

ERIN'S LAW

"Erin's Law" was created by survivor Erin Merryn and requires that all public schools in each state implement a prevention-oriented child sexual abuse curriculum which teaches:

- Students in grades pre-K - 12th grade age- appropriate techniques to recognize child sexual abuse and tell a trusted adult
- School personnel all about child sexual abuse
- Parents and guardians the warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families.

States that have passed Erin's Law (in this order):

1. Vermont (State Board of Education has been requiring this since 2009)	13. New Hampshire	24. Alabama
2. Illinois	14. Connecticut	25. Alaska
3. Missouri	15. Louisiana	26. Maryland
4. Indiana	16. South Carolina	27. Delaware
5. Maine	17. Pennsylvania	28. North Dakota
6. Michigan	18. Rhode Island	29. Montana
7. Arkansas	19. California	30. Minnesota
8. Mississippi	20. West Virginia	31. Texas
9. Nevada	21. Oklahoma	32. Wyoming
10. New Mexico	22. Colorado	33. Washington
11. Utah	23. Oregon	34. Virginia
12. Tennessee		35. Georgia
		36. New Jersey
		37. New York

Erin's Law has shown immense success: In Texas, educators increased their reporting of child sexual abuse by 283 percent in the year following its implementation, according to a survey of 79,644 public school staff in 2015.

From the NY Department of Education:

- Erin's Law passed in NY in August 2019, which became the 37th state to pass Erin's Law
 - **The Actual Law** → Chapter 187 of the Laws of 2019 (available [here](#))
 - § 803-b) "Courses of study in prevention of child sexual exploitation

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and child sexual abuse” requiring all pupils in grades K-8 in New York public schools to “receive instruction designed to prevent child sexual exploitation and child sexual abuse. Such program shall be defined by the commissioner in regulations after consultation with the department of health and be designed to educate students, parents, and school personnel about the prevention of child sexual exploitation and child sexual abuse” in K-8. “Such program shall include, but not be limited to students and parents.... the commissioner may provide technical assistance to assist in the development of curricula for such courses and shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information, self-confidence and support to aid in the prevention of child sexual exploitation and child sexual abuse.”

- § 3. This act shall take effect on [July 1, 2020]
- Commissioner of Education, Betty A. Rosa, sent “Guidance” to public schools on 10/29/2020 (available [here](#))
 - The New York State Education Department recommends that educators bolster any existing curriculum offered on this topic in accordance with the existing NYS standards for health education to fully comply with the intent of Erin’s Law. School districts are required to teach students about sexual abuse in K-8.
 - Refers schools to resources available [here](#)
 - Includes a chart of various third-party organizations that provide comprehensive training models that schools are recommended to fulfill the Erin’s Law requirement
 - Refers parents to further resources available [here](#):
 - Includes a chart of various third-party organizations that provide books, lesson plans, and center recommendations to families that wish to implement their own training at home
- The NY Department of Education also indicates benchmark recommendations per grade with available resources. For example:
 - **K-Grade 2 objectives**: Students will be able to recognize healthy and unhealthy relationships; Students will understand that abuse can occur in any relationship; Students will understand that their body is theirs and it deserves respect as well as know that some parts of their body are private; Students will be able to identify and define whether a touch is a “comfortable”, “uncomfortable” or “confusing” touch; Students will be able to understand how to refuse uncomfortable touches; Students will be able to comprehend “No, Go and Tell.”; Students will know what keeps them safe when on the Internet; including not sharing personal information; Students will be able to identify by name two trusted adults who can help with any issues or problems, or identify a safe adult if lost,

hurt, or in need of help; Students will be able to identify the difference between a safe and unsafe secret, when there is an unsafe secret, they must tell a trusted adult; Students will be able to identify adults that they can trust and talk to about uncomfortable touch or unsafe secrets; Students will be aware of unknown individuals who claim to know the child or his/her family; Students will be able to understand that abuse, including exploitation, is never the student's fault.

- **Grade 7-Grade 8 Objectives:** Students will be able to recognize healthy and unhealthy relationships, including romantic relationships; Students will understand how to set personal boundaries and limits on relationships and honor the boundaries of others; Students will understand that abuse can occur in any relationship and understand the various types of manipulations and lures; Students will understand they can stand up for themselves and say "no" without feeling guilty; Students will be able to help a friend who is in a potentially abusive situation find a trusted adult; Students will be able to identify abuse that may occur in person and online: physical, sexual, emotional, and neglect; Students will identify safe adults and peers or seek professional help such as help/abuse lines, counselors, etc.; Students will understand the risk caused by sending, requesting, and/or sharing inappropriate materials; Students will be able to understand the importance of keeping personal information private while online; Students will know what keeps them safe when on the Internet by refusing to post, send, or forward inappropriate images of self or others and know how to set privacy settings on social media; Students will understand that abuse, exploitation, and trafficking, is never the student's fault and help is available.
- Erin's Law Frequently Asked Questions from NYS Department of Education:
 - **Which teachers are suggested or required to teach about sexual abuse and exploitation?**
 - *For students who are in K-6, elementary classroom teachers, guidance and school counselors, social workers, or another trained professional may teach about sexual abuse and exploitation. For seventh and eighth-grade students, it is recommended that it be embedded within health instruction. A health teacher, social worker, school counselor or another trained professional can teach about these subjects in middle school.*
 - **Can parents opt their children out of activities and lessons related to Erin's Law?**
 - *No, parents are unable to opt out of this requirement. Since*

curriculum is locally decided, schools have options on how to teach these types of classes and can tailor their approach for students as needed.

- The National Conference of State Legislatures compares the language of Erin's Law across the states that have passed it. Highlights:
 - **California: Cal. Educ. Code § 51900.6** – same general language as NY in terms of requirements, but includes grades K-12, and “upon written request of the pupil's parent or legal guardian, a pupil in kindergarten or grades 1 to 12, inclusive, shall be excused from taking instruction in sexual abuse and sexual assault awareness and prevention established pursuant to this section.”
 - **Connecticut: Conn. Gen. Stat. Ann. § 17a-101q** – more specific language in the actual law such as aiming to teach children K-12 “(A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders”
 - **States that must create a task force for Erin's Law:**
 - **Illinois:** “The Task Force on the Prevention of Sexual Abuse of Children is created. The Task Force shall establish strategies for reducing child sexual abuse throughout Illinois. The task force consists of nine members appointed as follows: (1) five members appointed by the governor; (2) one member appointed by the President of the Senate; (3) one member appointed by the Minority Leader of the Senate; (4) one member appointed by the Speaker of the House of Representatives; (5) one member appointed by the Minority Leader of the House of Representatives. Members of the task force must be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members must reflect the geographic diversity of the state. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer. The task force shall establish strategies for reducing child sexual abuse in Illinois. In establishing those strategies, the task force shall: (1) gather information concerning child sexual abuse throughout the state; (2) receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; (3) create goals for state policy that would prevent child sexual abuse; and (4) submit a final report with its final strategic goals and plans to the Office of the Governor and the State Legislature by April 30, 2011.”
 - **Guam:** “The task force is to include representatives from the courts, the departments of public health and social services, mental

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health and substance abuse, education, and law enforcement, the attorney general's office and others. The task force is to gather information about child sexual abuse throughout Guam, make recommendations and create goals for local policy to prevent child sexual abuse, and submit a report on its recommendations to the legislature. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among government of Guam agencies, community-based organizations, and other public and private organizations. The task force may recommend policies such as providing an age-appropriate curriculum for students in prekindergarten through fifth grade, offering training for school personnel on child sexual abuse, providing educational information for parents or guardians on the warning signs of child abuse and providing any needed assistance or referral, counseling and resources to students affected by sexual abuse and educational and emotional support to child victims of abuse to allow them to be successful in school."

- **Maine:** "The task force shall 1. Gather information concerning child sexual abuse throughout the State; 2. Receive reports and testimony from individuals, state and local agencies, community-based organizations and other public and private organizations; and 3. Recommend policies to prevent and address sexual abuse of children, including age-appropriate curricula for students in prekindergarten to grade 5; methods for increasing teacher, student and parent awareness of issues regarding sexual abuse of children, including warning signs indicating that a child may be a victim of sexual abuse; actions that a child who is a victim of sexual abuse may take to obtain assistance and intervention; and available counseling options for children affected by sexual abuse"
- **Nevada:** "Authorizes the Task Force to recommend a policy that includes educating persons who are associated with children about the sexual abuse of children and providing support services to children in this State who may be affected by sexual abuse."
- **Arkansas:** "(1) Gather information concerning the prevalence of child sexual abuse throughout Arkansas; (2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; (3) Make recommendations to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Education concerning evidence-based ways to prevent child sexual abuse through education; and (4) Make recommendations to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Education regarding curricula directed at preventing

child sexual abuse through education.”

- **Washington:** “The task force comprises: (a) The director of the department of early learning or the director's designee; (b) The superintendent of public instruction or the superintendent's designee; (c) The attorney general or the attorney general's designee; (d) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; (e) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; (f) One representative of a state association of principals; (g) One teacher selected by the largest union of teachers in the state; (h) One teacher selected by the office of the superintendent of public instruction; and (i) One representative of a state association of school counselors. (2) The task force must choose or develop a model curriculum for the prevention of sexual abuse for students from kindergarten through twelfth grade and make implementation recommendations to the appropriate committees of the legislature by December 1, 2016. The model curriculum must: (a) Be evidence-based; (b) Be age-appropriate and culturally sensitive; (c) Include a professional training component for administrators, teachers, and other school staff on talking to students about child sexual abuse prevention, the effects of sexual abuse on children, handling disclosures, and mandatory reporting; (d) Include a component that encourages parental involvement in child sexual abuse prevention; and (e) Allow school districts the flexibility to determine when and how the curriculum is offered to students.”
- **West Virginia:** “The task force shall consult with employees of the Bureau for Children and Family Services, the Division of Justice and Community Services, the West Virginia State Police, the State Board of Education, and any other state agency or department as necessary to accomplish its responsibilities under this section. (g) Task force members serve without compensation and do not receive expense reimbursement.”

New York's Problematic Engagement with Erin's Law and other relevant legislation:

New York passed Erin's Law on July 1st, 2019, with an 'in effect' date of July 1st, 2020. According to this passed law, public schools were meant to implement a prevention-oriented child sexual abuse and exploitation program for students and parents grade K-8. However, this goal is failing for several reasons. According to the statutory language, while the program shall be "...designed to educate students, parents and school personnel...such program shall include, but not be limited to students and parents...'

First, the act passed does not comply with the Erin's Law requirement that the prevention education be provided to children in grades K-12. In the language of NY's legislation, the state is already disserving Erin's Law by only required K-8 prevention education. NY fails to include this training in high schools, as Erin's Law originally intended. The reason for this is unclear. However, teenage students are suffering from this omission as they are not engaging with this pertinent curriculum.

Second, the act itself, while already not in compliance with Erin's Law, is painfully vague. The legislation calls for K-8 public schools to disseminate "courses of study in prevention of child sexual exploitation and child sexual abuse." The bill continues in ambiguity, stating that this "curricula...shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information, self-confidence and support to aid in the prevention of child sexual exploitation and child sexual abuse." However, this bill provides absolutely no specific plan, concrete pedagogy, or language that could guide

schools. Especially considering the more exact language employed by other states including definitive requirements, task forces, and implementation techniques, the bar for satisfying Erin's Law in NY is low. With this, NY public schools could teach K-8 students the bare minimum and still technically be following this law's language. Meanwhile, students may be deriving little benefit.

Third, even if NY schools fail to meet this very low standard by failing to engage *at all* with students, they will not be sanctioned anyway. There is no indication whatsoever as to the act's enforceability. Moreover, there is no general reporting database enacted in which schools can relay to the state that they did (or did not) satisfy Erin's Law. Thus, there is no way to know which schools are teaching the required curriculum and which are not. One benefit of NY's version of Erin's Law, which unfortunately becomes a moot point, is that parents cannot opt out their children (whereas in states like California, parents may do so). However, NY parents not having this option may not matter when the coursework is either not being taught at all or is being taught at the lowest level.

Megan Dudziak, the Education and Outreach Coordinator at Best Self Child Advocacy Center in Buffalo, comprehensively studies Erin's Law. Dudziak is a provider of Megan's law mandated curriculum in local schools. According to Ms. Dudziak, historically, schools were slow to implement the law, using COVID-19 as a cause of delay. Ms. Dudziak has noticed some schools attempting to incorporate it yet failing, while other schools respond with significant pushback to the curriculum's incorporation.

Ms. Dudziak has observed that some schools will only give a 30-minute presentation on the guided topics, and that will be it. Unfortunately, this may comply with the vague language of the statute. For the schools that have resisted incorporating the Erin's law curriculum, Ms. Dudziak hypothesizes that this opposition exists for several reasons. First, schools don't have the time to incorporate this curriculum into their already full day of school. Second, even if they did have the time, the subject matter is an uncomfortable one that staff may feel awkward teaching. Third, even if schools did have the time and did feel comfortable teaching this topic, schools are ill-equipped to do so because of NY's lack of guidance. The Department of State has shared several third-party resources available on their website, but otherwise the specifics of satisfying Erin's Law are unclear. Accordingly, schools may not feel the need to incorporate it when they don't know what they're meant to be teaching.

Ms. Dudziak wonders whether litigation against a school for failing to provide the mandated curriculum may be what pushes all schools to implement the statutorily required curriculum.

Two other laws relate to "Erin's Law"

First, Jenna Quinn's Law. Jenna Quinn has been an outspoken advocate for survivors of child sexual abuse. Jenna's Law, first passed in Texas in 2009, was the first child sexual abuse prevention law in the U.S. that mandates K-12 trainings for students and

school staff. It was amended in 2017 to include sex trafficking prevention education in schools. More than half of all states have adopted a form of Jenna's Law. New York passed Jenna's Law in 2019; however, NY did so with the same bill that they call "Erin's Law," available [here](#). With this double-dipping, NY fails to meet Jenna's Law requirements as well as "Erin's Law" requirements. This failure occurs in two ways. First, as stated, NY's law only requires the prevention education in K-8 grades; however, Jenna's law – like Erin's – requires the curriculum in K-12. Second, according to Jenna's law requirements, teachers and staff are intended to undergo targeted training; however, that obligation is not in NY's version of this law. Therefore, the NYS Law that is attempting to satisfy both Erin's Law and Jenna's Law is failing both.

Second, the proposed New York's Youth Deserve Comprehensive Sexual Education A.6616 Nolan/S.2584A Brouk, would create age-appropriate comprehensive sex education programs focused on healthy relationships, bullying, consent, and sexual health in K-12 public schools. Further, it would provide resources for school implementation and the state's department of education could monitor school compliance. This bill would teach about bodily autonomy, consent, empathy and respect, how to get help for abuse or harassment, and promote inclusion by teaching sexual orientation and gender identity. However, one downfall of this seemingly promising bill is that parents will have an opt-out provision in which they can exclude their child from the curriculum. As of this writing, this bill is in committee.

The Kari Gorman Act

The Kari Ann Gorman Act, a New York State bill which would mandate dating violence prevention curriculum for grades 7-12 in schools across the state, has not been enacted. The bill was introduced by State Sen. George Maziarz in 2009.

[The Actual Law](#) → Sponsor of this bill: Former Senator Kathy Marchione

- "It is the intent of the legislature to enact legislation that would require each school district to establish a policy for responding to incidents of dating violence and to provide dating violence education to students, parents, staff, faculty and administrators, in order to prevent dating violence and to address incidents involving dating violence... each school district shall incorporate dating violence education that is age-appropriate into the annual health curriculum framework for students in grades 7-12 [including]... defining dating violence, recognizing dating violence warning signs and characteristics of healthy relationships." Schools shall also, by Dec 1, 2018, "establish a specific policy to address incidents of dating violence" at the school. This policy shall include "a statement that dating violence will not be tolerated, guidelines to responding to at-school incidents of dating violence and discipline procedures specific to such incidents." Further, "all administrators, teachers, nurses and mental health staff" must be provided dating violence training."

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Senate Bill S3909A

2015-2016 Legislative Session

Requires dating violence education and dating violence policies in school districts, board of cooperative educational services and county vocational education and extension boards

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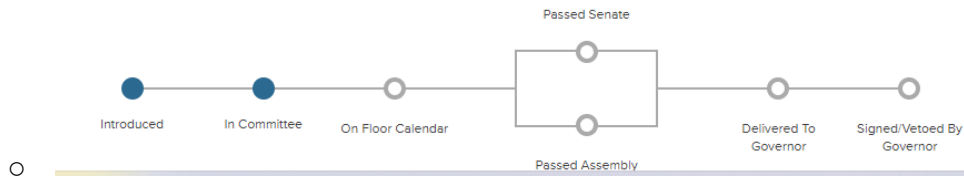


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Other relevant bills concerning Teen Dating Violence:

NY	S00757	Intro 25%	Relates to the creation of a school-based teen dating violence prevention program designed to be incorporated into a school district's existing health curriculum to prevent and reduce the incidence and prevalence of teen dating violence. [Detail] [Text] [Discuss]	2022-01-05 To Senate Education Committee
NY	A01209	Intro 25%	Relates to the creation of a school-based teen dating violence prevention program designed to be incorporated into a school district's existing health curriculum to prevent and reduce the incidence and prevalence of teen dating violence. [Detail] [Text] [Discuss]	2022-01-05 To Assembly Education Committee
NY	S04909	Intro 25%	Relates to teen dating violence education programs; requires school districts to create policies, procedures and guidelines to implement education programs for students in kindergarten through twelfth grade to prevent, deter and address incidents of ... [Detail] [Text] [Discuss]	2022-01-05 To Senate Education Committee

- [S00757](#) → Relates to the creation of a school-based teen dating violence prevention program designed to be incorporated into a school district's existing health curriculum to prevent and reduce the incidence and prevalence of teen dating violence. Currently in the Senate Committee of Education.
 - Sponsor: Sen. Alessandra Biaggi
 - [A01209: Assembly Version](#) (currently in the assembly)
 - Sponsors: A.M. Amy Paulin; A.M. Richard Gottfried; A.M. Colin Schmitt
- [S04909](#) → Relates to teen dating violence education programs; requires school districts to create policies, procedures, and guidelines to implement education

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programs for students in kindergarten through twelfth grade to prevent, deter and address incidents of teen dating violence; defines teen dating violence. Currently in the Senate Education Committee

- Sponsors: Sen. Andrew Lanza; Sen. Mario Mattera

NY and the Kari Gorman Act

Research shows that the original Kari Gorman Act was renamed/renumbered in 2019/2020 to AO2388, and sponsored by Assemblymember Monica Wallace. The bill is currently in committee.