



STATE AND FEDERAL LEGISLATIVE EFFORTS TO PREVENT CHILD SEXUAL ABUSE:

A Status Report

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for
Prevent Child Abuse America**

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In preparing this report every effort was made to secure the latest and most accurate information about current child sexual abuse prevention legislation. Readers are encouraged to inform us about developments in their states so that we may update this Status Report in the future.

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Executive Summary

Prevent Child Abuse America and its network of State Chapters in 50 states and Healthy Families Home Visiting programs in 625 sites are deeply committed to preventing the abuse of children before it can ever occur.

This Status Report on State and Federal Legislative Efforts to Prevent Child Sexual Abuse is an addition to the resources of the National Technical Assistance Center for Child Sexual Abuse Prevention operated by Prevent Child Abuse America. It is intended to inform and support the work of Prevent Child Abuse America State Chapters, the National Coalition to Prevent Child Sexual Abuse and Exploitation and its members, the National Child Abuse Coalition and its members, and state legislatures as they provide leadership collectively to build the movement to prevent child sexual abuse across our country.

This report was researched and written by Jetta Bernier, Executive Director of MassKids ~ Prevent Child Abuse Massachusetts and director of the [Enough Abuse Campaign](#), a comprehensive, multi-state child sexual abuse prevention initiative.

Section I of the Status Report provides background on the rationale adopted by some advocates and survivors to promote child sexual abuse prevention education of school children as a prime strategy to end the epidemic. The powerful forces acting against children to disclose their sexual abuse are discussed, and limitations in the current evaluation of school-based, child-focused education are cited. Noted is the differentiation between the identification, reporting, and treatment of child sexual abuse, and primary prevention efforts aimed at reducing first time perpetration and victimization.

Section II provides an overview of current laws to prevent child sexual abuse. Highlights of such laws are provided for 27 states which are currently implementing provisions of those laws. Summaries are included by order of the year in which the laws were enacted. Further details are included for states that have had some time to implement their laws. Ten states have issued Task Force Reports as a result of their legislation, and summaries of their recommendations or findings are also provided. Appendices A and B include links to each of the state laws and to the Task Force Reports, respectively.

Information is also included regarding states that have passed child sexual abuse prevention laws but that have not succeeded in implementing them. Some states introduced legislation which was defeated, while other states introduced bills that advocates believe are not likely to pass. The remaining fourteen states in which no legislation has been introduced to date are listed.

Section III describes an effort to pass a comprehensive legislative proposal to foster child sexual abuse prevention education and safe-child policies. The rationale for broadening the mandate to both schools and youth organizations, to public and private schools, and to elementary and secondary schools is discussed. Educating all adults within these systems – not only professional staff - and broadening the education to include the prevention of adult perpetration and child-on-child sexual abuse is promoted. The need to address the early identification of boundary-

violating behaviors that may not rise to the level of legally reportable offenses, as well as to report suspected cases of sexual abuse is promoted. Finally, the section focuses on the need for schools and youth organizations to adopt a set of safe-child standards and policies, including codes of conduct for adults and children, which detail specific boundary-violating behaviors. Teaching children about these specific rule-breaking behaviors is proposed as a more practical, less costly, and potentially more effective way to engage children in reducing their risks of sexual abuse.

Section IV expands the focus of state laws from school-based prevention education to efforts aimed at addressing educator sexual misconduct and abuse, a problem the U.S. Department of Education documents affects 4.5 million school children K-12 each year. Missouri and Pennsylvania laws and Massachusetts pending legislation are discussed. Other legislation aimed at disallowing the age of consent as a defense in civil or criminal legal proceedings is noted, and a bill that requires schools to report to authorities any information about a credible threat of sexual abuse by a former employee is presented. Appendix C includes links to these laws and bills.

Section V describes recent federal efforts to address child sexual abuse prevention. Two amendments adopted in June, 2015 in the Senate version of the Elementary and Secondary Education Act reauthorization bill are described. Senator Diane Feinstein's (CA) amendment allows the use of Title II funds to educate all school personnel about child sexual abuse and how to prevent it. Rep. Patrick Toomey's (PA) adopted amendment prohibits schools receiving federal funds from assisting an employee in obtaining a new position if the school knew or disregarded credible information that that employee had engaged in sexual misconduct with a minor.

Section VI proposes that in order to achieve lasting social change to prevent child sexual abuse and exploitation, the collective support of federal and state agencies, as well national and local foundations will be required. Funding for child sexual abuse prevention from key federal agencies, including the Children's Bureau's Office on Child Abuse and Neglect, the Centers for Disease Control and Prevention, and the Department of Justice, however, has not been forthcoming. With the exception of the Ms. Foundation for Women, which, for several years and until recently, provided funding for child sexual abuse prevention, national foundations have not adjusted their funding guidelines to support prevention programs, even though many fund programs that seek to address problems resulting from the aftermath of sexual abuse. At the state level, a small group of local foundations have provided leadership in awarding the first meaningful-sized grants to support the development of comprehensive child sexual abuse prevention initiatives.

The Status Report concludes by laying out a vision that legislators, survivors, advocates, and citizens must work collectively to achieve. It encourages these leaders and stakeholders to use the Report as a resource to facilitate discussion at the national and state levels about how to shape policies and practices that will realize that vision.

SECTION I.

Background

In the past decade, high profile sex abuse scandals involving clergy, and school and youth organization staff have resulted in greater awareness of the nature and scope of sexual assault, a problem which the American Medical Association has aptly described as “*a silent, violent epidemic.*”¹ The Ms. Foundation for Women has called child sexual abuse “*one of the most pressing issues of our times.*”²

The sexual abuse crisis has generated a broad set of responses aimed at addressing the reporting and investigation of cases; the treatment of child victims and adult survivors; and the criminal and civil accountability of abusers. Responses have also included educating parents and child- and youth-serving professionals through in-person trainings and on-line resources.

Efforts to educate children directly about sexual abuse, however, began much earlier through a variety of child safety curricula. For example, the Child Abuse Prevention Program (CAPP) developed in 1986, is still operating in many states today, and “Talking about Touching,” a curriculum developed by the Committee for Children in Washington State has been used extensively to teach children about a variety of personal safety issues, among them safe and unsafe touch. The Illusion Theatre in Minnesota and “Bubbylonian Encounters” in Kansas reflected efforts to teach kids about abuse prevention using theatrical presentations. Numerous books to be read to and with children such as “*A Very Touching Book*” by Jan Hindeman and the popular coloring book “*Red Flag Green Flag People*” produced by the Rape Crisis and Abuse Center in North Dakota represent a few of the materials developed in the 80s to teach kids about how to protect themselves from sexual abuse.

As these programs and others continued to be implemented, the U. S. Centers for Disease Control and Prevention (CDC) became concerned in the early 2000s that efforts to address child sexual abuse were being focused largely on educating children and that efforts to educate and engage parents and adults were largely absent. They were also concerned about possible unintended consequences of child-focused programs. This was based on reports by clinicians documenting that children whose abuse had been discovered other than by self-disclosure, and who had participated earlier in a safety program on sexual abuse, experienced heightened shame and guilt for not having been able to do as they had been instructed, that is, to go tell somebody.

In 2002 CDC issued its first request for proposals calling for a paradigm shift away from child-focused strategies to one aimed at building adult and community responsibility for preventing child sexual abuse. Three organizations were selected to receive 5-year grants of \$200,000 per year and to participate in a “Cooperative Agreement” with CDC to develop new adult and community-focused prevention models. The Massachusetts and Georgia Chapters of Prevent Child Abuse America, and Project Pathfinder, a Minnesota-based sex offender treatment program, formed the prevention cohort.

As these grantees began developing adult and community-focused strategies, feedback from the cohort and its local participants engaged in child-focused strategies soon caused CDC to reassess its approach. While CDC’s position was steadfast that developing models of adult and

community responsibility for prevention would have the greatest impact on the social norms and community attitudes that allow child sexual abuse to occur, its call for a paradigm shift was tempered with the charge to develop a more comprehensive paradigm - one in which “Perpetrator/offender-based prevention programs can complement existing victimization prevention programs for a comprehensive approach.”³

Limitations of Child-focused Approaches

The instinct to focus on educating children about protecting themselves from sexual abuse remains strong in some quarters. Data indicating that the vast majority of sexual abuse incidents - 86% or more - are never reported to authorities may be one factor.⁴ The comment - “*Why didn’t the child just tell somebody right away?*” - is commonly heard when cases of abuse are reported and children were not the ones to disclose. The sentiment promoted by some adult survivors, i.e., “*If only I had been told that I could tell, I would have,*” may also be fueling the move to focus efforts on educating children.

There are complex and varied factors, however, that influence whether sexual abuse will likely be disclosed or not by child victims. The fact that most children are abused by someone in their family or in their broader circle of trust poses many dilemmas for children who may have strong feelings of love, attachment, or respect for the adults who are abusing them. The tactics of abusers to keep children silent are well known and these also have strong influence over children’s ability to disclose. The child who is given special attention, money, gifts, and privileges from his abuser may be conflicted about jeopardizing these benefits. Subtle and overt manipulations and threats by the abuser can also undermine disclosure. e.g. “*No one will believe you, anyway;*”; “*You don’t want your favorite uncle to go to jail, do you?*”; “*Your parents would be disgusted with you if they knew about this;*” “*If you tell anybody, that dog of yours just might disappear.*”

The attitudes of parents and adults may unintentionally conspire to also undermine disclosures of sexual abuse: e.g. denial - “*It could never happen to my child. All of the people we know are nice;*” a false sense of security - “*I don’t have to bring it up because my kids tell me everything;*” discomfort speaking about sexual abuse or sexuality in general – “*I wouldn’t even know where to begin.*”

Some children who disclose to parents or caregivers may not be believed because of the misconception that children can lie about sexual abuse to get attention or to get someone in trouble. [Research confirms](#), however, that children rarely lie about sexual abuse and that, in fact, they often minimize the extent of the abuse for fear of the upset and negative reactions it may cause.⁵

Even when children provide credible details about their abuse, parents may not always respond by reporting to police or to child protection agencies as they may still suspend the belief that someone they know or trust could ever commit such a crime. The notion persists that those who harm children must look and act differently than anyone else, though research shows that admitted child molesters when compared to the general American male population look nearly identical in terms of their marital status, their level of education, and even to the degree they self-report as “religious.”⁶

Parents or caregivers who suspect sexual abuse of their children may also fail to take protective action or to report out of fear that public disclosure of their child's victimization would ruin the family's reputation and cause divisions in the family. Of interest here is a survey conducted by the Center for Behavioral Intervention in which 52% percent of sex offenders surveyed indicated that their child victim had told someone else, or that other people had discovered the abuse but that no one contacted authorities.⁷

Evaluation of School-Based, Child-Focused Programs

One study indicates that children who participated in a school-based prevention program had more knowledge about personal safety, and more protective behaviors in *simulated* situations than children who did not participate in a program. It is not possible to know if children would have exhibited the same protective behaviors in real-life situations involving attempted sexual abuse by a beloved grandfather or trusted family friend. In any case, the authors caution that children's knowledge and skills were tested only after a short time after the program and recommend the need to study effects beyond 3 months. No differences in the odds of children disclosing sexual abuses following the school program were noted in two randomized control trials reviewed by the authors. These results have led them to note: "*It is difficult to know if the changes in behavior and protective behaviors will result in the prevention of child sexual abuse.*" They conclude that "*School-based programs should, at best, be seen as part of a community approach to the prevention of child sexual abuse.*"⁸

In a [study](#) of 825 female college students, those who had participated in a school-based prevention program were one-half as likely to have been sexually abused as children who had not been in a program.⁹ However, a [national survey](#) of youth between 10 and 16 years of age found no difference in victim rates between those who had participated in a prevention program and those who had not.¹⁰

A meta-analysis by Topping and Barron (2009) of 22 studies involving 18 school-based child sexual abuse prevention programs measured outcomes for participating children. Among them included: safety knowledge, self-protection skills, perception of risk, and disclosures. Changes in safety knowledge were small but maintained at various monthly intervals up to one year. The relatively small gains in knowledge might reflect the extent to which children were already aware of prevention knowledge and concepts. As would be expected, repeat exposure seemed to bring about more learning than single occurrences.

Self-protection skills differences were very small and the most inconsistent. These differences attenuated at 2 to 3 months follow up. Evaluation of whether the skills transferred to real world situations was not confirmed since children's skills were evaluated through self-reports and direct observation of skills was "*rare.*" Perception of risk or children's ability to discriminate safe from unsafe touches was "*mixed and inconclusive,*" though results did increase slightly for up to one year follow up.

There was little evidence of change in disclosures and no clarity about how reporting disclosures should be interpreted. Increased disclosures might represent program failure because children did not use their skills to avert abuse, or it could reflect success because children used their knowledge and skills to tell after the fact. Conversely, reduced disclosures after the program

might mean that fewer children were abused because of their skills and thus the program was a success, or it might reflect a program failure because children had not told of abuse that had already occurred.

The researchers point out that there is general lack of clarity about what the programs are seeking specifically to prevent, i.e. are programs developed on concepts meant to address non-contact sexual behaviors, contact sexual abuse, penetrative sexual abuse, only some, or all of them?

Issues of program fidelity and how presenters interact with program content have also been noted. For example, some teachers who instruct the programs may omit some content because of feelings generated in presenting the materials or facilitating discussion.¹¹

Clearly, there are many challenges that have made it difficult to properly evaluate the effectiveness of these programs. Despite the lack of convincing evidence, proponents of child-focused prevention education hope that school programs might have the effect of discouraging potential abusers of targeting children they know have been educated, or of deterring ambivalent abusers who might be dissuaded if a child raised an objection. Another hope is that children acting as bystanders might be more likely to report the sexual abuse of a friend if such information were shared with them.

If school resources were plentiful, one could argue that these programs should be implemented widely because they might constitute a promising prevention approach. The reality, however, is that schools are facing many unfunded mandates and many will struggle to implement the program with the robustness that might be needed to measure positive impact. Also, some school districts, despite legal mandates, will not carry out the programs and will not likely face any consequences from state and legislative bodies.

Until significant new resources can be secured to support school and community-based child sexual abuse prevention education, focusing limited resources on educating adults first may be a more practical, cost effective, and measureable way to address the epidemic of child sexual abuse. A single, comprehensive adult-focused training program could be provided annually rather than providing multiple curricula for various grades and ages multiple times throughout the year. The percentage of school employees trained would be higher than the percentage of school children trained, since there would be no “opt out” provision. Evaluation, including pre- and post-testing around knowledge and whether the knowledge resulted in behavior changes and prevention actions taken, could possibly be implemented more easily with adults than with children.

How can we adopt and promote a comprehensive set of prevention practices and policies that are grounded in building adult and community responsibility first, and that then appropriately incorporate the education of children about ways to reduce their risk of sexual abuse? This report will discuss some of the current legislative proposals introduced or adopted to address the prevention of child sexual abuse, their strengths and limitations, and how we can collectively work towards a more comprehensive and effective prevention paradigm.

Identification, Reporting and Treating Victims - Not Primary Prevention

A January 2014 [Government Accountability Office \(GAO\) report](#) indicates that 18 states require school districts to provide “awareness and prevention training on child sexual abuse,” however, the report states that almost all the training is focused on mandated reporting of cases *after-the-fact*.¹² Teaching school personnel about their legal responsibility to report suspected cases is appropriate and necessary; however, this focus taken alone does not constitute a true primary prevention strategy.

Efforts to educate school personnel about “how to identify victims” so they can report them are inherently problematic. Just as sexual abusers are difficult to identify because they most often present as socially adept, competent, and caring individuals, so too, child victims of sexual abuse are not easily identified by their outward appearance or by overt physical signs. Many acts of sexual abuse that include direct physical touch do not leave any visible markers, e.g. kissing, fondling, masturbating a child or having a child touch or masturbate their abuser, taking sexually explicit photos of the child or having the child view sexually explicit materials. Pediatric experts indicate that even child sexual abuse that involves repeated penetration may not leave physical signs. In 87% to 94% of such cases, children will have normal genital exam findings as vaginal and anal tissues and related injuries often heal quickly.¹³ In any case, even if rape has occurred, school personnel would not likely ever be in a position to see injuries resulting from these violating behaviors, and thus be able to identify child victims.

There are numerous behavioral signs that have been associated with children who are being sexually abused. However, child development specialists confirm that these are the same behaviors that children express when they face any number of stressful experiences in their lives, e.g. being bullied, getting poor grades, dealing with the divorce or marital discord of their parents, dealing with the death of a loved one, etc. School personnel certainly do witness these behaviors but they cannot conclude that sexual abuse is the cause. Evaluation of these behaviors by trained school social workers, psychologists, or counselors and ongoing therapy would be needed in many cases to determine if the root of these behaviors was sexual abuse. The many influences on children not to tell, as described earlier, can clearly compound the challenge of even these professionals to determine a definitive cause of concerning behaviors.

Just as in any epidemic, a priority must be placed on halting the spread of new cases. Prevent Child Abuse America supports the emphasis on preventing child sexual abuse *before it can ever occur*. The National Coalition to Prevent Child Sexual Abuse and Exploitation in its recently released [“Six Pillars of Prevention”](#) document also identifies the prevention of first time perpetration as a key strategy in the fight to end child sexual abuse.¹⁴

Nonetheless, legislation or policies that focus on educating school personnel about how to identify victims and report cases after the fact are being promoted as effective ways to prevent child sexual abuse. In reality, however, these efforts in themselves are too little and too late for most child victims.

SECTION II.

Overview of Current State Laws to Prevent Child Sexual Abuse

Currently 27 of the states that have passed legislation to address child sexual abuse prevention are in various phases of implementing its mandates. The U.S. Territory of Guam has also passed legislation. Two states have not been able to implement their laws' directives, and a state mandated to convene a task force in 2012 has not yet done so.

Some states' laws direct the forming of a commission, task force or study group to examine the issue. Some of these groups are directed to produce a report with recommendations, while others are simply directed to develop specific prevention tools for schools.

Deadlines by which task forces must produce these reports range from six months to two years. As of this writing (August 2015), 9 Task Force Reports whose recommendations have been or are being implemented include: Vermont (2008), Texas (2012), Illinois (2012), Missouri (2012), Nevada (2014), Arkansas, (2014), South Dakota (2015), North Carolina (2015), and Michigan (2015). Three additional state task force reports are due later this year in New Hampshire, Massachusetts, and Alabama. The reports vary widely in their length and scope. The Texas and Michigan reports are over 150 pages each; Vermont's is 128 pages, Nevada's 55, North Carolina's 33, Missouri's 32, Arkansas' 25, South Dakota's 19, and Illinois' 6.

Some recommendations are broad sweeping, addressing ways to prevent first time perpetration (primary prevention); ways to recognize, respond to and report cases (secondary prevention); and how to ensure counseling and treatment for child victims (tertiary prevention).

Other states have directed various state departments to identify or develop school-based curricula to educate children about how to recognize abuse if it happens, and how to report it. Some states designate that children as young as Pre-Kindergarten should be educated; Indiana was unable to pass its law to include any grade below Grade 2. Instruction is expanded to include high schools in twelve states.

A singular child-focused strategy is adopted by some states while others include the instruction of school personnel as a secondary target. Some adopt an adult-focused approach that does not include the instruction of children at all. Other states direct the instruction of teachers only or they include other professional education staff. Some specifically designate paraprofessionals, instructional staff such as coaches, and contracted personnel.

Some laws include making general awareness information available to parents while one state actually directs schools to educate parents about how to discuss sexual abuse with their children. Several states have adopted provisions that allow parents to "opt out" of allowing their children to participate in any prevention education program – a move that could break the lifeline for some children experiencing sexual abuse by their own parent(s) or family members.

Nearly all states include "child sexual abuse prevention" as the focus of their laws. A few states, however, refer only to the general term "child abuse and neglect," "child maltreatment," or only to the broader term "sexual exploitation." One law's provisions regarding child sexual abuse are

embedded in a law whose prime purpose is to prevent youth suicide, another in a law that addresses human trafficking. (Laws that focus uniquely on addressing commercial sexual exploitation and trafficking of minors are not included in this review.)

The Texas law is referred to as Jenna's Law after sexual abuse survivor Jenna Quinn. Illinois' law is referred to as Erin's Law, after adult survivor Erin Merryn. Eleven other states reference Erin's Law. The South Dakota law is referred to as Jolene's Law, after survivor Jolene Loetscher. The majority of states, however, do not identify the legislation with any particular survivor.

A few, however, associate their laws with child victims. In Vermont, the motivation to pass legislation was tied to the kidnapping, sexual assault and murder of a 12-year-old girl Bennett Brooke. Missouri's Child Protection Act was named after school child Amy Hestir who was raped by her teacher. Child sexual abuse prevention legislation in Pennsylvania and in Congress was motivated by Jeremy Bell, a 12-year-old student from West Virginia who was sexually abused and murdered by his school principal.

Highlights of Current Legislation in the States

The following are highlights that summarize the key components of the various state laws. Additional information has been included for some states which have issued Task Force reports and/or have had a period of time during which to implement recommendations. A listing of where to access each state law is included in **Appendix A**. Task Force reports can be found in **Appendix B**.

Vermont

Vermont in March 2009 was the first state in the country to adopt comprehensive legislation to address child sexual abuse. Motivated by the kidnapping, sexual assault and murder of 12-year old Brooke Bennett by her uncle, a known sex offender, state officials sought to address a range of issues to close loopholes that had allowed him to commit these acts. The 75-page legislation known as Act 1, however, was clear about the need to focus on prevention.

"Prevention is the most important and most often overlooked tool available to the state to fight sexual violence against children. While there are a number of programs and organizations devoted to raising awareness about sexual abuse of children, a coordinated and properly funded statewide approach is needed to ensure that we are devoting appropriate resources and programming to stopping abuse before it happens, not just responding to the crime."

Act 1 called for elementary and secondary schools to educate all personnel and children about: *"How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources."* Further, it required school boards to educate all adults involved in schools including parents, educators, staff, administrators and volunteers. Act 1 also required licensed child care directors to be trained so they in turn would train their staff.

The legislation called for a multi-disciplinary working group convened by the Department of Education (DOE), the Department of Children and Families (DCF), and led by the Sexual Violence Prevention Task Force to develop materials and to provide options for training. It called for implementation to begin in the 2011-2012 school year.

Implementation

The Vermont Task Force emphasized the need to educate adults first and then children. It promoted a focus on social emotional learning, establishing appropriate boundaries and developing healthy relationships as core to sexual abuse prevention. It detailed the elements of comprehensive prevention training in its report called, "[*TARG - Technical Assistance Resource Guide*](#)," a tool to help schools meet their new requirement.

While the Task Force did not recommend any particular program or curriculum, it later added a resource component to the TARG report listing a number of curricula schools could consider. The DOE and DCF did provide to every school a DVD for adults adapted for Vermont from the Canadian-based "Connect for Kids" program. Some schools have chosen to use the resource, others have objected to it for not being trauma-informed, other schools have simply filed it away without using it. A professionally produced media campaign called "Step Up" which included television spots, posters and flyers was also launched for one year and made available on the Department of Children and Families' website. This campaign is promoted annually during April, Child Abuse Prevention Month.

Because Vermont's health education curriculum had already required training about domestic and sexual violence, it has been easier to incorporate sexual abuse prevention education information into the high schools. Many member agencies of the Vermont Domestic Violence Network conduct date rape prevention education for those grades.

Through state contracts and with additional private funding, Prevent Child Abuse Vermont (PCAV) has been a resource to elementary and middle schools, and licensed child care facilities and providers about child sexual abuse prevention. The Healthy Relationship Project provides free training, co-facilitation of lessons, and mentoring for teachers for the "Care for Kids" program for K-2, "We Care Elementary" for Grades 3-5, and "SAFE-T" for Grades 7-8. These interactive curricula go beyond providing sexual abuse awareness; they support social and emotional competence by helping children and youth develop healthy boundaries, self-esteem, empathy, coping skills, and knowledge of supports available to them. All three programs include training for adults in the school community. Next year, the program will be in 130 Vermont schools and will have trained trainers in over two dozen states.

Despite its population of only 623,000, Vermont prevention advocates report barriers to full implementation, noting that "*school budgets are under attack*," and that demands on school nurses, counselors or others who might carry out the program have increased as a result. Advocates admit that it will be difficult, if possible at all, to build the internal capacity for schools to do the prevention training without outside support. While annual training is clearly a best practice, there is no mandate to ensure that trainings are done each year. Still advocates state that overall "*schools really latch on to this, because they want to do the right thing*." This was borne out by a recent survey of schools indicating that 75% or more are "*doing something in response to Act 1*."

Texas

Texas in June 2009 passed *An Act relating to public school and child-care facility policies addressing sexual abuse and other maltreatment of children*. Known as "Jenna's Law" for Jenna Quinn, a survivor of child sexual abuse and an effective advocate for prevention, it mandates school districts, child care facilities and charter schools to implement a policy to address:

“(1) methods for increasing staff, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse; (2) actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention; and (3) available counseling options for students affected by sexual abuse.

Notable in the law is its definition of staff that extends beyond teachers and includes *"educators, counselors, coaches, and other professional staff members."* The Texas bill references *"prevention"* though language mostly refers to secondary prevention strategies, i.e. identifying victims, getting them to report, and identifying counseling options for victims.

The law called for a 9-member task force to be assembled to establish a strategy for reducing child sexual abuse and other forms of maltreatment and to issue its findings by November 1, 2010.

Implementation

The Task Force presented its findings in a 135-page [report](#) issued in December 2012. Recommendations called for the establishment of a permanent Prevention Commission to Reduce Child Abuse and Neglect and to continually assess evidence of the effectiveness of prevention programs and policies. The report's focus on the broader issue of child maltreatment reflects the facts that over a quarter million reports of child maltreatment in Texas were received in 2011, over 175,000 investigated, and nearly 66,000 cases confirmed. Child fatalities from child abuse reached 231 that year.

To address what the Task Force referred to as a problem of *"epidemic proportions,"* it issued wide-ranging recommendations to support home visitation programs, bullying prevention programs, and additional mental health practitioners and services. When addressing the issue of child sexual abuse prevention, the report pointed out the current lack of adequate evaluation of school-based child sexual abuse prevention programs for students and recommended that *"more evaluation is needed to determine which type results in the most effective protection of children from sexual abuse."*

As of this writing, a number of school-based programs to prevent child abuse have been identified by the Texas Department of Education that school districts may consider using. Schools are able to provide the instruction largely through the work of non-profit organizations that provide presenters and materials paid for by private foundations and other grants. Advocates express the view that the law has resulted in making more people aware of child sexual abuse but that since some of the training includes other topics, the information about child sexual abuse in particular is *"questionable in depth."*

In July 2014, the Texas Education Agency issued a letter to all districts and charter schools informing them they were “*required to provide, to all district and charter school employees, training concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children.*” By May 31, 2015 all mandated training was to have been completed and schools were directed to post at student-eye level, in English and Spanish, and in a high traffic area, the state’s child abuse hotline number. Each of the 1,238 school districts and charter schools are required to keep records of the trainings, however, the data are not collected by the Texas Agency on Education, so it is not possible to document the level of school district compliance or the number/percentage of school personnel trained.

Illinois

Illinois passed the Child Abuse Prevention Act of 2011 in February 2011, establishing the "Erin's Law Task Force" for the purpose of providing recommendations on how to educate children from K-Grade 5 and school personnel about (1) warning signs that a child may be a victim of sexual abuse; (2) actions a child who is abused should take to obtain assistance and information; and (3) resources for counseling. Parents were to be informed through the school handbook about "warning signs" of victims.

The [report](#) by the 19-member Task Force was issued on June 1, 2012 with the following three recommendations:

1. *Child sexual abuse prevention education should be taught in grades pre-K through 5. “Best Practices” should be included in this instruction.*
2. *Training for school administrators should be amended to include child sexual abuse as a selective strand under the Illinois Administrator Academy.*
3. *Child sexual abuse training should be provided as a certified professional development unit (CPDU) for certified non-administrative school personnel.*

The Task Force's commitment to child-focused education as the best solution to address child sexual abuse was expressed in the concluding statement of its report:

*"To put it simply, children who are provided with childhood sexual abuse prevention instruction are less likely to go along with a perpetrator to keep a secret and will be more likely to tell someone. As a result, perpetrators will have to continue to search for victims who will go along with their grooming and tactics to maintain silence. **Ultimately, as children are educated about self-protection and speaking out, they will be able to protect themselves. As adults, they will be able to protect their own children and end the intergenerational code of silence that pervades our society regarding childhood sexual abuse. These programs have the potential to substantially reduce child sexual abuse in Illinois.**"*

In the following legislative session, a bill was passed that amended the school code to extend mandated age-appropriate curricula for children about sexual abuse from Pre-K to Grade 12. A provision allowing parents to "opt out their children" from the training is included. A subsequent

bill requiring mandated reporter training recommended earlier by the Task Force was passed in August 2014.

Implementation

Implementing the recommendations of the Task Force is a formidable challenge in a state the size of Illinois which has 860 school districts with 4,000 public schools serving 2.3 million children. Despite the commendable efforts of non-profit groups, such as Prevent Child Abuse Illinois, the Children's Advocacy Centers of Illinois, and Illinois CASA that offer sexual abuse prevention training and technical assistance to schools, prevention advocates note that "*most regional superintendents know nothing about Erin's Law.*" As a result, many school districts also remain uninformed; many of those that are aware of it are unclear about what they should do; and those that are implementing it have focused primarily on educating children, not adults.

A reason for this may be that there is little, if any, accountability on the part of the Illinois Board of Education or School Boards to ensure or even encourage implementation of the Task Force's recommendations. For example, while the Illinois Board of Education website identifies a number of initiatives around bullying and other safety topics, there is no mention of the child sexual abuse education mandate. The Board also does not gather data on how many and which schools are engaged in carrying out the directives.

While a few schools have outwardly resisted instituting programs to prevent child sexual abuse, e.g. "*We don't have that problem here,*" schools that do wish to provide the service have no designated funds with which to do so. This reflects the overall condition of the Illinois State Budget which has worsened in recent years. As a result of lack of resources and a weak commitment on the part of the Illinois Board of Education, the implementation of Erin's Law, according to advocates in the state, has been "*very slow*" in the three years since the Task Force's recommendations were issued.

Missouri

Missouri in July 2011 passed the Amy Hestir Student Protection Act. Within the Act, a Task Force, known as "Erin's Law," was to "*adopt a policy addressing sexual abuse of children, including a curriculum.*" It called for "*teacher and employee training on identifying signs of sexual abuse in children and of potentially abusive relationships between children and adults.*"

Of particular note in the Missouri law is a statement about "*the obligation of mandated reporters to report suspected abuse by other mandated reporters.*" Despite the US Department of Education report that indicates up to 10% of children K-12 report inappropriate sexual contact with an adult in their school - usually a teacher or coach¹⁵ - this is the first state to suggest in its Task Force law that school personnel themselves might pose a risk to children.

While the bill provided few directives for the Task Force, its [report](#) issued December 2012, reflected a comprehensive understanding of the issue and its recommendations were broad sweeping. With a clear focus on adult responsibility to prevent child sexual abuse, it provided 22 recommendations in 8 categories. Among them: comprehensive and community-based education for youth organizations, schools, parents and children; prevention policies for all schools and

youth organizations; standardized professional training for mandated reporters; training for multi-disciplinary team professionals about sexual abuse; mental health services for victims; a public awareness campaign; funding from state and private foundations to support prevention efforts; and statutory changes to improve responses to sexual abuse.

Implementation:

One year after its report was issued, the Task Force successfully led the effort to pass legislation eliminating indirect reporting by mandated reporters to other designated agents. For example, a teacher who suspects child sexual abuse must now make a direct report to the child protection agency and cannot simply report his or her concerns to the principal who would then decide whether or not to file a report. It also requires teachers to be trained about their mandated reporting responsibilities.

The Task Force has also addressed a gap in policy that had prevented the child protection agency from investigating reports of child-on-child sexual abuse. Looking forward, there is a move to provide training about child sexual abuse to mental health treatment providers and also to secure an appropriation to expand treatment services for child victims and children with sexually problematic behaviors.

Indiana

Indiana adopted Erin's Law language July 1, 2012 with a focus on providing education of children in Grades 2-5 only. It charged the Department of Education, in collaboration with the Department of Child Services (DCS) and other organizations, to "identify or develop 1) research and evidence-based model educational materials on child abuse and child sexual abuse; and 2) a model for child abuse and child sexual abuse response policies and reporting procedures."

DCS updated its [Response Policies and Reporting Procedures for Schools](#) (pages 10-13) to make it clear that school personnel should not attempt to determine the truthfulness of allegations of sexual abuse and that DCS and law enforcement are responsible for investigating suspected cases, not the school. School principals are also directed not to discuss allegations with the alleged perpetrators but to immediately contact authorities.¹⁶

Nevada

Nevada passed a law on May 29, 2013 to create a Task Force under the direction of the Department of Children and Family Services but with a broader focus on "*educating certain persons who are associated with children about child sexual abuse.*" While it mentioned support for affected children and the need to report cases, it also included the need to develop "*policies to prevent child sexual abuse.*"

In September 2014, the Nevada Task Force issued the fifth [report](#) among states. Its primary recommendation was to: "*Create a continuing statewide, multi-discipline task force to begin the implementation of the proposed recommendations.*" It called for the task force to "*work with local communities either within existing coalitions or to establish local coalitions focused on eliminating child sexual abuse.*" It expanded the focus to Grades Pre-K through 12 and

recommended that standards be established for all schools including public, private, home schooling, and charter schools. The Nevada recommendations are comprehensive, bridging across primary, secondary and tertiary responses. It moved in January 2015 to adopt the Enough Abuse Campaign as the statewide vehicle through which the Task Force's recommendations would be implemented, thus becoming the 6th state to join the Campaign.

Michigan

Michigan passed Erin's Law in February, 2013. The language of the law was primarily victim-focused, e.g. calling for training of school personnel on responses to disclosures, informing teacher and parents about the warning signs of victimization, and the actions victims should take to obtain assistance. An "opt out" provision was included to allow parents to excuse their child from the training. On June 17, 2014 a 15-member Task Force was assembled with the charge to make recommendations for reducing child sexual abuse in the State and for school policies to address the issue.

One year later, on June 17, 2015, the Task Force issued a comprehensive 153-page [report](#) which reflected significant research and review of many prevention programs and strategies across the country. It shifted away from the law's initial child-victim focus and presented seven overarching goals as the foundation for 57 recommendations provided.

Goal 1: Adopt a comprehensive approach to the prevention effort, using evidence-based public health and other prevention models, which includes identifying a state-level entity charged with the responsibility to continue the work of the Task Force and implementing a comprehensive child sexual abuse prevention initiative in Michigan.

Goal 2: Stop "growing perpetrators" by shifting the focus of prevention efforts to perpetrators and by addressing the norms, behaviors and practices that lead to perpetration of child sexual abuse.

Goal 3: Place responsibility for preventing child sexual abuse on all adults, not children.

Goal 4: Provide child sexual abuse and awareness education to all community members, families, parents and system responders.

Goal 5: Provide effective risk reduction education to children in schools and youth serving agencies, recognizing that risk reduction programs can aid in protecting children from sexual abuse but are not primarily preventative in nature.

Goal 6: Develop protocols and implement training that generate systems responses that are victim-centered and reflect evidence based and/or best practices.

Goal 7: Ensure that high quality mental health treatment and supportive or intervention services, based on best and promising practices, are available to survivors of child sexual abuse and their families, to perpetrators and their families and to systems responders who may be experiencing secondary trauma.

Arkansas

Arkansas passed Erin Law language in 2013 and called for “*preventing child sexual abuse through education.*” It focused on grades K-5 and limited training to “*licensed and classified school personnel.*” A 17-member Task Force was formed and issued its 25-page [report](#) in September 2014.

The Task Force stated emphatically that: “*Adults must bear prime responsibility for protecting children from sexual abuse,*” noting that, “*Sexual abuse programs tend to promote disclosures rather than prevention.*” However, in reviewing the research, the Task Force adopted a balanced approach and concluded that educating school children about sexual abuse should be implemented as “*a part of a multifaceted approach.*” It expanded the original law’s focus on K-5 and called for programs for younger and older children. It also expanded the education of school personnel to both licensed and non-licensed employees, emphasized that strategies be employed to encourage parental involvement. It also called for additional state funding to support the work. The Task Force which was to expire May 1, 2015 was extended and charged to meet semi-annually to oversee implementation of its recommendations.

South Dakota

South Dakota passed the “Jolene’s Law Task Force” bill in March 2014. Among its goals were: to develop standardized training to educate teachers, parents and the community; improve medical, mental health, and spiritual health responses; improve criminal justice and child protection responses; develop effective prevention practices, increase public awareness and improve research. The Task Force met from August through December and provided a progress report to the full Legislature in January 2015. Two bills were proposed at that time: the first was to extend the Task Force for a second year and provide a \$21,000 appropriation to support its work; the second was to amend the mandated reporting law to allow law enforcement to question mandated reporters regarding their reports.

The Senate approved both bills. The House States Affair Committee, however, supported only the mandated reporter amendment and voted 10-2 to kill the Task Force. Days later, after citizen and media uproar, the Governor revived the Task Force which is now continuing its work under the Department of Health.

New Mexico

New Mexico’s legislation passed on March 4, 2014 called for “*all licensed school employees to be trained in detecting and reporting sexual abuse and assault and in assisting in awareness and prevention.*” It requires their health education curriculum to include age appropriate training of students but does not specify which grades. It charges school districts, the Departments of Health, Human Services, and Children, Youth and Families to develop the curriculum and directs them to “*consult with CDC to identify evidence-based methods that have been proved to be effective.*” Training was to be effective for the 2014-15 school year.

A unique feature of the New Mexico law is that it directs that training curricula be “*available to the deans of every college of education for use in training students seeking elementary and secondary education licensure.*”

Utah

Utah on April 1, 2014 enacted “*certain recommendations of Illinois’ Erin’s Law Task Force.*” It called for the State Board of Education in partnership with the Department of Health and Human Services to approve age-appropriate materials for training before July 1, 2015 and to make training available effective for the 2016-2017 school year. A parent opt-out provision was included.

New Hampshire

New Hampshire’s law enacted on June 16, 2014 calls for “*a commission to study child sexual abuse prevention education in elementary and secondary schools.*” It does not specify whether the education is for students, school employees or parents. It asks the commission to study what other states are doing; to identify model evidence-based curricula for child sexual abuse prevention education; to recommend the utilization of trained professionals and other collaborators to provide the training; and to identify potential funding needs and sources to increase prevention. The Commission’s final report, which was due to be issued by June 30, 2015, was not released as of this writing.

Connecticut

Connecticut’s law enacted June 12, 2014 calls for the Department of Children and Families, the Department of Education, and Connecticut Sex Assault Crisis Services to “*identify or develop statewide sexual abuse and assault awareness and prevention programs for use by regional and local school boards.*” It provides some detail about the content of the training for teachers and students K-12 and states it should include: skills to recognize abuse, boundary violations and grooming behaviors, how to deal with disclosures by children, how to reduce self-blame of child victims, and how to mobilize bystanders. It also calls for response policies and reporting procedures. Parents are not identified as targets of the information and they are allowed to opt out their children from the training. The program is to be implemented by October 1, 2015.

South Carolina

South Carolina’s law enacted on June 23, 2014 charged the Board of Education to “*select or develop units in comprehensive health education for use by school districts so as to require sexual abuse and assault awareness and prevention...*” Grades K -12 were to be targeted. No task force was created and the instruction of school personnel was not included. The curriculum was to be delivered by the 2014-2015 school year but was extended to 2015-2016 when the curricula is expected to be piloted in specific schools before being more broadly implemented.

North Carolina

The 2014 North Carolina General Assembly charged the Human Trafficking Commission with making recommendations for the prevention of child sexual abuse (S.L. 2014-199, Section 4). The Commission partnered with a study committee of the North Carolina Coalition for the Prevention of Child Sexual Abuse and issued a [report](#) in February 2015.

Initial recommendations included funding the Coalition with a \$50,000 grant to partner with public safety, education, sexual assault prevention experts and others, to address, among other issues, the prevention of first time perpetration of child sexual abuse through: **1.)** the reduction of adverse childhood experiences linked to future victimization and perpetration and through the early identification and treatment of children and youth with sexually reactive behaviors and problem sexual behaviors; **2.)** the increased awareness of child sexual abuse prevention among K-6 students, their teachers and parents through a thorough review of the research on school-based interventions, the identification of best practice standards for school-based curricula, and an assessment of existing curricula to determine whether they meet these standards; and **3.)** the prevention of recidivist sex offenses through comprehensive assessment, evidence-based or evidence-informed treatment, and ongoing monitoring of known sex offenders. Final recommendations are to be presented to the General Assembly in 2017.

Pennsylvania

Pennsylvania passed Act 71, a youth suicide prevention bill, in June 2014 directing the School Code to require suicide prevention policies and professional development for teachers serving children from Grades 6-12. Section 1527 of the Act “*permits*” schools to provide age appropriate instruction on “*child exploitation*” for students K-8. Child sexual abuse is never mentioned and several of the resources identified on the Department of Education website focus on child abduction prevention. Schools that opt to provide education about child exploitation must also “*provide professional development on the topic to the educators assigned to teach a course in which child exploitation information has been included.*”

Tennessee

Tennessee’s law, enacted on July 1, 2014, called for the Departments of Education and Children’s Services to “*enhance or adapt curriculum materials on child sexual abuse, including such abuse as may occur in the child’s home.*” No task force was created. Its focus was to be grades K-12. It did not mandate training but rather “*encourages*” schools to provide age appropriate instruction of students.

Rhode Island

Rhode Island enacted legislation on July 2, 2014 with a singular focus on children. It takes the position that “*...the incidence of child sexual abuse, child sexual exploitation and child abduction can be reduced by raising awareness among young children of common dangers and warning signs empowering children to better protect themselves from sexual predators.*” The curriculum for grades K-8 was to be “*provided by classroom teachers or under their direct*

supervision.” No instruction of school personnel or parents is mentioned. No task force was created.

Louisiana

Louisiana’s law effective on August 1, 2014 is referred to as Erin’s Law, however, it never mentions child sexual abuse per se and does not establish a task force. Its goal is for each public elementary and secondary school to provide age-appropriate classroom instruction on child abuse and assault awareness and prevention, and how students may safely report abuse. It calls for the integration of the information “*in health education, phys. ed., or other required courses.*”

California

California passed a law on September 29, 2014 stating that the School Board on Education *may consider* including child sexual abuse prevention in the Health Frameworks for California public schools when they are next revised. Based on recommendations from the Superintendent the School Board *may consider* including age appropriate instruction for K-12 students. School districts, charter schools *may provide* the instruction pursuant to standards adopted by the State board. No deadline is provided and no task force is created.

Massachusetts

Massachusetts passed a bill in January, 2015 to form a task force “*to develop guidelines and tools for the development of sexual abuse prevention and intervention plans by organizations serving children and youths... and strategies for incentivizing such organizations to develop and implement sexual abuse prevention and intervention plans.*” The task force is also to develop strategies to increase public awareness about child sexual abuse, including how to recognize signs, minimize risk, and act on suspicions or disclosures of sexual abuse. The 18-member Task Force is to submit its recommendations by December 31, 2015.

West Virginia

West Virginia passed Erin’s Law on April 28, 2015. It created a 25-member task force charged with developing “*recommendations and proposals for statutory changes, state education policy, and methods to foster cooperation among state agencies, local government, schools and community efforts to prevent child sexual abuse in West Virginia.*” The law provides no deadline by which recommendations are to be issued.

Oklahoma

Oklahoma passed Erin’s Law on May 4, 2015 to become effective November 1, 2015. It calls for public schools to provide education of children in Grades K-5 and that the education should be evidence-based, culturally sensitive, and provided annually. It directs that professionals in school be educated about primary prevention and secondary prevention strategies, and that a component be included to encourage parent involvement. No task force is created. The law directs school boards to develop the curriculum to go into effect by November 1, 2015.

Oregon

Oregon passed legislation in June, 2015 requiring developmentally-appropriate, evidence-based education on child sexual abuse for school children K-12. Four sessions are to be provided each year in each grade. The law also calls for professional development of administrators, teachers and other school personnel on the issue. Parents are to be provided information, including *“how to discuss child sexual abuse with their children”*

No task force is created. The Department of Education was charged with supporting school districts in implementing the law. The Department has instructed its Sexual Health and School Health Specialist to oversee implementation. The Specialist hopes to align the new instruction within the comprehensive sexual health curriculum and domestic violence prevention training which are already being implemented in Oregon, and for which benchmarks and standards have already been identified. Each school district is directed to provide the training for the 2015/2016 school year.

The legislation does not provide for any reporting to the Department of Education or to the legislature about progress to implement the law; it will be left up to local school boards and school districts to implement it as they see fit.

Alaska

Alaska passed the Safe Children’s Act in June, 2015 to create a task force *“to create age appropriate curricula for different grades by 2017”*. Its section addressing K-6 training is referred to as Erin’s Law; the section dealing with dating violence prevention for Grades 7 – 12 is referred to as “Bree’s Law.” It emphasizes *“increasing awareness of teachers, students and parents”* and *“actions a child may take to prevent and report”* sexual abuse. A parent opt out feature is included. The Task Force was given two years - until 2017 - to develop a curriculum for children.

Alabama

Alabama also passed its law in June, 2015 and established a 13-member Governor’s Task Force to recommend ways to fund the training, statutory changes, or any state or education policies that might be appropriate, and how to foster cooperation between state agencies and state and local governments. The content of the curriculum remains at the discretion of local school boards. The Task Force report is to be issued by December 31, 2015

Colorado

Colorado, which passed Erin’s Law on June 5, 2015, *“encourages”* school districts to adopt a child sexual abuse and assault prevention plan. It calls for the School Safety Resource Center to appoint a staff person to research and make available on the Center’s website a variety of curricula, professional development materials, training, and other resources on the issue. It provides an appropriation of \$72,512 to the Center for the additional 0.9 FTE staffing that will be required.

U.S. Pacific Island of Guam

Guam enacted the “Lanikate Protehi Famagu’on-ta Act” on September 30, 2011 and formed a Task Force which was to recommend statutory changes, and suggest ways to foster cooperation and improve services among various Guam public and private agencies to reduce child sexual abuse. The Task Force issued its first report in April 2012 and has provided annual progress reports since then. Of the six U.S. Territories of American Samoa, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, and the Virgin Islands, the territory of Guam is the only one to have passed child sexual abuse prevention legislation.

States Laws Passed But Not Implemented

Iowa

Iowa passed legislation in July, 2011 creating a Task Force charged with: 1. developing a model policy for adoption by school districts, 2. creating goals for state policy to prevent child sexual abuse, and, 3. recommending statutory changes. On January 4, 2012, the Task Force issued a 6-page [report](#) highlighting its position that: “*Children should not be expected to keep themselves safe from sexual abuse on their own.*” Its recommendations included: increased adult education about child sexual abuse, its precursors and warning signs, ways to protect children, and how to report its occurrence; teaching children ways to reduce their victimization and perpetration and providing resources to increase protective factors; and a list of proposed statutory changes.

In 2014 HF 2085 which would have implemented the Task Force’s recommendations died in Committee. In 2015 HF 50 also died in committee and advocates indicate the legislation has no prospects for future passage.

Maine

Maine passed a Task Force law in May, 2012 with the goal of recommending “*policies to prevent and address sexual abuse of children.*” The Task Force was to issue its report by December 2013. The Task Force, however, was never convened, so while the law was passed, it was never implemented.

Mississippi

Mississippi enacted a law to “*explore feasibility of creating and implementing a curriculum for prevention of sexual abuse of children in grades K-5.*” HB 439 was introduced in 2014 to authorize school boards to adopt a policy addressing sexual abuse of children and to specify certain components be included as part of a comprehensive local school district safety plan. The bill, however, died in the Education Committee.

Bills Introduced but Not Passed or Pending

Kansas

Kansas's House Bill 2432, referred to as Erin's Law, was introduced in 2014 but died in the Committee on Corrections and Juvenile Justice. The bill was introduced again in the 2015 legislative session but also died. It would have instructed the Board of Education to make available to each school district, training "*to assist with teacher awareness of issues regarding child sexual abuse, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse*"; and instruction to students in Grades K-6 about "*the difference between appropriate and inappropriate conduct and actions that a child may take to be protected from sexual abuse.*"

Minnesota

Minnesota filed a bill in 2007 modeled after Erin's Law but the bill died in committee.

It should be noted, however, that in 2014 Minnesota sexual assault prevention advocates succeeded in securing an appropriation of \$300,000 designated to the Department of Public Safety for a grant program for "Sexual Assault Primary Prevention." The Fund is administered by the Minnesota Coalition Against Sexual Assault (MNCASA). Five two-year grants have been allocated that support sexual assault prevention programs for parents, youth, college students, persons with disabilities and other adults. The focus of the Fund is to prevent initial perpetration or victimization of sexual assault across the lifespan.

Montana

Montana introduced HB 474 in 2015 to address child sexual abuse and child sex trafficking. The child sexual abuse prevention provisions included educating parents, teachers, child care providers and other Montanans about how to prevent sexual abuse and be aware of warning signs and predatory behaviors. The sex trafficking provisions called on law enforcement to coordinate efforts with the Department of Public Health and the Department of Human Services. The bill died in committee on April 28, 2015.

Ohio

Ohio introduced HB 85 in 2015 which would mandate that children in grades K-6 receive instruction about child sexual abuse and available counseling and resources for victims. Children in grades 7-12 would receive instruction about sexual violence prevention. An opt-out provision would allow parents to exclude their children from the instruction with written permission. The Board of Education in each city and local school districts would be charged with "prescribing curricula for all schools under their control."

Bills Introduced but Not Likely to Pass

New Jersey

New Jersey's S.3017 bill modeled after Erin's Law was filed in the 2013-2014 legislative session and referred to the Senate Education Committee where it died. The bill would have required school districts to incorporate sexual abuse and assault awareness and prevention education for children in grades preschool through 12 as part of the Core Curriculum Content Standards in Comprehensive Health and Physical Education.

The bill was refiled in the 2014-2015 session and also sent to the Senate Education Committee. No hearings were ever held on S.3017 or S.102 and advocates indicate that passage is unlikely.

New York

New York has introduced bills promoted as Erin's Law in the past three successive legislative sessions (2013-2015) but they have failed to pass. Officials indicate that a bill promoting child sexual abuse prevention for school children will never pass since the State Board of Regents promulgates standards only, and implementation of any mandated curricula is the jurisdiction of local school districts.

States with No Legislation Introduced

Arizona

Delaware

Florida

Georgia

Hawaii

Idaho

Kentucky

Maryland

Nebraska

North Dakota

Virginia

Washington

Wisconsin

Wyoming

SECTION III:

Clearly, we can see great variation in focus, scope and mandate among the states that have passed laws to address child sexual abuse prevention. In some states passage of prevention-focused laws has been relatively swift and non-controversial, whereas in other states, efforts to pass prevention laws have not succeeded despite numerous attempts. Even when legislation has passed, some states have not been able to generate the support needed to carry out the law's purpose.

Passage now in slightly more than half the states affords us the opportunity to learn from the experiences of these states and help guide legislative proposals in the remaining ones. What follows are Massachusetts' efforts to do just that.

Efforts to Pass a Comprehensive Child Sexual Abuse Prevention Education Law in Massachusetts

In 2012 a Massachusetts legislator petitioned by a constituent introduced a bill mandating the education of school children about child sexual abuse. The narrowly-focused bill was not supported by child advocates and died in committee. During that time, legislators and child advocates were in the throes of a multi-year effort to reform the state's criminal and civil Statutes of Limitations in cases involving child sexual abuse. When victory on those fronts was finally achieved in July 2014, advocates turned their attention to building support for a set of proposals aimed at preventing child sexual abuse. Among them was a bill calling for a comprehensive response to child sexual abuse in schools and youth organizations.

The "**Comprehensive Sexual Abuse Prevention Education Act**,"¹⁷ introduced in the 2015 legislative session, represents an adult-focused and policy-driven strategy that its supporters believe is foundational to the subsequent education of children about ways to reduce their risk of sexual abuse. The bill goes beyond public schools, beyond educating children, and beyond teaching educators. See **Appendix C** for a link to the bill.

It proposes building adult- and community-responsibility as a necessary first core strategy upon which organizational policy development can effectively be built. It then proposes a practical and cost effective way to impart knowledge to students about boundary-violating behaviors they, and all the adults and children around them, must watch for and report, so that sexual abuse never has a chance to gain hold.

Ideally, this strategy could support schools in focusing their limited resources on enhancing social/ emotional learning among students, helping children establish and respect appropriate boundaries and interactions; and developing safe and nurturing relationships that are the precursors to healthy sexual development.

The following compares key provisions of the Massachusetts "Comprehensive Bill" with other state legislative initiatives to date.

Schools and Youth Organizations:

The Comprehensive Bill's provisions are directed at every school district, Commonwealth charter school, State-operated or State-licensed program that provides educational services to children, and at every youth-serving organization maintained by non-profit or for-profit entities.

Public and private schools serve over 54 million children and youth each year, according to the U.S. Department of Education.¹⁸ It is estimated that more than 87 million children are involved in activities provided by child and youth-serving organizations staffed by adults each year.¹⁹ Included are 35 million children who participate in youth sports programs.²⁰ After-school enrichment programs and other youth development opportunities also serve significant numbers of children. We are all proud of the educators and youth workers who dedicate themselves to guiding our children as they learn new life skills and grow in self-esteem. However, as we have come to understand, these settings also expose children and teens to risks by unwittingly providing the “cover” and access to children sought by those who would sexually harm them.

In 2004, a U.S. Department of Education report shared the startling data that nearly 7% of American school children, 3.5 million children, report having had unwanted sexual contact with someone in their school – usually a teacher or coach. When non-touching sexual offenses were included, the figures rose to 10% of children K-12, or 4.5 million students.²¹ Clearly, schools should be engaged in child sexual abuse prevention efforts, not only to provide support to children who may be abused in their own families, but also to reduce sexual misconduct and abuse committed by school personnel.

Publicity from high profile cases in every state, Title IX amendments relating to public schools that now include sexual abuse as a form of sexual harassment, and increasing numbers of civil and criminal lawsuits against institutions and their employees engaged in sexual misconduct or cover-up are all now compelling these organizations to consider more comprehensive policies and practices to keep kids safe.

Public and Private Schools

The Comprehensive Bill includes the mandating of education about child sexual abuse prevention to *both public and non-public schools*. Private schools are mentioned only by Colorado which indicates that private schools may access materials on its School Safety Resource Center website.

Despite being responsible for the education of millions of children each year, private schools are often excluded from requirements to develop policies and practices that conform to the standards identified and adopted for public schools. Because their accountability is to a board of directors rather than to the state and the public it represents, private schools have lagged behind in instituting protections from sexual abuse for its students.

In Massachusetts alone, many prestigious private schools have been involved in child sexual abuse scandals and cover-ups, including Groton School, Landmark School, Fessenden School, Buckingham, Brown and Nichols, Brooks Academy, Pike School, to name a few.

Some of our nation's most respected private schools have faced scandal and cover-up of sexual abuse cases. The Horace Mann School in Brooklyn was identified in a 2012 *New York Times Magazine* cover story as having a long history of institution-sanctioned sexual exploitation of its students. A recent report commissioned by the Horace Mann Action Coalition, a group of alumnae and victims from the school, indicates that 64 students were sexually abused by 22 Horace Mann staff over a 30 year period. Abusers included the headmaster, coaches, teachers, the school chaplain, the dean of guidance and department heads.²²

Poly Prep Day School in Brooklyn, another highly prestigious private school, issued what the Wall Street Journal called "a sweeping apology" in 2014 for the sexual abuse and subsequent cover-up of hundreds of boys over a 25-year period by the school's star football coach.²³ On a positive note, the comprehensive prevention policies adopted by Poly Prep in 2013 have become a model for other schools across the country.²⁴ Clearly, children in private schools deserve the same standard of protection from sexual abuse that we are calling for in public schools.

Education for Elementary and Secondary Schools

The Comprehensive Bill includes the mandating of education about child sexual abuse prevention in both elementary and secondary schools. Seven states focus on educating children in a range of grades narrower than Pre-K through Grade 12; 6 do not yet specify.

Research shows that infants, toddlers, young children and teens are all vulnerable to child sexual abuse and its devastating consequences. The focus on younger children, therefore, is arbitrary and insufficient to address the broader threat.

Adults First, then Children

The Comprehensive Bill targets adults as the first line of defense against child sexual abuse. Much of the legislation passed to date focuses first on the education of children to protect themselves from sexual abuse; adults and parents are secondary targets.

As stated earlier, there is recognition by CDC and leaders in the field that the responsibility for preventing child sexual abuse must fall squarely on the shoulders of adults rather than children. The pressures exerted on children not to tell are powerful and include: general messages we as a society convey (e.g. "*Always listen to adults and do what they say*"); tactics employed by abusers to keep children from telling (e.g. "*No one will believe you,*" "*You don't want to send me to jail, do you?*"); and even the response of some parents who may dismiss or minimize the importance of abuse signs out of fear of what it would mean for their families if the abuse was made public (e.g. "*What happens in the family, stays in the family.*")

As in an airline emergency, when safety dictates that adults put on their own oxygen mask first before attempting to secure their child's mask, we need to promote the position that the prime responsibility to prevent child sexual abuse rests first with adults. Once they are given knowledge and the skills to apply it, they are in the best position to be encouraged and empowered to protect children.

Language in some state laws highlights this difference. For example, several state laws focus on “*actions* children may take to prevent child sexual abuse, whereas they call for “*increased awareness*” of teachers and parents about the issue. The larger question should be – what are the specific prevention *actions* adult and parents can take to address the problem? The Enough Abuse Campaign promotes on its website and in its trainings over 30 specific prevention actions that adults and parents can take.²⁵

Educating All School Employees

The Comprehensive Bill calls for the education of *all* adults in the school system, including school district superintendents, school or program administrators, teachers, tutors, counselors, psychologists, school nurses, Title IX coordinators, professional support personnel, coaches, food service workers, janitorial personnel, bus drivers, school paraprofessionals and volunteers. Various other state laws limit the training to professional staff or fail to identify which adults in school are to be trained.

The U.S. Department of Education report referenced earlier indicates that teachers and coaches account for one-third of the adults in schools who are involved in some type of sexual misconduct or abuse of students K-12.²⁶ The remainder can include substitute teachers, teacher’s aides, bus drivers, security guards, custodians, counselors, principals, and other administrators.

While 61 percent of reports of child abuse and neglect are made by professionals who work with children, only 17.5 percent of reports are submitted by teachers and other education professionals, according to the National Child Abuse and Neglect Data System.²⁷ Given the number of children in schools and the extent of the time they spend there, this data may suggest under-reporting by this group of mandated reporters. Clearly, school employees are a critical lifeline for many children at risk of abuse; they must be given the knowledge and tools to fulfill their responsibilities to act.

Preventing Adult Perpetration and Child-on-Child Sexual Abuse

The Comprehensive Bill lists the elements that comprise “comprehensive” child sexual abuse prevention education. Included are both education about the prevention of adult perpetration *and* child-on-child sexual abuse. The only other reference to child-on-child sexual abuse in legislation appears in the language of Iowa’s bill which was defeated. It called for children to be taught “*ways to reduce their victimization and [their] perpetration.*”

The US Department of Justice Statistics reports that up to 40% of sexual abuse reported to law enforcement involves child-on-child sexual offenses.²⁸ More recent research into the lifetime rate of child sexual abuse from researcher David Finkelhor, however, indicates that juvenile-perpetrated child sexual abuse may account for 60% or more of offenses.²⁹ Currently, schools across the country are not providing training to their staff about how to prevent, recognize, and respond appropriately to sexual behaviors of children and child-on-child sexual abuse.

Children of all ages and stages of development express various sexual behaviors that are considered “developmentally expected.” Learning to distinguish these behaviors from those that are inherently inappropriate because of the context in which they occur, because they involve

coercion of one child by another, or because they are clearly abusive and reportable is a necessary part of child sexual abuse prevention education.

Importantly, training adults to *distinguish* problematic sexual behaviors from developmentally expected ones will result in fewer children being inappropriately labeled as having problematic sexual behaviors when, in fact, they may be expressing normal curiosity. Adults who work with children need also to learn how to *respond* to these behaviors in ways that promote good communication, empathy and accountability while at the same time being aware not to shame children for expressing normative behaviors.

Without incorporating this information in our adult training efforts, we will not likely reduce the level of child-on-child sexual abuse nor prevent children from developing sexually abusive behaviors in the future. This is critical as research shows that early identification and informed responses to inappropriate, coercive, or abusive sexual behaviors of children can help place these children on a healthy path.³⁰

Responding to Boundary-Violating Behaviors and Reporting Suspected Cases

The Comprehensive Bill includes the mandate to develop codes of conduct that identify inappropriate or boundary-violating behaviors that can often be precursors to illegal sexual behaviors. Most state laws limit their focus on the education of school employees about their legal responsibility to report cases once sexual abuse has occurred - a necessary but only partial response to prevent child sexual abuse.

Most incidents that require reporting to police and child protection authorities have been preceded by many grooming behaviors that, if identified early, would have prevented the escalation of misconduct to a legally reportable offense. There are many physical and psychological boundaries that adults must not cross in their interactions with children and teens. Through its trainings and consultations with educators and other school administrators, the Enough Abuse Campaign has identified twenty of these boundary-violating behaviors. Many of the behaviors are universally accepted as being inappropriate. Other boundaries, however, need to be considered and discussed in the context of the school's or organization's mission.

A mentoring organization or school-sponsored program that supports one-on-one relationship building between a child or youth and an adult mentor will allow some interactions that other, more traditional organizations and programs, would never consider appropriate. For example, a teacher inviting a child to their home, even for school-related work, would be considered inappropriate. A mentor, however, may actually be encouraged by their sponsoring organization to invite their mentee to their home as a way to provide a model for healthy family life.

It is important for both the protection of children and the protection of school employees to identify these boundary-violating behaviors. Adults who simply have poor body boundaries and who have no motivation to harm a child can be made aware that their behavior might be interpreted as predatory and can be directed to avoid such behavior in the future.

For those adults whose motivations are to become sexually involved with a child or teen, calling out their grooming behaviors early on will make it clear to them they are in jeopardy of being

discovered if they attempt to sexually abuse. For those who sexually harm children, the consequences of being discovered are well understood: i.e., being arrested, losing their job, disrupting their family, having their professional license revoked, facing trial, doing jail time, being permanently listed on the Sex Offender Registry. Educating all school personnel about boundary-violating behaviors and, importantly, the requirement to report observed behaviors to designated school authorities is key to any comprehensive sexual abuse prevention training.

Promoting Safe-Child Standards

The Comprehensive Bill directs schools and youth organizations to adopt a set of policies that support child sexual abuse prevention, and that focus on training, screening of prospective employees, detailed codes of conduct, assessment of physical spaces, and responding and reporting sexual misconduct and abuse. Current state laws that mandate the education of children and school personnel do not also require that they adopt these organizational prevention policies as a necessary component to preventing child sexual abuse.

Research shows that while education is a necessary part of any successful strategy to address complex public health problems such as child sexual abuse, education alone is insufficient to effectively change the norms of institutions and society at large. As the Prevention Institute states with regards to their Spectrum of Prevention framework *“The Spectrum identifies multiple levels of intervention and encourages people to move beyond the perception that prevention is about teaching healthy behaviors”*.³¹ Building coalitions that can engage in collaborative planning and assessment around how to solve the problem; educating parents, adults, professionals and youth with comprehensive and accurate information; working to improve organizational policies that support prevention; and legislative advocacy aimed at preventing child sexual abuse, supporting survivors, and holding abusers accountable are all necessary parts of an effective prevention strategy.³²

The Comprehensive Bill calls for schools and youth organizations to establish and implement policies that support the prevention of sexual abuse through: *“ongoing training of staff about adult perpetration and child-on-child sexual abuse; comprehensive screening of prospective employees and volunteers; the development of codes of conduct to identify inappropriate or boundary-violating behaviors that if left unchecked could escalate to reportable sexual offenses; the assessment and modification of physical facilities and spaces to reduce opportunities for sexual abuse; and responding to disclosures of sexual abuse or reports of boundary-violating behaviors of adults or children in a supportive and appropriate manner and which meets mandated reporting requirements...”*

The CDC’s seminal report issued in 2007 called *“[Preventing Child Sexual Abuse within Youth-Serving Organizations: Getting Started on Policies and Procedures](#)”* provides an excellent overview of the policy options available to youth organizations.³³ In April 2015 Prevent Child Abuse Massachusetts issued an updated and more concise report called, *“[Sexual Abuse Safe-Child Standards](#).”* The 22-page guide identifies the key safe-child standards schools and youth organizations should consider implementing, and includes practical guidelines to support compliance for each standard.³⁴ The Enough Abuse Campaign, which the organization directs, manages the “GateKeepers for Kids” online learning community at www.enoughabuse.org,

which includes a **Resource Bank** with over 75 documents, policies, and other tools schools and youth organizations can use as they assess and consider their own policies.

Prevent Child Abuse New Jersey, the lead agency for the Enough Abuse Campaign in that state, has produced a version of the [Safe-Child Standards](#) which has been formally adopted by the New Jersey Department for Children and Families (DCF).³⁵ DCF has directed its 800 contracted youth programs to work toward implementing the standards. To support that goal, DCF contracted with Prevent Child Abuse New Jersey to facilitate two webinars and to make the Campaign's Resource Bank available to its contracted organizations.

Educating Children about the Code of Conduct

The Comprehensive Bill calls on schools to develop and implement comprehensive prevention policies that include codes of conduct defining specific boundary-violating behaviors of adults and children that are not permitted. Once the code of conduct has been formally approved, schools are then instructed to educate children about the code. Various other laws promote the education of children about child sexual abuse using a curriculum that schools must develop or select.

Many state laws calling for schools to educate children about sexual abuse are directed to develop their own curricula for children or review and evaluate various curricula available through for-profit companies or non-profit groups. The content and quality of these tools varies widely, and since schools are not content experts on child sexual abuse prevention, they may not be in the best position to develop curricula or even to properly review outside curricula options. Some of the questions and decisions they would be confronted with include: direct teaching or an audiovisual tool; a cognitive approach or one that includes skill building; a single presentation or several presentations over time; which curricula for which ages; various lengths for various ages; provided by teacher or outside resource; use of anatomically correct terms or not; parent permission needed to opt in or opt out; how to protect children who are opted out.

Given that schools are already faced with many unfunded legislative mandates, there is concern that many schools will simply purchase "off-the-shelf" curricula to comply with legal mandates and that these tools will only superficially address the issue or not reflect the latest knowledge in the child sexual abuse prevention field. This would undermine the very intent of the legislation.

The Comprehensive Bill takes a wholly different approach. It is one that recognizes the serious limitations of currently available curricula which teach general lessons about okay and not-okay touch, that areas covered by bathing suits or private parts should not be touched by adults, and that if someone touches them in this way, they should go tell somebody. Children are still left to judge on their own when an okay touch morphs into a not okay touch – difficult to do because of the tactics of some abusers - or when grandpa who is a good person does something they have been told is bad.

Another limitation of current curricula is that while there is strong consensus in the field that children should be taught the proper medical names for their private parts, so they have the language they need to discuss inappropriate sexual touch, schools are unlikely to include

curricula or have teachers or others present curricula that use the terms penis, vagina, anus, bum, butt, buttocks, etc.

Children would benefit greatly from being taught concrete rules about specific behaviors of adults and other children that have been identified by their school - with input from administrators, teachers, parents and prevention experts, and even youth themselves - that are not permitted and that break the safety rules.

The Comprehensive Bill mandates the development and implementation of codes of conduct that identify specific boundary-violating behaviors, whether they are part of an intentional grooming process or not, and the need for a school-wide policy that promotes the reporting of these behaviors by school personnel and children alike as soon as they are observed.

The code of conduct can then be shared broadly with all school employees, children, their parents, and the community at-large. They can be included in the personnel policies, in the student handbook for distribution to every child and family, and on the school's website as a public statement that the school takes seriously its responsibility to keep children safe from sexual abuse.

Every school child understands the concept of rules and that they should not be broken. Once the code of conduct has been formally approved, children would be instructed about the specific rules within it. This can easily be done in sessions conducted by teachers, administrators, and even parent volunteers. No special skills would be required. Rules in the code would be discussed in classrooms and even in general assemblies. The information could be easily adapted for children of various ages and cultures, and for children with developmental disabilities.

Every child would be educated in a practical way about the behavior rules and about their obligation to tell if they observed rule-breaking behaviors. The lifeline of children being abused in their own homes would be strengthened as no parent could interfere with their children receiving information about the code of conduct approved by the school, endorsed by parents, and supported by the community.

“Teaching to the code” would not constitute an unfunded mandate. Schools would not have to bear the expense of identifying, evaluating and then purchasing child safety curricula, or of hiring outside consultants to deliver the curricula. The efforts of schools and non-profits could more appropriately be directed to educate school personnel and parents about what they need to know about child sexual abuse and how to prevent it.

The education of children about sexual abuse per se could be shifted to curricula that focus on helping children develop social/emotional competence and skills, developing self-esteem, and building safe, healthy relationships. In the short and long run, these would have a greater impact on preventing many problems children and youth face, including sexual abuse, bullying, school violence, substance abuse, suicide, etc.

SECTION IV.

State Legislative Efforts to Address Educator Sexual Abuse and Misconduct

Most school administrators and teachers have high moral standards and are excellent advocates for children. However, we are witnessing in recent years an increase in disclosures of sexual abuse of students by male and female teachers in communities all across our county.

The avoidance of negative publicity, the fear of being sued for defamation, concerns about being found in violation of Title IX sexual harassment policies and losing federal funds, the unwillingness to believe that a teacher who seems so normal and nice could be a sexual abuser – these are all reasons that provide school administrators with the rationale for pursuing the “resign and hide” option.

A 2010 [Government Accountability Office \(GAO\) report](#) confirms that some schools provide personal incentives to encourage suspected abusers to resign. Excellent letters of reference, health benefits, confidential separation agreements, and the option to surrender one’s teaching certificate in lieu of legal action are some of the perks negotiated.³⁶

The GAO report on cases involving confirmed sexual abuse of students by teachers and other school employees found that the following factors contributed to their hiring or retention:

1. School officials allowed teachers who had engaged in sexual misconduct toward students to resign rather than face disciplinary action, often providing subsequent employers with positive references;
2. Schools did not perform pre-employment criminal history checks;
3. Even if schools did perform these checks, they may have been inadequate in that they were not national, fingerprint-based, or recurring; and
4. Schools failed to inquire into troubling information regarding criminal histories on employment applications.

These practices point to the failure of some schools to uphold their fundamental responsibility to both educate children and ensure their health, welfare and safety. Children who are exposed to sexual misconduct and abuse are deprived of the right to be educated in a safe and supportive environment. When schools engage in these practices they are, in essence, contributing to the negative and often long-term physical, psychological, social, and educational impact of sexual abuse on these children.

In response to growing concern about educator sexual misconduct, a few states, including Missouri, Pennsylvania and Massachusetts, are working to strengthen laws to hold schools more accountable. Links to these laws or bills are included in **Appendix C**.

Stopping Educator Sexual Abuse, Misconduct and Exploitation

Missouri passed the Amy Hestir Student Protection Act in July 2011. It mandates every school district to adopt a written policy on information that the district may provide about former employees to other public schools. The act grants civil immunity to school district employees who report or discuss employee job performance for the purpose of making employment decisions that affect the safety and overall well-being of a student or students if done in good faith and without malice.

If a school district's employee has been alleged to have abused and the district dismisses the employee, allows the employee to resign, and fails to disclose allegations in a reference to another school district, or when responding to a potential employer's request for information regarding the employee, the district is liable for damages and has third party liability for failure to disclose.

Also included in Missouri law is the provision that if a student reports alleged sexual misconduct by a teacher or school employee to a school mandated employee, the employee and school district superintendent must forward that allegation to child protective services within 24 hours. The School must not conduct an investigation for the purposes of determining whether the allegations should be substantiated. A district may investigate the allegation only for the purposes of making a decision regarding the alleged abuser's employment – not to determine if the suspected abuse should be reported to officials.

Pennsylvania passed the "Stop Educator Sexual Abuse, Misconduct and Exploitation Act" (SESAME) in 2014 in a unanimous vote of the Pennsylvania legislature. The bill was a response to the case of 12-year old Jeremy Bell who was raped and murdered in West Virginia by a former 5th grade science teacher from Pennsylvania. Despite several boys coming forward to disclose that the teacher was groping boys, stripping them naked, and performing multiple sexual acts on young children, the Delaware County principal took the teacher's side and wrote a letter of recommendation to help him land a new teaching job in West Virginia. For twenty years, the teacher, now promoted to principal, continued to sexually abuse boys. He was finally stopped when he raped and then murdered Jeremy Bell in a cabin during a fishing trip.

The law now includes a section in the school code requiring schools and independent contractors of schools to complete extensive review of any job applicant who would be involved directly with children. The process mandates that:

1. A school must contact the applicant's current and former school employers if the person was in a position directly involved with children. The applicant is asked to sign a written authorization to allow disclosure of employment information that releases employers from liability.
2. In a written statement, the applicant must indicate whether he or she:
 - Was subject of an abuse or sexual misconduct investigation unless allegations were proven false;

- Was ever disciplined, discharged, non-renewed, asked to resign while abuse or sexual misconduct were pending or under investigation or due to finding of abuse or sexual misconduct;
 - Had his or her license suspended, surrendered their license or had it revoked.
3. The school may not hire an applicant who does not provide information and must contact past employers and request dates of employment, any abuse, sexual misconduct or whether the employee was disciplined, resigned or had their license suspended.
 4. Past employers must disclose information and are given immunity from civil and criminal liability unless the information shared is known to be false.

Massachusetts has also filed SESAME legislation in the 2015 session (**S.247 and H.1374**) to prevent the practice of what has been referred to as “passing the trash” - the allowing or even encouraging of school employees engaged in sexual misconduct to resign in lieu of an internal investigation or outside legal action. For Massachusetts citizens, this practice has been all too familiar as their state was the first to document the unsavory actions of Catholic Church officials, who, when faced with the dilemma of how to deal with pedophile priests in their midst, routinely sent these abusers to unsuspecting parishes where they continued to abuse other children.

Age of Consent – Not a Defense

Massachusetts bills, referred to as the “Age of Consent - Not a Defense” bills, address the strategy of some abusers to groom children up to the age of 16 and then engage in sexual intercourse with them after they reach the age of consent so as to avoid criminal action. Such youth are often led to believe that they are in a unique relationship with the adult, that the sexual contact was consensual, that the adult will leave their spouse, etc. These youth often will not cooperate with law enforcement or support the filing of criminal charges. Their families are left with little recourse other than to demand the resignation of such persons. Child advocates and law enforcement have joined together on promoting this bill after two cases involving sexual abuse by female teachers ended without any criminal charges being filed because of the age of consent argument.

S.868 states that “*any person employed by or contracting with any public or private school, any institution of higher learning, state department (youth services, social services, mental health, developmental disabilities), or private institution providing services to clients of such departments, who engages in sexual abuse of a person under the age of 19 served by such school, department or institution, within or outside of such school, department or institution, may not use the age of consent of 16 as a defense in a criminal action brought against them from such sexual misconduct or abuse.*” In other words, the bill makes clear that youth in these settings shall be deemed incapable of consent to sexual relations with such an employee or contractor. The Massachusetts companion bill, **S.869**, states that age of consent cannot be used as a defense in civil actions brought against the abuser.

California closed a similar loop hole when on July 16, 2015 Governor Jerry Brown signed **SB14** which no longer allows defendants in civil suits who are accused of sexually abusing minors to

argue that the sex was consensual. In the civil suit that preceded the legislative action, a lawyer for the Los Angeles Unified School District had argued that a 14-year-old girl could consent to sex with a 28-year-old teacher. In a stunning decision, the case was decided *in favor of* the School District. This unacceptable ruling by the court prompted legislators to unanimously adopt SB14 and the Governor to sign it into law.

Reporting Credible Threats

Massachusetts is working to close yet another gap related to educator sexual abuse through **H.1561**. When adult survivors of educator sexual abuse contact their schools after graduating or even years later to report prior sexual abuse of a school employee, they are often told by school administrators that since no children in the school are currently at risk of abuse from this person, there is nothing the school can do. This is the frequent response even if they know or receive credible information that the person still has contact with other children in another school or youth-serving organization.

The bill states that: *“A mandated reporter who has reasonable cause to believe that a person who is alleged to have sexually abused a child in the past, presently represents a credible threat to a child under the age of 18 years, shall have the same obligation to make oral and written reports of such threat to the appropriate law enforcement agency or official and the department.”*

SECTION V.

Federal Legislative Efforts to Prevent Child Sexual Abuse

In response to the rape and murder of Jeremy Bell described above, Sen. Patrick Toomey (R-PA) introduced in Congress in 2013 the **Protecting Students from Sexual and Violent Predators Act**. In impassioned statements on the Senate Floor, he had reported that in 2014, 459 teachers and other school employees were arrested across America for sexual misconduct with children - well over one for each day of the year. Halfway through 2015, nearly 300 arrests had already been made.

Sen. Toomey's bill, which passed unanimously in the Senate and was awaiting House approval, called for *“prohibiting states and LEAs from knowingly transferring or facilitating the transfer of any school employee if they know, or have substantive reason to believe, that such an employee engaged in sexual misconduct with an elementary or secondary school student.”*

The Bill required states receiving funds under the Elementary and Secondary Education Act (ESEA) of 1965 to:

- conduct State CORI, SORI, Child Abuse Registry checks, and checks with the Automated Fingerprint ID System (FBI) and the National Sex Offender Registry;
- prohibit the employment of an individual who refuses to consent to, or who makes a false statement in connection with, a background check or who has been convicted of one of specified felonies or of a violent or sexual crime against a minor;
- require background checks to be periodically repeated or updated in accordance with state law or the policies of the state's local educational agencies (LEAs);
- provide school employees who have had a background check with a copy of the background check if they request one and a timely process to appeal the results of the background check if it blocks their service as a school employee;
- notify police if a check is positive;
- ensure that such policies and procedures are published on state and LEA websites; and,
- allow an LEA to share the results of a recent background check on a school employee with another LEA that is considering that individual for employment.

On May 19, 2015, however, Senator Dianne Feinstein (CA) introduced **S. 1369**, the **Helping Schools Protect Our Children Act** which would allow funds under Title II, the ESEA, *“to provide training to school personnel to prevent and recognize child sexual abuse.”* These were to include: teachers, principals, specialized instructional support personnel, and paraprofessionals.

One month later, on June 24, 2015 Senator Kristen Gillibrand (NY) introduced **S. 1665**, the **Child Sexual Abuse Awareness and Prevention Act**, which also called for states to be allowed to use ESEA funds, however, specifically “*to educate elementary and secondary school children about how to recognize and safely report sexual abuse.*” The bill did not provide for the education of school personnel, despite the U.S. Department of Education’s own report, cited earlier, which indicated that 4.5 million school children K-12 reported inappropriate sexual contact by adults in their schools.

On July 9, 2015, Senator Feinstein’s language was adopted unanimously over Sen. Gillibrand’s language as an amendment to the reauthorization of the ESEA Act

Senator Toomey joined by Senator Joe Manchin of West Virginia also succeeded in getting unanimous support for their ESEA amendment which stated that a school district receiving federal funds under Title II “*shall not assist a school employee in obtaining a new job if it knows, or recklessly disregards credible information indicating, that such school employee engaged in sexual misconduct with a minor.*”

A provision in the bill that would have required schools to perform background checks on all employees and contractors who have unsupervised access to children, however, was not included. Though Congress enacted in 2014 by a vote of 523-1, legislation requiring similar background checks for day-care facilities, lobbying by the National Education Association likely influenced the decision. It took the indefensible position that a convicted child rapist who completes his prison sentence should not be prevented from being a teacher because this would subject them to “*additional punishment because of these convictions.*”³⁷ It is difficult to believe that a survey of its 3 million members would have supported the same position.

Currently, the Senate and House versions of the ESEA bill are being reconciled in the Conference Committee. A single final bill must be approved by Congress and then sent to the President. Among groups calling for inclusion of the “pass the trash” ban in the ESEA law include: Association of Prosecuting Attorneys, Center for Children’s Justice, Enough Abuse Campaign Coalition, Federal Law Enforcement Officers Association, National Association of Police Organizations, National Center for Missing and Exploited Children, National Children’s Alliance, National District Attorneys Association, National Sheriffs’ Association, Pennsylvania Coalition Against Rape, and S.E.S.A.M.E. (Stop Educator Sexual Abuse, Misconduct & Exploitation).

SECTION VI.

Federal Agency Support for Child Sexual Abuse Prevention

Achieving lasting social change to prevent child sexual abuse and exploitation will require the collective support of federal and state agencies, as well as national and local foundations. This support is currently lagging.

Currently the Office on Child Abuse and Neglect (OCAN), within the U.S. Department of Health and Human Services' Children's Bureau, does not provide discretionary grants to support child sexual abuse prevention initiatives. While administrators there are committed to a prevention agenda, they point to the lack of available dollars in their budget to support the work due to the federal sequestration. OCAN does provide formula grant funds to states through the Children's Justice Act to improve the investigation, prosecution and judicial handling of cases of sexual abuse; however, funds to support prevention programs are not included. Another OCAN formula-based grant program supports Community-Based Child Abuse Prevention (CBCAP). While states may use some of these funds to support local child sexual abuse prevention efforts, grants made for this purpose are not significant.

In 2002, the U.S. Centers for Disease Control and Prevention (CDC) led the federal effort to develop and test child sexual abuse prevention strategies when it provided three, 5-year grants to foster the development of adult- and community-based models in Georgia, Massachusetts and Minnesota. Since that initial investment of over \$3.5 million dollars, no additional funds have been made available from CDC to sustain those initiatives or to expand or replicate successful programs.

The Department of Justice provides grants to support law enforcement responses to sexual abuse and more recently, to support initiatives to combat sex trafficking. Despite reports by Shared Hope International that over 93-95% of domestic minor sex trafficking victims have been previously sexually abused as children,³⁸ the Department's grant program focuses uniquely on after-the-fact responses and provides no funding to prevent first time sexual perpetration against children.

Private Sector Support for Child Sexual Abuse Prevention

Attempting to address the gap in federal and private foundation funding to support the movement to end child sexual abuse, the Ms. Foundation for Women provided grants ranging from \$25,000 to \$75,000 to a small number of non-profits around the United States from 2008 through 2015. Among the efforts funded included: an initiative to link child and adult sexual assault prevention, a statewide citizen education and community mobilization initiative, programs within faith-based groups, survivor support and advocacy programs, and programs serving LGBT and Native American communities. Importantly, the Ms. Foundation's investment of over \$3 million dollars not only supported individual programs; it served to coalesce a core of committed movement builders on this critical issue. Funding for this cohort of prevention programs, however, ended in

the spring of 2015, as the Foundation itself was faced with what it had previously described as “*the chronic under-resourcing of and resistance to the issue.*”³⁹

A 2015 survey of members of the National Coalition to Prevent Child Sexual Abuse and Exploitation confirms the challenges non-profits working in this vital prevention area have been facing.⁴⁰ Only two national foundations were identified as including child sexual abuse prevention in their funding guidelines. Unfortunately, one has recently limited its future giving to non-profits outside the U.S.; the second provides grants of \$50,000 or less.

Leading the philanthropic community’s support for comprehensive efforts to prevent child sexual abuse are a small but growing group of local foundations. Among them is the Englestad Foundation that provided a \$265,000 grant to Prevent Child Abuse Nevada and to the Rape Crisis Center of Las Vegas to organize and staff the Enough Abuse Campaign in their state. The Center for Innovations and Research, Inc., whose mission is to apply research-based knowledge to address problems in human services and education, received a \$120,000 grant from the Columbia Foundation to organize the Enough Abuse Campaign across the 10-county Greater Bay Area of California. In Massachusetts, the Cummings Foundation awarded a \$100,000 grant to Prevent Child Abuse Massachusetts to expand the Campaign in Middlesex County, the state’s most populous region. The California Child Abuse Prevention Center, lead agency for Prevent Child Abuse California, received a \$60,000 grant from the Kaiser Foundation to support development of the Enough Abuse Campaign in the Sacramento-Sierra Region. The Community Foundation of New Jersey provided seed funding of \$50,000 to support the work of Prevent Child Abuse New Jersey in organizing the Enough Abuse Campaign in that state.

Another example of how the private philanthropic community is beginning to address the issue of child sexual abuse can be seen with Associated Grant Makers, a statewide membership association of 125 foundations and funders in Massachusetts. It has convened two Special Briefings for its members: the first to provide general information about the child sexual abuse and its prevention; the second to inform them about new standards for safe-child policies and practices which foundations should encourage their youth-serving organization grantees to adopt. A third Special Briefing, scheduled this fall, will educate AGM’s non-profit members, which number over 500, about how they can strengthen their capacity to prevent child sexual abuse by implementing the safe-child standards. Hopefully, these initial efforts will lead to the expansion of foundation guidelines to include child sexual abuse prevention funding in the near future.

CONCLUSION

Clearly, the work of survivors, advocates, legislators, and citizens to prevent address child sexual abuse is gaining momentum across the country.

Our collective challenge looking forward now is how to educate and support every parent to be the confident first educators of their children about child safety; how to identify and implement strategies that help children build safe and nurturing relationships and that foster healthy sexual development; how to ensure the adoption of comprehensive prevention policies in every school and organization serving children and youth; and how to mobilize citizens, survivors, and communities to take prevention actions which will strengthen social/cultural norms to challenge the sexual abuse and exploitation of children.

All of these changes will be required if we are to ensure the right of every child to a healthy and safe childhood, one free from the devastating effects of sexual abuse on them, their families, our communities and our country.

We hope this **Status Report** will be a useful resource for Prevent Child Abuse America and its Chapters, for the National Coalition to Prevent Child Sexual Abuse and Exploitation, the National Child Abuse Coalition, state and Congressional leaders, and other child sexual abuse prevention advocates as they facilitate national and state level discussions about how best to shape the policies and practices that will lead to those changes.

APPENDIX A

State Child Sexual Abuse Prevention Laws

1. **Alabama Law** <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2015RS/PrintFiles/HB197-eng.pdf>
2. **Alaska Law** <http://www.legis.state.ak.us/PDF/29/Bills/HB0044Z.PDF>
3. **Arkansas Law** <ftp://www.arkleg.state.ar.us/Bills/2013/Public/HB1988.pdf>
4. **California Law** <https://legiscan.com/CA/text/AB2016/id/1038636>
5. **Colorado Law** http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2015a/sl_277.pdf
6. **Connecticut Law** <https://legiscan.com/CT/text/SB00203/id/1026239>
7. **Illinois Law** <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1524>
8. **Iowa Law*** (passed but not implemented) <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&ga=84&hbill=SF533>
9. **Indiana Law** <http://www.in.gov/legislative/bills/2012/SE/SE0267.1.html>
10. **Louisiana Law** <http://www.legis.la.gov/legis/ViewDocument.aspx?d=913638>
11. **Maine Law*** (passed but not implemented) http://www.mainelegislature.org/legis/bills/bills_126th/billtexts/HP007701.asp
12. **Massachusetts Law** <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter431>
13. **Michigan Law**
<https://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-1112-N.pdf>
14. **Mississippi Law*** (passed but not implemented) <https://legiscan.com/MS/bill/SB2133/2013>
15. **Missouri Law** http://www.senate.mo.gov/11info/bts_web/Bill.aspx?SessionType=R&BillID=4066479
16. **New Hampshire Law** <https://legiscan.com/NH/text/SB348/id/1037861>

17. **New Mexico Law**
<http://www.sos.state.nm.us/uploads/files/hb%2092%20%26%20101.pdf>
18. **Nevada Law** <https://legiscan.com/NV/bill/SB258/2013>
19. **North Carolina Law** <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H369v9.pdf>
20. **Oklahoma Law**
<http://www.oklegislature.gov/BillInfo.aspx?Bill=HB1684&Session=1500>
21. **Oregon Law** <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB856>
22. **Pennsylvania Law** <http://www.education.pa.gov/K-12/Safe%20Schools/Pages/Act-71.aspx#.VaWQsPIDXbN>
23. **Rhode Island Law** <http://webserver.rilin.state.ri.us/PublicLaws/law14/law14404.htm>
24. **South Carolina Law** http://scstatehouse.gov/sess120_2013-2014/bills/4061.htm
25. **South Dakota Law** <http://legis.sd.gov/docs/legsession/2014/Bills/SB154P.pdf>
26. **Tennessee Law** <http://www.tn.gov/sos/acts/108/pub/pc0706.pdf>
27. **Texas Law** <http://jennaquinn.org/wp-content/uploads/2011/07/HB01114I.pdf>
28. **Utah Law** <http://le.utah.gov/~2014/bills/static/hb0286.html>
29. **Vermont Law** <http://www.leg.state.vt.us/docs/2010/Acts/Act001.pdf>
30. **West Virginia Law**
http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB2527%20SUB%20ENR.htm&yr=2015&sesstype=RS&i=2527

U.S. Pacific Island Territory of Guam Law

http://glwebstorage.com/Public_Laws_31st/P.L.%2031-97%20SBill%20No.%20173-31.pdf

APPENDIX B

Links to State Child Sexual Abuse Prevention Task Force Reports

1. **Vermont - June 2010**
http://www.education.vermont.gov/documents/edu_health_ed_TARG.pdf
2. **Iowa Report - January 2012**
<http://www.pcaiowa.org/downloads/library/sap-task-force-report.pdf>
3. **Texas - December 2012**
<http://www.blueribbontaskforce.com/statewide/sites/default/files/Statewide%20BRTF%20Final%20Report%202012.pdf>
4. **Illinois Report - May 2012**
<http://www.isbe.state.il.us/reports/erins-law-final0512.pdf>
5. **Missouri Report - December 2012**
http://www.msbanet.org/files/governmental_relations/MoKidsFirst_Report_FINAL.pdf
6. **Nevada Report - September 2014**
<http://dcfs.nv.gov/uploadedFiles/dcfsvgov/content/Tips/Reports/SB258%20Report.pdf>
7. **Arkansas Report – September 2014**
<http://www.arkleg.state.ar.us/assembly/2013/Meeting%20Attachments/810/I12774/Act%201298%20Report%20Approved.pdf>
8. **South Dakota Report - January 2015**
<http://legis.sd.gov/docs/interim/2014/documents/JLT2014FinalReport.pdf>
9. **North Carolina Report – February 2015**
[http://www.preventchildabusenc.org/assets/preventchildabusenc/files/\\$cms\\$/100/2173.pdf](http://www.preventchildabusenc.org/assets/preventchildabusenc/files/cms/100/2173.pdf)
10. **Michigan Report – July 2015**
http://www.michigan.gov/documents/dhs/ReportRecommendations_491970_7.pdf

U.S. Pacific Island Territory of Guam - April 2012

<http://www.pacificnewscenter.com/images/pdf/preventsexabusetaskforce.pdf>

APPENDIX C

Links to Other State Child Sexual Abuse Prevention Legislation

Comprehensive Child Sexual Abuse Prevention Education

Massachusetts – Comprehensive Child Sexual Abuse Prevention Education in Schools and Youth-Serving Organizations Bill (S.316)

<https://malegislature.gov/Bills/189/Senate/S316>

Stop Educator Sexual Abuse and Misconduct

Missouri - Amy Hestir Student Protection Act

http://www.senate.mo.gov/08info/BTS_Web/Bill.aspx?SessionType=R&BillID=148944

Pennsylvania - Stop Educator Sexual Abuse, Misconduct and Exploitation Law (SESAME)

<http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2013&sessInd=0&billBody=S&billTyp=B&billNbr=0046&pn=1056>

Massachusetts - Stop Educator Sexual Abuse, Misconduct and Exploitation Bill (SESAME) (S.247) <https://malegislature.gov/Bills/189/Senate/S247>

Age of Consent – Not a Defense

Massachusetts -

S. 868 (criminal) <https://malegislature.gov/Bills/189/Senate/S868>

S.869 (civil) <https://malegislature.gov/Bills/189/Senate/S869>

California -

SB 14 http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB14

Reporting of Credible Threats by Schools to Law Enforcement

Massachusetts -

HB 1561 <https://malegislature.gov/Bills/189/House/H1591>

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