevention education.

(b) For purposes of this section, "abuse, including sexual abuse, and human trafficking prevention education" means instruction on the prevalence and nature of abuse, including sexual abuse, and human trafficking, strategies to reduce risk, techniques to set healthy boundaries, and how to safely seek assistance.

(c) A parent or guardian of a pupil shall have the right to excuse his or her child from all or part of abuse, including sexual abuse, and human trafficking prevention education, and assessments related to that education, consistent with Section 51938.

(d) The department may make available on the department's Internet Web site information about the education described in this section, resources on abuse, including sexual abuse, and human trafficking prevention for professional learning purposes, and relevant materials for parents, guardians, and other caretakers of pupils.

(e) A school district is encouraged to collaborate with its county's child welfare probation, mental health, public health, and sheriff's departments, juvenile court, and office of education on intervention programs for pupils and other minors.

(f) As part of satisfying the requirements of Section 51934 that education be provided by instructors trained in the appropriate courses, as defined in Section 51931, continuation training shall be available and conducted periodically to enable school district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking, and to receive instruction on current prevention efforts and methods. A school district is encouraged to include training on early identification of abuse, including sexual abuse, and human trafficking of pupils and other minors.

SEC. 5. Section 16524.6 of the Welfare and Institutions Code is amended to read:

16524.6. The Legislature finds and declares that in order to reduce the vulnerability of all children in California communities to incidents of commercial sexual exploitation, and adequately serve children who have been sexually exploited, it is necessary that counties develop and utilize a multidisciplinary team approach to early identification, prevention education, case management, service planning, and provision of services, and that counties develop and utilize interagency protocols to ensure services are provided as needed to this population.

SEC. 6. Section 16524.7 of the Welfare and Institutions Code is amended to read:

16524.7. (a) (1) There is hereby established the Commercially Sexually Exploited Children Program. This program shall be administered by the State Department of Social Services.

(2) The department, in consultation with the County Welfare Directors Association of California, shall develop an allocation methodology to distribute funding for the program. Funds allocated pursuant to this section shall be utilized to cover expenditures related to the costs of implementing the program, prevention and intervention services, and training related to children who are, or may become, victims of commercial sexual exploitation.

(3) (A) Funds shall be provided to counties that elect to participate in the program for the provision of training to county children's services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation and trafficking, as applicable, and to foster caregivers for the prevention and identification of potential victims.

(B) The department shall contract to provide training for county workers and foster caregivers. Training shall be selected and contracted for in consultation with the County Welfare Directors Association, county children's services representatives, and other stakeholders. The department shall consult and collaborate with the California Community Colleges Chancellor's Office to provide training for foster parents of licensed foster family homes.

(4) Funds provided to the counties electing to participate in the program shall be used for prevention activities, which includes training county workers, intervention activities, and services to children who are victims, or at risk of becoming victims, of commercial sexual exploitation. These activities and services may include, but are not limited to, all of the following:

(A) Educating foster children to help recognize and help avoid commercial sexual exploitation. Counties may target educational activities to foster children who are at higher risk of commercial sexual exploitation.

(B) Engaging survivors of commercial sexual exploitation to do all of the following:

(i) Provide support to county staff who serve children who are victims of commercial sexual exploitation.

(ii) Participate in activities that may include education, training, and technical assistance.

(iii) Serve as advocates for and perform outreach and support to children who are victims of commercial sexual exploitation.

(C) Consulting and coordinating with homeless youth shelters and other service providers who work with children who are disproportionately at risk of, or involved in, commercial sexual exploitation, including, but not limited to, lesbian, gay, bisexual, and transgender youth organizations, regarding outreach and support to children who are victims of commercial sexual exploitation.

(D) Hiring county staff trained and specialized to work with children who are victims of commercial sexual exploitation to support victims and their caregivers, and to provide case management to support interagency and cross-departmental response.

(E) Providing supplemental foster care rates for placement of child victims of commercial sexual exploitation adjudged to be within the definition of Section 300, to foster homes, relatives, foster family agency certified homes, or other specialized placements for the increased care and supervision needs of the victim in accordance with Section 11460.

(b) Funds allocated for the program shall not supplant funds for existing programs.

(c) (1) In order to ensure timely access to services to which commercially sexually exploited children are entitled as dependents in foster care, in participating counties, county agency representatives from mental health, probation, public health, and substance abuse disorders shall participate in the case planning and assist in linking commercially sexually exploited children to services that serve children who are in the child welfare system and that are identified in the child's case plan and may include other stakeholders as determined by the county.

(2) The entities described in paragraph (1) shall provide input to the child welfare services agency regarding the services and supports needed for these children to support treatment needs and aid in their recovery and may assist in linking these children to services that are consistent with their county plans submitted to the department pursuant to subdivision (d).

(d) (1) A county electing to receive funding from the Commercially Sexually Exploited Children Program pursuant to this chapter shall submit a plan describing how the county intends to utilize the funds allocated pursuant to paragraph (4) of subdivision (a).

(2) (A) The county shall submit a plan to the department pursuant to a process developed by the department, in consultation with the County Welfare Directors Association. The plan shall include documentation indicating the county's collaboration with county partner agencies, educational entities, and children-focused entities, which shall include the formation of a multidisciplinary team to serve children pursuant to this chapter.

(B) A multidisciplinary team serving a child pursuant to this chapter shall include, but is not limited to, appropriate staff from the county child welfare, probation, mental health, substance abuse disorder, and public health departments. Staff from a local provider of services to this population, local education agencies, and local law enforcement, and survivors of commercial sexual exploitation and trafficking may be included on the team.

SEC. 7. Section 16524.8 of the Welfare and Institutions Code is amended to read:

16524.8. (a) (1) Each county electing to receive funds from the Commercially Sexually Exploited Children Program pursuant to this chapter shall develop an interagency protocol to be utilized in serving sexually exploited children. The county protocol shall be developed by a team led by a representative of the county human services department and shall include representatives from each of the following agencies:

(A) The county probation department.

(B) The county mental health department.

(C) The county public health department.

(D) The juvenile court in the county.

(E) The county office of education.

(F) The county sheriff's department.

(2) The team may include, but shall not be limited to, representatives from local education agencies, local law enforcement, survivors of sexual exploitation, and other providers as necessary.

(b) At a minimum, the interagency protocol shall address the provision of services to children who have been sexually exploited and are within the definition of Section 300, including, but not limited to, the use of a multidisciplinary team approach to provide coordinated case management, service planning, and services to these children.

(c) Counties that developed a protocol prior to the inclusion of county offices of education and county sheriff's departments as required partners pursuant to this section may, but are not required to, revise protocols to

reflect input by these entities.

SEC. 8. Section 16524.9 of the Welfare and Institutions Code is amended to read:

16524.9. (a) The State Department of Social Services, in consultation with the County Welfare Directors Association, shall ensure that the Child Welfare Services/Case Management System is capable of collecting data concerning children who are commercially sexually exploited, including children who are referred to the child abuse hotline and children currently served by county child welfare and probation departments who are subsequently identified as victims of commercial sexual exploitation.

(b) The department shall disseminate any necessary instructions on data entry to the county child welfare and probation department staff.

(c) The department shall implement this section no later than June 1, 2018.

SEC. 9. Section 3.5 of this bill incorporates amendments to Section 51934 of the Education Code proposed by both this bill and Assembly Bill 643. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 51934 of the Education Code, and (3) this bill is enacted after Assembly Bill 643, in which case Section 3 of this bill shall not become operative.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.