
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1861 **Hearing Date:** June 6, 2018
Author: Rodriguez
Version: March 13, 2018
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Pupil instruction: human trafficking: use of social media and mobile device applications.

SUMMARY

This bill adds information on how social media and mobile device applications are used for human trafficking to the required comprehensive sexual health education and HIV prevention education instruction on human trafficking for pupils in grades 7 to 12.

BACKGROUND

Existing law:

- 1) Requires each school district to 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. (Education Code § 51934)
- 2) Requires each pupil to receive comprehensive sexual health education and HIV prevention education instruction at least once in junior high or middle school and at least once in high school. (EC § 51934)
- 3) Requires the comprehensive sexual health education and HIV prevention education instruction to include, among other topics related to HIV and reproduction, information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking. (EC § 51934)
- 4) Requires the Instructional Quality Commission (IQC), when the “Health Framework for California Public Schools” (health framework) is next revised after January 1, 2017, to consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, which shall be age and developmentally appropriate and consistent with the health education standards adopted by the State Board of Education. (EC § 33546)
- 5) Requires the IQC, if it includes comprehensive information on the development of healthy relationships in the health framework, to comply with both of the following:
 - a) Ensure information included in the health framework is research-based and appropriate for pupils of all races, genders, sexual orientations,

gender identities, and ethnic and cultural backgrounds. This may include, but shall not be limited to, reviewing other states' curricula.

- b) Consult with teachers and educators with expertise in a curriculum for developing healthy relationships. (EC § 33546)
- 6) Specifies, for purposes of (5) and (6) above, that the development of healthy relationships includes, but is not limited to, all of the following:
- a) Understanding the principles of treating one another with respect, dignity, and kindness.
 - b) Demonstrating the ability to use interpersonal communication skills to address and resolve disagreement and conflict.
 - c) Recognizing when and how to respond to dangerous or other situations that may result in the bullying, harassment, harming, or hurting of another person. (EC § 33546)

ANALYSIS

This bill adds information on how social media and mobile device applications are used for human trafficking to the required comprehensive sexual health education and HIV prevention education instruction on human trafficking for pupils in grades 7 to 12.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "According to the US Department of Justice, there are nearly 2 million children worldwide exploited in global sex trades. American children are at risk of being trafficked for commercial sex and forced labor every day, with about 100,000-300,000 being trafficked every year.

Technological and social media advances have given traffickers, otherwise known as "groomers," the ability to lure and exploit a greater number of children and teenagers into human trafficking circles through online mass messaging, versus luring victims individually on the streets.

Traffickers worldwide quickly adapt to the latest social media trends that are most popular with youth, making it easier to identify victims who are depressed, socially isolated, have poor self-esteem, or have little to no supervision, through what they share on social media. This vulnerable population is more susceptible to the deceit of those who attempt to traffic them, and on average are between the ages of 12-14. In addition, human trafficking is a \$150 billion-a-year global industry. In the US alone, it generates \$9.8 billion a year.

In an effort to raise awareness of human trafficking, in 2017, the Governor signed legislation regarding education on human trafficking awareness and prevention in mandated sexual health education courses that take place in middle and high school. AB 1861 would further this by ensuring social media use is addressed with students.

- 2) ***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:
- a) Develop, adopt, enforce, and implement a policy to address child trafficking.
 - b) Make sure all school personnel are properly trained on the policy.
 - c) Make certain campus security is in place so that all visitors are screened.
 - d) 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.
 - e) Assess the environmental structure and take every possible step to help make it safe.
 - f) Partner with local law enforcement experts to provide a parent awareness program on the dangers and warning signs of child sex trafficking.
 - g) Partner with local law enforcement agencies to protect the routes that students use to travel to and from schools.
- 3) ***Technology-facilitated human trafficking.*** As noted in the Assembly Education Committee’s analysis, “Although empirical research on the use of technology in human trafficking is sparse, anecdotal accounts have raised enough concern to prompt issuance of multiple reports on the topic. From 2011 through 2015, the University of Southern California’s Annenberg Center on Communication and Leadership Policy released three reports that summarize existing research on the use of technology in human trafficking: “Human Trafficking Online,” “The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking,” and “Technology and Labor Trafficking in a Network Society.” The authors define “technology” as communication technologies that allow users to exchange digital information over various networks, including the Internet, online social networks, and mobile phones. They state that the use of online technologies has increased rapidly over

the past several years, such that 79 percent of the population uses the Internet and nearly half use at least one social networking site. The authors further report that the pervasive use of online networking provides traffickers with unprecedented opportunities to connect with, groom, and exploit greater numbers of victims, while at the same time allowing traffickers to maintain anonymity and escape prosecution.

The authors claim that while it is difficult to measure the exact number of persons exploited by traffickers using technology, a small number of studies, in addition to interviews with law enforcement and analyses of phone numbers associated with online classified advertising, demonstrate the role of technology—particularly mobile phones—in human trafficking. Research revealed that in 2006, there were an estimated 569 arrests for Internet-facilitated commercial sexual exploitation of children in the United States, and that 36 percent of these cases involved persons who used the Internet to purchase or sell access to children. Websites and social networking applications that have been used by prosecuted traffickers include Facebook, Twitter, Craigslist, and Backpage.”

- 4) ***Health curriculum framework under revision.*** The state’s health framework was last revised in 2003. It does not reflect the state’s health content standards, which were adopted in 2008. The California Department of Education (CDE’s) Web site notes that the sections on family living are inconsistent with current law.

Work on revising 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).

The health curriculum framework revision is now underway, and final adoption by the State Board of Education 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 held meetings between May 2017 and January 2018.

The Budget Act of 2016 included \$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 Instructional Quality Commission (IQC). The 2016 Budget also included \$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.

The IQC approved the Draft Health Education Framework for public review and comment on March 23, 2018, including an entire appendix specific to sex trafficking. As it relates to sex trafficking and technology, the approved draft includes the following language relating to identifying potential recruiting activities: “In addition to identifying areas on school campuses, online recruitment

and internet safety should also be addressed. Students and staff can continue to work collaboratively to identify unsafe social media apps and websites to increase safety and awareness.”

- 5) ***Previous legislation.*** AB 1868 (Cunningham, 2018) Authorizes school districts to provide instruction, as part of comprehensive sexual health education, on the potential risks and consequences of creating and sharing sexually-suggestive or explicit materials through cell phones, social networking sites, computer networks, or other digital media. AB 1868 is scheduled to be heard in this committee on June 13, 2018.

AB 1227 (Bonta and Low, Chapter 558, Statutes of 2018) adds information on human trafficking to the required comprehensive sexual health education and HIV prevention education instruction on sexual harassment, sexual assault, adolescent relationship abuse and intimate partner violence for students in grades 7-12. AB 1227 also expands the scope of the Commercially Sexually Exploited Children Program to include children who may become victims of commercial sexual exploitation.

AB 643 (Frazier, Chapter 574, Statutes of 2018) adds information on the early warning signs of adolescent relationship abuse and intimate partner violence to the required comprehensive sexual health education and HIV prevention education instruction on adolescent relationship abuse and intimate partner violence for pupils in grades 7 to 12.

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 the Instructional Quality Commission (IQC), when the health curriculum framework is next revised after January 1, 2017, 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 Commercial Sexual Exploitation of Children 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.

SUPPORT

California School Boards Association
California Teachers Association
Common Sense Kids Action
Jewish Pacific Affairs Committee of California (JPAC)
Junior League of San Diego
Junior Leagues of California State Public Affairs Committee
Los Angeles County Professional Peace Officers Association
Love Never Fails
Lynch Foundation for Children
National Association for Missing and Exploited Children (NAMEC)
Pomona Police Department
Saved in America

OPPOSITION

Department of Finance

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