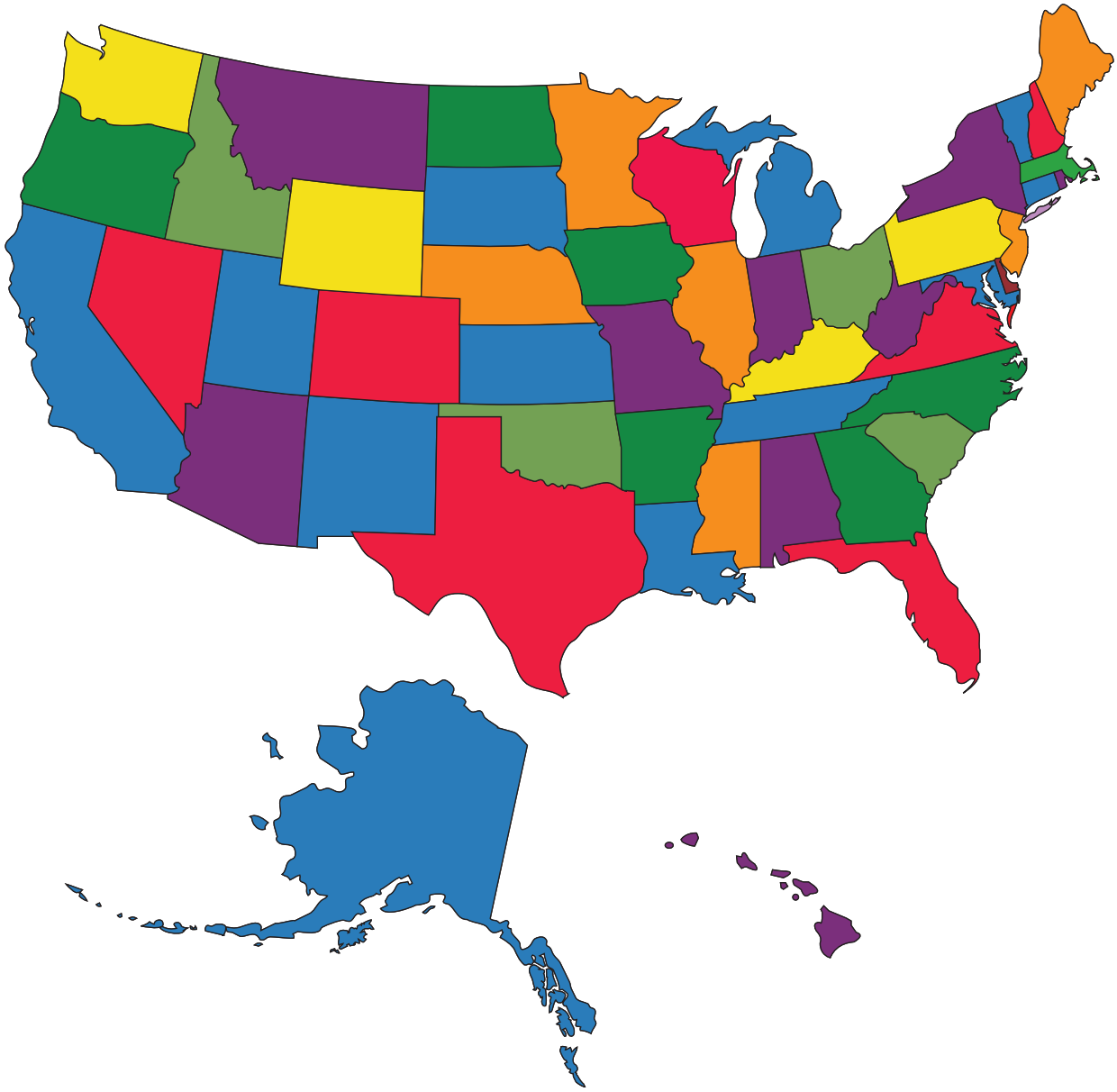
# A Call to Action for Policymakers and Advocates:

## Child Sexual Abuse Prevention Legislation in the States



**Enough Abuse Campaign**

In collaboration with

Prevent Child Abuse America®

Produced May 2021

updated July 2022

*to every child in America*

*you are*

*amazing*

*grace.*

*you are a*

*precious*

*jewel.*

*you -*

*special,*

*miraculous,*

*unrepeatable,*

*fragile,*

*fearful,*

*tender,*

*lost,*

*sparkling*

*ruby*

*emerald*

*jewel*

*rainbow*

*splendor*

*person.*

Poem: Joan Baez | Graphics: David Mekelberg

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# Introduction

*"A Call to Action for Policymakers and Advocates: Child Sexual Abuse Prevention Legislation in the States"* was compiled to assist state leaders in:

1. evaluating the status of their legislative efforts to prevent child sexual abuse in schools,

2. learning how other states are addressing the issue, and

3. encouraging improvements in state policies based on the national trends identified and recommendations provided.

The report follows the 2015 *"Federal and State Legislative Efforts to Prevent Child Sexual Abuse: A Status Report,"* which was researched and produced by MassKids, the national office for the Enough Abuse Campaign on child sexual abuse prevention and State Chapter of Prevent Child Abuse America for over three decades.

We review five laws aimed at preventing sexual misconduct and abuse through school-based initiatives and provide an overview of each state's legislative efforts in those areas. We discuss emerging trends and propose a set of recommendations to enhance current state legislative efforts, and to build a national infrastructure to coordinate and support implementation of targeted prevention actions in schools, youth organizations and communities across the states.

Given the scope of the problem and the impact of trauma from sexual abuse on children's learning, memory, social-emotional development and academic achievement, it is clear that schools must address sexual misconduct and abuse as threats to their fundamental mission, that is, to establish a safe environment for children that fosters their learning and supports their personal development. We believe our report will help state and school leaders understand that the attitude *"It doesn't happen in our school,"* is naïve and no longer excuses inaction. The most constructive way schools, and the municipalities under which many are insured, can protect their institutions from negative publicity, costly civil and criminal lawsuits and a traumatized school community is to take bold and transparent steps to embrace a comprehensive package of prevention policies and practices. Every school must answer the fundamental question: *"Do our actions protect the children in our care or protect those who would sexually abuse them?"* Each state, department of education, school district, school, and community must choose one side. It cannot choose both.

In compiling this resource, we reviewed hundreds of laws in all 50 states and the District of Columbia. Additionally, we conducted a survey of key advocates in each state to query them about the successes and barriers they may have encountered in advocating for the five specific laws on child

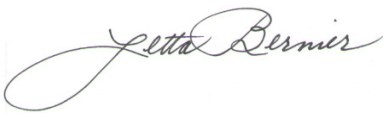
sexual abuse prevention that are the focus for this project. These included child sexual abuse prevention education in schools; school employee screening policies to prevent child sexual abuse; criminalizing educator-specific sexual misconduct; establishing state sexual abuse task forces; and student safety poster laws.

Policy efforts from 2003 to the present were reviewed and information included in the report is effective as of May 15, 2021. Since legislation is being introduced and passed even as this report is being issued, we encourage advocates to inform us of new developments in their states at **info@enoughabuse.org**. We, in turn, are committed to maintaining the latest available information through periodic updates of this resource and through the interactive Legislative Maps section of our Enough Abuse website at: **https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html**.

We salute our partner, Prevent Child Abuse America, the nation's oldest and largest organization committed to preventing child abuse and neglect before it happens. Their encouragement to undertake this ambitious effort and their support for the report's publication and dissemination were invaluable. We are also grateful to our Board for its unwavering commitment to tackling the tough issues facing our children and to Lindsay Hawthorne, Communications Coordinator for MassKids/Enough Abuse Campaign, whose professionalism and can-do spirit helped make this task possible. Our thanks to Janice Bundas, an advocate monitoring and promoting Student Safety Poster laws in various states and to our volunteer squad, Jennifer Dailey, Ramsha Mushtaq, Jennifer Matrazzo, Sydney Kim, and Micaela Harris, whose generous contributions of time produced and disseminated a survey that helped us capture views of advocates about the successes and challenges they faced in passing child sexual abuse prevention legislation.

By documenting the many actions of state elected officials, child advocates and citizens, our collective goal is to make the work of legislative advocacy to prevent child sexual abuse, not only less daunting and confusing, but also more strategic and possible.

*Jetta Bernier, Executive Director - MassKids*
*Site of the National Enough Abuse Campaign*



# National Overview of Laws to Prevent Child Sexual Abuse

In assessing state legislative efforts to prevent child sexual abuse, five specific prevention laws were selected for review in this report, including:

1. **Child Sexual Abuse Prevention Education Laws** that require or encourage schools to educate some or all staff and/or some or all students about the prevention, response to and reporting of child sexual abuse.

2. **Laws for the Screening of School Job Applicants and the Dismissal of Employees Engaged in Sexual Misconduct or Abuse** whose provisions can include: requiring job applicants to disclose any previous investigation for sexual misconduct that resulted in loss or surrender of licensure; prohibiting confidentiality agreements if intended to suppress information about misconduct; protecting schools from civil and criminal liability when sharing with another school information about an employee's sexual misconduct; and prohibiting the aiding of an employee engaged in sexual misconduct in one school from securing a position in another school or school system.

3. **Criminalizing Educator-Specific Sexual Misconduct Laws** that make it a felony for a school employee and/or person in a position of authority or trust to engage in sexual conduct with a student - even if that student is over the state's age of consent; the laws establish penalties for the crime, including imprisonment and fines.

4. **Child Sexual Abuse Task Force Laws** that mandate the creation of state level, multidisciplinary, public/private bodies to examine the problem of child sexual abuse and make recommendations to state officials and the public about ways to improve prevention programs and policies.

5. **Student Safety Poster Laws** that require schools to post signs in prominent school locations to encourage students to reach out for help if they feel unsafe or have experienced abuse; child abuse reporting lines and website information are provided.

An Overview describing how states have implemented various provisions of each of these laws can be found in **Sections 1 through 5**, which include **States-at-a-Glance charts** and **State Summaries** that provide a brief description of and links to each state's law.

# National Trends

A review of state legislative efforts over the past decade or more to address child sexual abuse describes an encouraging trend in terms of activity. For example, since 2014, we have seen the number of states addressing **child sexual abuse prevention education in schools** increase from five states to an additional 28, with 11 in 2018 and 2019 alone.

This is also true regarding laws aimed at the **screening of new applicants and the dismissal of employees engaged in sexual misconduct or abuse.** Before 2014, only three states had passed such laws as a way to prevent child sexual abuse in their schools. Since then, nine additional states have enacted laws with various provisions aimed at screening out applicants engaged in past sexual misconduct and/or establishing protocols to respond to current employees engaged in sexual misconduct. Legislation is pending in 2021 in one other state.

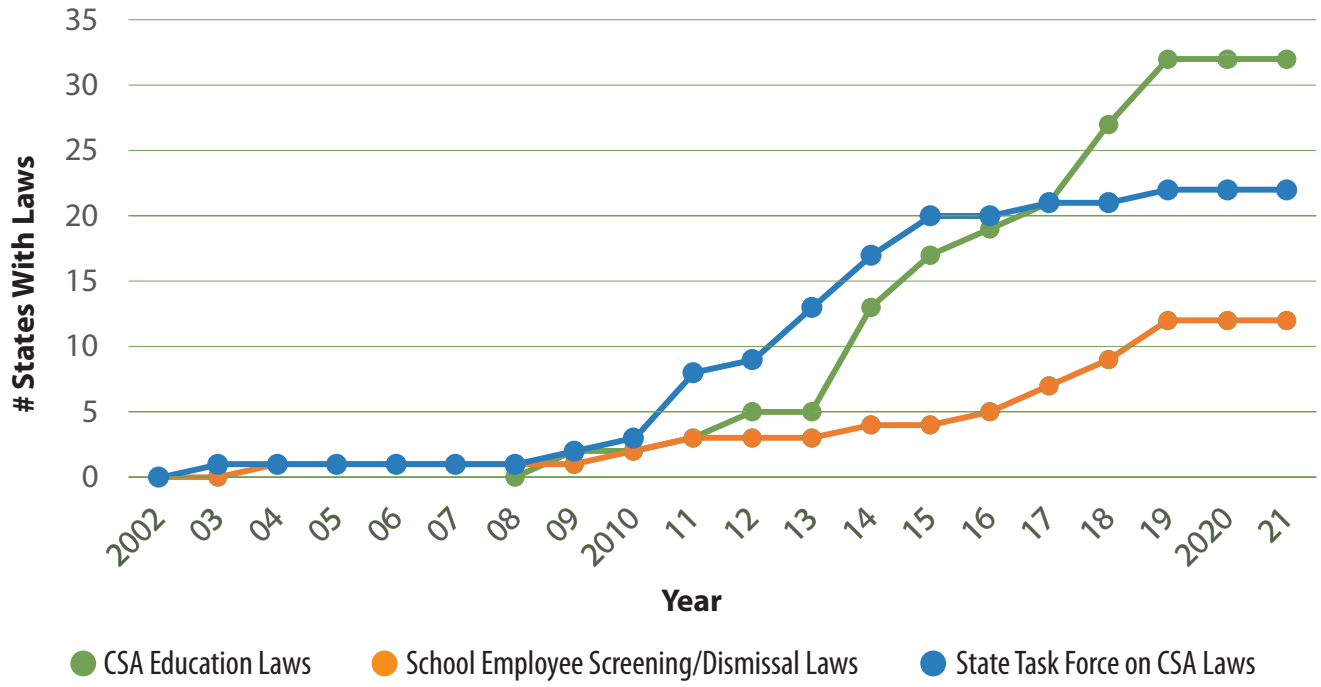
Similar trends can be seen in term of passing **educator-specific sexual misconduct statutes**, which specifically prohibit the sexual abuse of children by individuals working in or associated with schools and by persons in positions of authority that include school personnel, staff in youth-serving organizations, etc. These laws increase such offenses from misdemeanors to felonies and impose harsher prison terms and financial penalties for offenders. The number of applicable statutes criminalizing "educator sexual misconduct" had nearly doubled, from 15 states prior to 2010 to 29 states by 2017. Our review shows that, currently, 38 states and the District of Columbia have now adopted these statutes.

The development of **state task forces dedicated to child sexual abuse prevention**, established under law or through the leadership of non-profit entities, shows a different pattern. Of the 22 state task forces convened to date, 20 were established from 2003 to 2015, including six in 2011/12, eight in 2013/14, and three in 2015. Over the past five years, only two additional states have established such bodies - North Dakota in 2017 and D.C. in 2019. We are not aware of any task force bills currently pending.

It is notable that legislative activity to prevent child sexual abuse began to increase around 2010-2011. (See **Chart 1**.) The impetus for this can only be assumed, but intensive national media coverage of the Sandusky/Penn State sexual abuse scandal could have been one factor. While increased legislative movement on prevention policy fronts is encouraging, a closer look reveals significant variability in the content of these laws despite their common intended goals. These variations point to a critical need to identify a set of key recommended provisions that legislators and advocates should consider when such bills are introduced initially or when efforts are made to amend and improve previously passed laws on these issues.

# Graph 1.

## Number of States With CSA Prevention Laws 2002-2021




## Child Sexual Abuse Prevention Education in Schools

Laws to provide child sexual abuse prevention education in schools show great variability. (See **Section 1** for details.) While **33 states and D.C. have passed such laws, only 14 require training for all school employees and all students.** The remaining states, either "encourage" rather than mandate the education, or they designate only some school employees be educated, e.g., only teachers or licensed staff, or only some students, e.g. K-5, PreK-6, grades no lower than 6th.

Some laws require or encourage school districts or schools to develop and deliver their own prevention education curricula for staff, and/or "age appropriate" curricula for students. These products most frequently fall short of being evaluated, research-based tools, fall even shorter of being "evidence-informed," and do not meet the desired criteria of being "evidence-based." As a result, the impact of most of these curricula on reducing cases of sexual misconduct and abuse in schools has yet to be demonstrated.

The most common feature of these laws is that no appropriations to support schools in implementing them were included in their passage. Funding to monitor state or county-based compliance and to gather implementation data by the state's department of education has also been lacking and, therefore, so has accountability. As a result, schools can argue understandably that they are being asked to carry out an unfunded mandate and may simply choose not to implement these prevention education laws.

Also, because funding to develop and then evaluate school-based child sexual abuse prevention education programs has been very limited, only a few organizations have taken on the challenge to produce comprehensive, high-quality curricula, and to document their effectiveness through randomized control studies.

Schools need not wait for more prevention curricula for children to be developed and evaluated before they educate children about safety. Since every schoolchild understands the concept of rules and that they should not be broken, schools can "teach to the Code," i.e. once a code of conduct for adults has been adopted, children can be instructed about the specific rules within it. This can be done in classroom sessions conducted by teachers, administrators, and parent volunteers, and even as a topic for school assemblies. The information can be easily adapted for children of various ages and developmental disabilities, e.g. a teacher should not ask you to sit on his/her lap, a school employee should not invite you to ride in their car, a counselor should not ask to meet with you outside of school, etc. Every child would be educated in a practical way about the behavior rules and about their obligation to "raise their hand" and tell a trusted person in their school or a parent if they observe rule-breaking behaviors.

A major gap in the laws reviewed is their failure to require training teachers and those who provide school counseling services for children about child-on-child sexual abuse. The U.S. Department of Justice Statistics reports that up to 40% of sexual abuse reported to law enforcement involves child-on-child sexual offenses.[1] Research into the lifetime rate of child sexual abuse indicates that juvenile-perpetrated child sexual abuse may account for 60% or more of offenses.[2]

Children of all ages and stages of development express various sexual behaviors that are "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.

Training adults to distinguish problematic sexual behaviors from developmentally expected ones will result in fewer children being labeled inappropriately as having problematic sexual behaviors when,

1 U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. (2003). *Youth Victimization: Prevalence and Implications, Research in Brief.*

2 Finkelhor, D., Shattuck, A., Turner, H., & Hamby, S. (2014). The lifetime prevalence of child sexual abuse and sexual assault assessed in late adolescence. *Journal of Adolescent Health*, 55(3), 329-333.

in fact, they may be expressing normal curiosity. Adults who work with children can 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.

Important to note is that research supports the need for such training as it 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.[3]

## Recommendations

Despite these challenges, it is clear that schools and all organizations that serve youth have critical roles to play in efforts to prevent the sexual abuse and exploitation of our children. To support them in that role, the Enough Abuse Campaign and Prevent Child Abuse America recommend that states:

1. **Introduce bills that include a set of comprehensive strategies to address both training and policies about child sexual abuse prevention.** There is consensus in the field that training alone, while necessary, is insufficient to address this complex public health problem and that prevention policies paired with training hold the best promise of reducing child sexual abuse and its devastating impact on children, their families and our communities. Research-based trainings should be incorporated into ongoing professional development offerings and required for all new hires, and a range of prevention policies and practices aimed at strengthening the culture of safety should be adopted. (See Screening recommendations on page 14.)

2. **Propose comprehensive Child Sexual Abuse Prevention Education legislation for schools** or propose amending laws passed earlier to expand their provisions. We recommend that child sexual abuse prevention education be:

   - ✔ **Mandated** rather than encouraged;
   - ✔ Directed at **public school districts**, charter schools, and State-operated or State-licensed programs that provide educational services to children, including child care centers;
   - ✔ Mandated for **private and parochial schools**;
   - ✔ Mandated for **youth-serving organizations** maintained by non-profit and for-profit entities;
   - ✔ Directed to **adults as the first line of defense** as trained adults are better able to prevent, early identify, respond appropriately to disclosures by students, and report suspected cases.

3 Carpentier, J., & Proulx, J. (2001). Correlates of Recidivism Among Adolescents Who Have Sexually Offended. Sexual Abuse: *A Journal of Research and Treatment*, 23, 434-455.

- ✔ Mandated for **all employees**, including superintendents, principals, school or program administrators, teachers, tutors, counselors, social workers, psychologists, school nurses, Title IX coordinators, school resource officers, professional support personnel, coaches, food service workers, janitorial personnel, security staff, bus drivers, paraprofessionals and volunteers.

- ✔ Mandated for all **elementary, middle and high school students**.

- ✔ Mandated to include training on the prevention of **child-on-child sexual abuse**. Adults must be trained to distinguish developmentally-expected sexual behaviors of children from those that are problematic, coercive and illegal.

- ✔ Mandated to include adoption of a comprehensive **Code of Conduct for staff and volunteers** that describes appropriate adult/child interactions, as well as inappropriate or boundary-violating behaviors that may be precursors to illegal sexual offenses. All employees should be required to sign an Acknowledgement Statement that they have read and will abide by the Code, and trained on how to interrupt inappropriate boundary crossings when they can do so safely and notify designated school or youth organization authorities when boundary violations are observed.

- ✔ Mandated to **teach children about the adult Code of Conduct**, that is, the appropriate interactions they should always expect from adult staff/volunteers, the inappropriate behaviors that adult staff/volunteers should never engage in with them, and that they are encouraged to tell trusted adults when they experience or witness inappropriate interactions between adult staff/volunteers and children.

- ✔ Mandated to **engage parents** by making training curricula for adult staff and for students available for their review. Sharing the Code of Conduct with parents and posting policies prominently on the school's website or in the Student Handbook lets parents and the community know that the school takes seriously its responsibility to protect children and encourages everyone to be aware of and to report any concerning behaviors that violate the Code.

- ✔ **Excluding of "parent opt-out" provisions** that allow parents to easily exclude their children from the training by a simple call or note to the school administrator. (An exception should be made for children identified as victims of sexual abuse for whom the training could be trauma triggering.) For children experiencing abuse in their own families, schools are a vital lifeline for safety. Parents engaged in sexual abuse or aware of other intra-familial child sexual abuse may seek to exclude their children from any training that might result in a disclosure. Schools should encourage questions from parents about the training, explain how it is different from sex education programs, explore reasons why a parent wants to opt out and discuss the benefits of the training to keep children safe.

✔ Required as a prerequisite for **teacher certification** and/or license renewal.

3. **Provide funding to schools through their State Departments of Education** either as direct grants or by the state agency underwriting the costs to implement evidence-based or evidence-informed curricula and prevention materials. Most trainings currently required for schools on the topic of child abuse were developed to address mandated reporter requirements for physical abuse and neglect. Information about child sexual abuse is generally insufficient, and focused on the logistics of reporting cases *after the fact*, not on preventing them *in the first place*.

4. **Secure federal support, through the U.S. Department of Education** to implement evidence-based curricula and prevention materials in schools to prevent child sexual abuse. For example, under ESSA (the Every Student Succeeds Act) a new "eligible use category for prevention of child sexual abuse" was created as part of the Student Support and Academic Enrichment Grants. State formula grant funds now can also be designated to support child sexual abuse prevention. While these funds are currently limited and have been used most often to support school mental health services, bullying prevention programs and to address school climate conditions, state education leaders should tap these funds and work with advocates to increase funding to support prevention efforts in local schools.

5. **Advocate for the Department of Justice** (DOJ) to support programs to prevent first time sexual perpetration against children, including evidence-based curricula and prevention materials in schools and youth-serving organizations to prevent child sexual abuse. Currently, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides grants to support law enforcement responses to sexual abuse and sex trafficking, and funds the National Center for Sexual Behavior of Youth. While an essential part of addressing the problem, these are secondary and tertiary prevention responses *after* child sexual abuse has occurred. DOJ has a new opportunity under the current Administration to take what it has learned over the decades about perpetration and victimization and apply that knowledge to primary prevention programming. This expanded focus is critical given that an estimated 93-95% of child victims of domestic sex trafficking have been previously sexually abused as children in their homes and communities,[4] and the links between sexual victimization and crime have been well established. DOJ grants, including through its Office for Victims of Crime, must be expanded to allow support for primary prevention programs that can reduce the number of victims.

6. **Encourage national and community foundations to step up funding** to support the scaling up of evidence-based and evidence-informed child sexual abuse prevention education programs; the development of new promising prevention strategies; and research to expand the knowledge base for prevention.

4 Smith, L., Vardman, S., Snow, M. (2009) *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children.* Shared Hope International. Vancouver, Washington. Retrieved from: http://sharedhope.org/wpcontent/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf

Legislators and advocates seeking legislative bill language that includes all the provisions under recommendation #2 can access it at: **https://www.enoughabuse.org/images/Legislation/Model_Legislation_CSA_ED_-_2021.pdf**

## Protocols for the Screening of School Job Applicants and the Dismissal of Employees Engaged in Sexual Misconduct/Abuse

Another example of the variability among state laws in this area relates to laws enacted to initially "screen out" from school positions applicants who may pose a sexual safety risk to students and to later dismiss school employees engaged in sexual misconduct or abuse. (See **Section 2** for details.)

Of the 11 states and D.C. that have enacted these laws,

- ✔ only six and D.C. have adopted a standard screening tool that requires an applicant to indicate any past, substantiated history of sexual misconduct or abuse, whether they were disciplined or fired because of such behaviors and whether their professional license was surrendered or revoked as a result.

- ✔ eight states and D.C. require school administrators to contact an applicant's current and former school employers if the person was in a position directly involved with children.

- ✔ eight states require the applicant to sign a written authorization allowing the current and previous school employers to share any employment information, including about any sexual misconduct, and releasing both employers from liability for sharing the information.

- ✔ seven states provide schools with specific legal protections from civil and criminal liabilities when they share information with other schools about an employee's sexual misconduct. This is a critical safety net for school administrators that want to disclose information about a prior employee's misconduct but do not for fear of legal action by the employee.

- ✔ eight states include the prohibition described by Congress when it reauthorized ESSA, i.e., *"confidentiality agreements between local educational agencies or schools and child predators should be prohibited."*

- ✔ four of the 11 states and D.C. have included provisions in their laws that prohibit schools and their employees from aiding and abetting any school personnel engaged in sexual misconduct to secure employment in another school. This, despite the Department of Education's ESSA directive that states must *"adopt laws, regulations or policies"* to prohibit the practice it refers to as "passing the trash."

- ✔ two states, Oregon and Massachusetts (pending bill), include a full disclosure or retroactive clause that all sexual misconduct should be covered whether the conduct occurred before, on

or after the passage of the law.

- ✔ Massachusetts' pending legislation includes a "credible threat" provision that requires a school or mandated reporter to notify law enforcement or other appropriate authorities if they learn from a credible source or have reasonable cause to believe that a person alleged to have sexually abused a child in the past but who is no longer employed in the school may represent a present credible threat to a child.

It should be noted that most states do have laws or policies that require schools to conduct Criminal Offender Record Information (CORI) checks, as well as state and national fingerprint-based checks when screening prospective new employees, transportation personnel subcontractor or laborer commissioned to perform work on school grounds that may have direct and unmonitored contact with children.

However, many schools believe that a "clean CORI" means an applicant is safe and can be hired without reservation. According to risk management experts, however, this is a false assumption as *more than 80% of child molesters identified in schools or youth organizations had no prior criminal records*. While these checks are a necessary strategy to screen out persons who might pose a risk to students, it is clear that they are alone insufficient to ensure that outcome. For this reason, comprehensive policies should be the goal for every state.

## Recommendations

To support schools in developing *comprehensive* strategies to keep their students safe and their institution better protected from civil and criminal liability from sexual abuse lawsuits, the Enough Abuse Campaign and Prevent Child Abuse America recommend that laws aimed at standardizing screening and dismissal policies include the following provisions:

1. **Require the adoption of a standard screening tool for schools** that an applicant must complete as part of the interview process, to 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, or asked to resign while abuse or sexual misconduct claims were pending or under investigation due to a finding of abuse or sexual misconduct; or had his or her license suspended, surrendered their license or had it revoked.

2. **Require school administrators to contact the applicant's current and former school employers** if the person was in a position directly involved with children.

3. **Require the applicant to sign a written authorization** allowing the current and previous school employers to share any employment information, including about any sexual misconduct, and releasing both employers from liability for sharing the information.

4. **Protect schools legally from civil and criminal liabilities** so they can share information with other schools about an employee's sexual misconduct without fear of legal repercussions.

5. **Prohibit schools from entering into confidentiality agreements**, collective bargaining agreements, individual employment contracts, resignation or severance agreements, or any other contract or agreement in which an employee is allowed to resign or retire in exchange for positive future job references, financial benefits, cleansing of the personnel file to eliminate any reference to the misconduct, or surrendering one's teaching certificate in lieu of legal action.

6. **Prohibit any school employee, contractor, agent, state or local educational agency from aiding and abetting** a school employee, contractor, or agent in obtaining a new job, if the employee or agency knows, or has probable cause to believe, that such an individual engaged in sexual misconduct regarding a minor or student in violation of the law.

7. **Include full disclosure requirements** that apply to all of an applicant's conduct known by the employer, regardless of whether the conduct occurred before, on or after the law's passage.

8. **Include a "credible threat" provision** that requires schools to notify law enforcement when notified by a credible source (e.g. former student, employee, parent) that a past employee was involved in sexual misconduct or abuse while at the school and could be a credible threat to other children presently.

Legislators and advocates seeking legislative bill language that includes all the provisions recommended above can access it at: **https://www.enoughabuse.org/images/Legislation/Model_Legislation_Screening_and_Dismissal_of_School_Employees.pdf**

## Educator Sexual Misconduct-Specific Laws

**Thirty-eight states and the District of Columbia** have adopted statutes that specifically prohibit the sexual abuse of children by individuals working in or associated with schools and by persons in positions of authority or trust that provide supervisory or disciplinary authority over a student. This is an increase of 10 states over the past 5 years.

As detailed in **Section 3**, statutes in 16 states are educator-specific only; 18 include both educator-specific sexual misconduct and misconduct committed by persons in positions of authority. Five states include only the position of authority and do not mention schools at all. The remaining 12 states criminalize adult/child sexual relationships in general, but have no educator-specific sexual misconduct law.

In a few states, including Alabama, California, Louisiana, Massachusetts and Tennessee, efforts to

criminalize educator-specific sexual misconduct and/or sexual misconduct by persons in positions of authority have been influenced by **Age of Consent laws** and the loophole they provide for those motivated to sexually abuse youth. Currently, in 33 states the age of consent is 16 years of age; in six states – age 17; and in eleven states – age 18.

Though not intended, age of consent laws have often shielded individuals from criminal prosecution or civil actions for sexual assault or rape of children over the age of consent. It is the strategy of some abusers to engage in non-sexual grooming behaviors until the youth reaches the age of consent, when sexual contact is initiated. Youth who are the targeted victims are led often by their abusers to believe that they are in a special loving relationship, the sexual contact is consensual, the adult will leave their spouse or partner for them, etc.

When such cases are discovered, youth, believing they are in a consensual relationship may refuse to press charges, leaving both law enforcement and parents with little recourse other than to demand the resignation of the person from their school position. Because of these loopholes and the lack of public disclosure about such cases, these individuals are not held accountable and can secure positions in other schools or youth organizations. Sadly, these youth only learn later that what they believed was a romantic relationship was just one of the abuser's string of inappropriate serial sexual relationships involving other victims.

## Recommendations

To strengthen protections for students under and above the Age of Consent, the Enough Abuse Campaign and Prevent Child Abuse America recommend that states:

1. **Broaden their definition of "educator sexual misconduct"** to include not only adults in teaching positions or licensed school employees, but all school employees, contracted employees and volunteers;

2. Broaden their laws to include **public, private and parochial schools**;

3. Broaden their laws to include any individual in **a position of authority or trust** in any organization or program serving children and youth;

4. **Eliminate "same school" provisions** that require the offending adult to be employed, assigned or volunteering in the same school in which the student victim is enrolled, in order for the laws to apply;

5. **Eliminate the "school grounds" requirement**, that is, that the sexual misconduct has to have been committed on school grounds, in order for the laws to apply;

6. Close the **"Age of Consent" loopholes** that currently protect adults in schools and youth organizations who offend against children that have reached the state's legal Age of Consent.

7. **Include young adults with special needs under the age of 22** among those deemed to be legally incapable of consent to sexual relations with an adult in a position of authority.

Legislators and advocates seeking legislative bill language that includes Position of Authority and Age of Consent provisions can access it at: **https://www.enoughabuse.org/images/Legislation/Model_Legislation_POA_and_Age_of_Consent.pdf**

## State Task Force Laws

In **21 states and D.C.**, Task Forces dedicated to child sexual abuse prevention have been established; in 17 states by legislative mandate and in four and D.C. without legislation. (See **Section 4** for details.) The impact of these Task Forces varies widely across states. Some have produced comprehensive reports that have set a long-term agenda to guide the state's prevention activities. Others have focused more narrowly on a specific goal, and then disbanded, e.g., identifying effective curricula to educate school personnel and/or students. Some have produced reports with recommendations that have gone largely unheeded by policymakers and no legislation has passed as a result, or only studied the issue and released no recommendations.

Based on this review, calls for federal funding to incentivize each state to establish a child sexual abuse prevention-specific task force may not be the best strategic choice. It would promote even greater variability in states' responses to the problem when what are needed first are comprehensive, tested strategies that federal and state agencies can adopt and practical community-based programs they can fund and implement. Given the alarming increase in child sexual abuse and online exploitation documented during COVID and the historically limited funding to address the problem, supporting each state to invent its own wheel is impractical and unresponsive to the need to harness effective and timely responses to the crisis – one which public health leaders are calling "a pandemic within a pandemic." (**See Appendix A – "The Crisis of Child Sexual Abuse and Exploitation".**)

Clearly, research to identify and evaluate prevention programs and strategies must remain a priority. However, we cannot halt progress on building the movement to prevent child sexual abuse while waiting for more precise data on the number of victims, documenting the devastating and often life-long impact on children, or its fiscal impact on our health, mental health, law enforcement, child welfare and education systems. These data have largely been gathered.

The field has begun to coalesce around a set of tested frameworks for social change to prevent child sexual abuse, standards for prevention policies, and practical strategies that every state can adopt. (**See Appendix B for selected references on "Frameworks and Standards".**) Furthermore, a

core of evidence-informed or promising prevention resources has already been and continues to be developed that can guide implementation, even as we press for more research.

## Recommendations:

To address the urgent need for timely and nationally coordinated responses to the documented and unprecedented increase in both in-person and online child sexual abuse, the Enough Abuse Campaign and Prevent Child Abuse America:

1. Urge President Biden to appoint a **Policy Czar on Child Sexual Abuse and Exploitation Prevention** to: lead, identify and coordinate federal and state responses to the crisis; engage federal and state agencies and private sector prevention leaders to identify a federal structure to provide technical assistance to the states on child sexual abuse prevention training and policy development; and identify federal funding to support community-based implementation of effective prevention programs.

2. Urge the Secretary of the U.S. Department of Health and Human Services to provide immediate funding for a network of **Regional Resource Centers to Prevent Child Sexual Abuse** to promote and provide training and technical assistance around implementation of a set of standards, best policies and practices in each of the country's ten federal regions.

3. Urge the Secretary of the U.S. Department of Health and Human Services to convene a federal **Interagency Task Force on Child Sexual Abuse Prevention** whose charge would be to work with the Policy Czar and private sector prevention leaders to: 1) identify, endorse and promote the set of standards, best policies and practices that the Resource Centers would be directed to implement and that federal agencies, states and community-based organizations would be encouraged to carry out to prevent child sexual abuse, and 2) identify funds that can be pooled from their agencies to offset the funding of the Regional Resource Centers and their technical assistance to states.

4. Said **Interagency Task Force on Child Sexual Abuse Prevention members** would include representatives from: the Department of Health and Human Services (the Office of Child Abuse and Neglect, the Centers for Disease Control and Prevention, and the U.S. Surgeon General's Office); the Department of Education (Office of Elementary and Secondary Education); the Department of Justice, (Office of Justice Programs and Office of Juvenile Justice and Delinquency Prevention); and the Department of Defense (Family Advocacy Program and DoDEA).

5. To address the urgent need for timely and nationally coordinated responses, the Policy Czar and Interagency Task Force would provide **regular reports to the President**, including:

i. an initial progress report no later than 120 days after the Czar's appointment;

ii. interim progress reports every 60 days thereafter;

iii. a report containing recommendations to ensure that the Federal Government through its agencies and the regional Resource Centers are implementing policies and practices to prevent child sexual abuse and exploitation, no later than 1 year after the date of the appontment; and

iv. a final report when the Task Force has completed its mission.

## Student Safety Poster Laws

Currently, **35 states report utilizing Student Safety Posters** as an additional resource in their approach to child sexual abuse prevention. (See **Section 5** for details.)

Posters are not a substitute for educating students about safe/unsafe adult behaviors or an indication that schools are only focused on reporting cases after the fact. Statewide associations of principals, superintendents, school nurses, etc. can endorse the posters and help distribute them statewide.

## Recommendations

As an additional strategy that schools can implement to reinforce the message that children have a right to be safe in their homes, schools and communities and that trusted adults are available for support if they ever feel unsafe, Enough Abuse and Prevent Child Abuse America recommend that:

1. **Laws, regulations or policies be adopted that require State or county-based education agencies to develop Student Safety Posters** and make them available at no cost to school districts. These posters should reinforce policies established in school codes of conduct and include information about who children should reach out to or call if they ever feel unsafe.

2. **Non-profits and community businesses support the production of Safety Posters**, through in-kind donations of graphic designers, artists, printers, etc. working with state or local education agencies. Statewide associations of superindendents, principals, school nurses, etc. can endorse the posters and help distribute them statewide.

3. **Use Safety Posters as a way to establish ongoing dialogue with students**, e.g. through classroom discussions, assembly programs, etc. about behaviors that undermine student safety and violate the Code of Conduct; the responsibility to speak up early when safety is being compromised; and about resources available to intervene and offer support to any student concerned about their safety or the safety of their friends and schoolmates.

# CHART 1. States-at-a-Glance

## Five Child Sexual Abuse Prevention Laws in the States

✓ = passed law | P = pending law | * = policy

| State | CSA Prevention Education in Schools | Screening/ Dismissal of School Employees to Prevent CSA | Criminalizing Educator Sexual Misconduct | State Task Forces on Child Sexual Abuse | Student Safety Posters |
|---|---|---|---|---|---|
| Alabama | ✓ | | ✓ | ✓ | * |
| Alaska | ✓ | | ✓ | ✓ | |
| Arizona | | | ✓ | | ✓ |
| Arkansas | | | ✓ | ✓ | ✓ |
| California | ✓ | | ✓ | | ✓ |
| Colorado | ✓ | ✓ | ✓ | | ✓ |
| Connecticut | ✓ | ✓ | ✓ | | ✓ |
| Delaware | ✓ | | ✓ | | ✓ |
| District of Columbia | ✓ | ✓ | ✓ | * | |
| Florida | | | ✓ | | ✓ |
| Georgia | ✓ | | ✓ | * | ✓ |
| Hawaii | | | | | * |
| Idaho | | | | | ✓ |
| Illinois | ✓ | ✓ | ✓ | ✓ | ✓ |
| Indiana | ✓ | | ✓ | | |
| Iowa | | | ✓ | ✓ | |
| Kansas | | | ✓ | | * |
| Kentucky | | | ✓ | | |
| Louisana | ✓ | | ✓ | ✓ | ✓ |
| Maine | ✓ | | ✓ | | * |
| Maryland | ✓ | ✓ | ✓ | * | ✓ |
| Massachusetts | P | P | P | ✓ | * |
| Michigan | ✓ | | ✓ | ✓ | * |
| Minnesota | ✓ | | ✓ | | |
| Mississippi | ✓ | | ✓ | ✓ | |
| Missouri | ✓ | ✓ | ✓ | ✓ | ✓ |

(See additional states on the next page.)

# CHART 1. States-at-a-Glance (continued)

## Five Child Sexual Abuse Prevention Laws in the States

✓ = passed law | P = pending law | * = policy

| State | CSA Prevention Education in Schools | Screening/ Dismissal of School Employees to Prevent CSA | Criminalizing Educator Sexual Misconduct | State Task Forces on Child Sexual Abuse | Student Safety Posters |
|---|---|---|---|---|---|
| Montana | ✓ | ✓ | ✓ | | |
| Nebraska | | | ✓ | | * |
| Nevada | | ✓ | ✓ | ✓ | ✓ |
| New Hampshire | ✓ | | ✓ | ✓ | ✓ |
| New Jersey | ✓ | ✓ | ✓ | * | ✓ |
| New Mexico | ✓ | | ✓ | | |
| New York | ✓ | | | * | ✓ |
| North Carolina | ✓ | | ✓ | ✓ | P |
| North Dakota | | ✓ | | ✓ | * |
| Ohio | | | ✓ | | |
| Oklahoma | ✓ | | ✓ | | ✓ |
| Oregon | ✓ | ✓ | | | ✓ |
| Pennsylvania | | ✓ | | | ✓ |
| Rhode Island | ✓ | | | | ✓ |
| South Carolina | ✓ | | ✓ | | * |
| South Dakota | | | | ✓ | |
| Tennesee | ✓ | | ✓ | | ✓ |
| Texas | ✓ | | ✓ | ✓ | ✓ |
| Utah | ✓ | | ✓ | | |
| Vermont | ✓ | | ✓ | ✓ | * |
| Virginia | ✓ | | | | |
| Washington | ✓ | ✓ | ✓ | | |
| West Virginia | ✓ | | | ✓ | ✓ |
| Wisconsin | | ✓ | ✓ | * | P |
| Wyoming | ✓ | | ✓ | | ✓ |
| **TOTAL** | **34** | **13** | **39** | **24** | **35** |

For updates, visit our interactive Maps at:
https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

# SECTION I.
# Child Sexual Abuse Prevention Education in Schools

## Background

According to the U.S. Department of Education, 6.7% or 3.5 million American school children reported having had unwanted direct sexual contact with someone in their school – in a third of cases a teacher or coach. Substitute teachers, bus drivers, security personnel, principals and counselors were among other employees identified. Data from a study of Texas educators confirmed that coaching personnel (e.g., sports coaches and music teachers) were three times more likely to have been investigated for sexual misconduct than non-coaching personnel. Overall, the DOE report found that when non-touching sexual offenses (e.g., sending illicit texts or photos, making suggestive comments, etc.) were included, the percentage of schoolchildren exposed to sexual misconduct rose to 10% or 4.5 million students.[5]

Despite these alarming numbers, two-thirds of teachers do not receive training in preventing, recognizing, or responding to child sexual abuse, either in their college coursework, or as part of their professional development.[6] Not surprisingly, a study of primary school teachers found the most common reasons for not reporting suspected child sexual abuse was their lack of confidence in their ability to identify it, and to respond appropriately to suspicions.[7] Another study of teachers' attitudes and knowledge about child maltreatment found that 87% were unaware of the signs of child sexual abuse and would not report sexual abuse to school authorities, *even if a child disclosed to them*.[8]

This unwillingness to report is likely influenced by the fears and biases of school personnel as documented by child advocates. Among them are: disbelief that a colleague could be engaged in sexual misconduct; concerns that reporting would reflect badly on the school; fears of not being supported by colleagues or administration; fears of being sued if allegations were proven false; to report a suspected case; or misinformation that children likely lie about being sexually abused.[9]

Regarding the education of school personnel about child sexual abuse, a 2014 report of the Government Accountability Office (GAO) indicated that while 18 states at that time required school

5 Shakeshaft, C. (2004). U.S. Department of Education, Office of the Under Secretary, Educator Sexual Misconduct: A Synthesis of Existing Literature, Washington, D.C., 2004

6 Kenny, M. C. (2004). Teachers' attitudes toward and knowledge of child maltreatment. Child abuse & neglect, 28(12), 1311-1319.

7 Goldman, J. D. (2007). Primary school student-teachers' knowledge and understandings of child sexual abuse and its mandatory reporting. International Journal of Educational Research, 46(6), 368-381.

8 Kenny, M. C. (2004). Teachers' attitudes toward and knowledge of child maltreatment. Child abuse & neglect, 28(12), 1311-1319.

9 Bernier, J. and Shime, P. "Enough! Preventing Child Sexual Abuse in My School," a one-hour, evidence-informed training course on child sexual abuse prevention for public and private school personnel, MassKids, Inc. Boston, MA, June 2017. (https://elearning.enoughabuse.org/)

districts to provide "awareness and prevention training on child sexual abuse," almost all the training was focused on mandated reporting of cases after the fact, rather than on proactive actions to prevent them in the first place. Furthermore, 15 of the 18 limited the training to superintendents, administrators, counselors, psychologists, and teachers, with less than half requiring it for Title IX coordinators, cafeteria and janitorial personnel and bus drivers. Only 10 required coaches to take the training and only one required it for school volunteers and tutors.[10]

Schools are charged legally with the fundamental dual responsibility of educating children and ensuring a safe and nurturing environment that supports learning. Without adequate training, educators may not understand the impact childhood trauma, including child sexual abuse, can have on a child's learning and academic success. In one study, the cognitive abilities, memory scores and academic achievement of sexually abused children were lower than those of their non-abused peers. For example, 48% reported below average grades, 39% displayed academic difficulties, 24% repeated a grade, 15% were enrolled in remedial classes, and a higher percentage failed to graduate.[11]

Clearly, educating adults, students and their parents about child sexual abuse prevention through training opportunities in schools and youth organizations is a key strategy to end the silence, shame and denial that has undermined the safety and well-being of our children for so long.

## Overview

To date, **34 states and D.C.** have passed child sexual abuse prevention legislation; **27 require it and eight only encourage it**. There is much variability, however, in terms of who should be educated, i.e., some or all students, and/or some or all employees. For example, only 14 states **require** the education of both school employees and students; six require the education for students only; and seven require it for *students and only a limited group of employees*. Of the eight states that only **encourage** the training, five encourage it for both employees and students, two encourage it only for students, and one state does not specify who should receive the education.

Twelve states target parents for education while 14 include an opt-out provision for parents who want to exempt their children from the training.

A bill passed in May 2021 in Illinois and a bill currently pending in Massachusetts would require an "abuse prevention policy" or Code of Conduct detailing appropriate/inappropriate school employee/student interactions be adopted by the state department of education for implementation in local schools.

10 "Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel" General Accountability Office, January, 2014 14-42.

11 Daignault, I.V. & Hebert, M. (2009). Profiles of school adaptation: Social, behavioral, and academic functioning in sexually abused girls. Child Abuse & Neglect, 33, 102-115.

Three states, including Alaska, New Jersey and New Mexico, require education about child sexual abuse prevention as a prerequisite for teacher certification. Alaska's law states: *"A person is not eligible for a teacher certificate unless the person has completed training regarding …sexual abuse and sexual assault awareness and prevention…"* New Mexico's Department of Education is required to make its training programs available to the deans of every college of education *"for use in providing such training to students seeking elementary and secondary education licensure."* New Jersey's law states: *"All candidates for teaching certification who have completed a teacher preparation program at a regionally-accredited institution of higher education must have satisfactorily completed a program on the recognition of, and the requirement to report, child abuse including sexual abuse."*

Child sexual abuse prevention education laws in some states were enacted in memory of child victims, e.g. Brooke Bennett in Vermont, Jeffrey Bell in Pennsylvania, or are named to honor adult survivors/advocates such as "Jenna's Law" in Texas, "Jolene's Law" in South Dakota, "Erin's Law" and "Faith's Law" in Illinois, "Tara's Law" in Montana, "Bree's Law" in Alaska. The impact these and many other survivors have had on legislation to prevent child sexual abuse cannot be overstated.

For example, S.734, an amendment to the Child Abuse Prevention and Treatment Act (CAPTA) reauthorization bill, called the "Jenna Quinn Law," was introduced in March 2021 by Texas Senator John Cornyn and co-sponsored by Senators Maggie Hassan (D-NH), Mike Braun (R-IN) and Ben Ray Luján (D-NM). The bi-partisan amendment would allow the Department of Health and Human Services *"to provide grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to and report child sexual abuse among primary and secondary school students."* This is a step forward, however, no separate appropriation is attached to the amendment.

The following **States-at-a-Glance Chart** provides details about the provisions included in each state's legislation on child sexual abuse prevention education.

# CHART 2. States-at-a-Glance

## State Laws on Child Sexual Abuse Prevention Education in Schools

| STATE | Year Enacted | Order Enacted | Required | Voluntary | All Staff | Some Staff | Some Grades | K-12 | Parent Ed. | Opt-Out | Teacher Lic. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Vermont | May2009 | 1 | ✓ | | ✓ | | | ✓ | ✓ | | |
| Texas | Jun 2009 | 2 | ✓ | | ✓ | | | ✓ | ✓ | | |
| Indiana | Jul 2012 | 3 | | ✓ | | | 2-5 | | | | |
| | Jul 2017 | | ✓ | | | | | ✓ | | ✓ | |
| Michigan | May 2012 | 4 | ✓ | | ✓ | | PK-5 | | ✓ | ✓ | |
| Illinois | Jan 2013 | 5 | | ✓ | | ✓ | | ✓ | | | |
| | Jul 2021 | | ✓ | | ✓ | | | ✓ | ✓ | | |
| New Mexico | Mar 2014 | 6 | ✓ | | | ✓ | | 1-12 | | | ✓ |
| Utah | Apr 2014 | 7 | ✓ | | ✓ | | | ✓ | ✓ | ✓ | |
| Connecticut | Jul 2014 | 8 | ✓ | | ✓ | | | ✓ | | ✓ | |
| South Carolina | Jun 2014 | 9 | ✓ | | | | | ✓ | | | |
| Rhode Island | Jul 2014 | 10 | ✓ | | | | K-8 | | | | |
| Louisiana | Aug 2014 | 11 | ✓ | | | | | ✓ | | | |
| Tennessee | 2014 | 12 | ✓ | | | | | ✓ | | | |
| California | Sep 2014 | 13 | | ✓ | | | | ✓ | | ✓ | |
| | Oct 2015 | | | | ✓ | | | | | | |
| Mississippi | 2015 | 14 | | ✓ | ✓ | | K-5 | | ✓ | | |
| Oklahoma | Apr 2015 | 15 | ✓ | | | ✓ | | ✓ | ✓ | ✓ | |
| Colorado | Jun 2015 | 16 | | ✓ | ✓ | | | ✓ | ✓ | | |
| Oregon | Jun 2015 | 17 | ✓ | | ✓ | | | ✓ | ✓ | | |

(See additional states on the next page.)

# CHART 2. States-at-a-Glance (continued)

## State Laws on Child Sexual Abuse Prevention Education in Schools

| STATE | Year Enacted | Order Enacted | Required | Voluntary | All Staff | Some Staff | Some Grades | K-12 | Parent Ed. | Opt-Out | Teacher Lic. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Maine | Jun 2015 | 18 | ✓ | | ✓ | | PK-5 | | ✓ | ✓ | |
| Alaska | Jun 2015 | 19 | ✓ | | ✓ | | | ✓ | | ✓ | ✓ |
| Alabama | 2015 | 20 | ✓ | | ✓ | | | ✓ | ✓ | | |
| New Hampshire | May 2016 | 21 | ✓ | | ✓ | | | ✓ | | | |
| Maryland | Jul 2016 | 22 | ✓ | | ✓ | | | ✓ | | | |
| Delaware | Aug 2016 | 23 | ✓ | | | ✓ | PK-6 | | | | |
| Montana | Apr 2017 | 24 | | ✓ | Not Specified | | | Not Specified | | | |
| Wyoming | 2018 | 25 | | ✓ | Not Specified | | | Not Specified | | | |
| Washington | 2018 | 26 | | ✓ | | | | ✓ | ✓ | ✓ | |
| Georgia | 2018 | 27 | ✓ | | | ✓ | K-9 | | | ✓ | |
| West Virginia | Apr 2018 | 28 | ✓ | | ✓ | | | ✓ | | | |
| Virginia | Jul 2018 | 29 | | ✓ | | | | ✓ | | | |
| District of Columbia | Jan 2019 | 30 | ✓ | | ✓ | | | ✓ | ✓ | ✓ | |
| New Jersey | Jul 2019 | 31 | ✓ | | | ✓ | | ✓ | | ✓ | ✓ |
| New York | Jul 2019 | 32 | ✓ | | | Not Specified | K-8 | | | ✓ | |
| Missouri | Jul 2019 | 33 | ✓ | | | | > 6 | | | ✓ | |
| North Carolina | Nov 2019 | 34 | ✓ | | | ✓ | | | | | |
| Minnesota | 2020 | 35 | | ✓ | ✓ | | Not Specified | | | | |

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https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

# STATE SUMMARIES

## Alabama

Alabama has a law **requiring** child sexual abuse prevention education in schools for **employees and students**. In 2015, Alabama signed into law **Act No. 2015-456 (HB197)**. This law requires public schools to establish a professional training component on child sexual abuse for administrators, teachers and other school personnel. Training topics include: talking to students about child sexual abuse prevention, effects of child sexual abuse on children, handling of child sexual abuse disclosures, and mandated reporting.

Students in grades K-12 are required to receive four sessions of age-appropriate child sexual abuse education training, conducted at least annually to include: encouragement to speak up and report any past incidents of sexual misconduct; safe/unsafe touch and secrets; and how to get away from an abuser and report an incident immediately. The law encourages parent involvement within the prevention education training.

In 2016, Executive Order Number 20 requires the state's children's policy councils and local child advocacy centers to report on county child sexual abuse prevention plans; work with local school systems to develop Mandatory Reporting in-service training; and work with local school systems to provide training for middle and high school students on "peer-to-peer" sexual abuse prevention.

**Link to law:** http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2015rs/PrintFiles/HB197-enr.pdf

## Alaska

Alaska has a law **requiring** child sexual abuse prevention education in schools for **employees** and **students**. In 2015, Alaska passed **HB 44, the Safe Child Act**, which requires each school district to implement a training program on child sexual abuse awareness and prevention for all public school employees and all students enrolled in Grades K-12. Increasing parent awareness of child sexual abuse issues was also included, as well as a procedure to allow a student to be excused from participating in the training with parental permission. Section 10. (k) of the Act was amended to state: "A person is not eligible for a teacher certificate unless the person has completed training regarding …sexual abuse and sexual assault awareness and prevention…"

**Link to law:** http://www.akleg.gov/basis/Bill/Text/29?Hsid=HB0044Z

## Arizona

Arizona does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. However, in January of 2018, **HB2392** was introduced recommending that the Department of Child Safety and the Department of Education work together to create a statewide child sexual abuse awareness and prevention program for all public schools. The bill was not passed.

**Link to bill:** https://www.azleg.gov/legtext/53leg/2r/bills/hb2392p.pdf

## Arkansas

Arkansas does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. In 2014, the Arkansas Task Force for the Prevention through Education of Child Sexual Abuse released its report recommending that school districts provide child sexual abuse prevention education to certain licensed and classified school personnel, to students in grades K-5, and, to a lesser extent, other school personnel and parents/caregivers. Individual school districts were left to decide whether to implement the Task Force recommendations.

**Link to report:** https://dese.ade.arkansas.gov/admin/Files/20201209134421_Act_1298_Report.pdf

## California

California does **NOT** have legislation **requiring** child sexual abuse prevention education in schools. However, it does have a law that **encourages** the education for **students** and **employees**.

In 2014, **Assembly Bill 2016** was signed into law, which encouraged school districts, county offices of education, and charter schools to provide age-appropriate sexual abuse awareness and prevention instruction, to students in grades K-12 and to school employees. On October 10, 2015, **Assembly Bill 1058** amended Section 44691 of the Education Code, to further encourage school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the State Department of Education to participate in training on the prevention of abuse, including the sexual abuse of children on school grounds, by school personnel, or in school-sponsored programs.

**Link to laws:**
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB2016&search_keywords=sexual+abuse http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1058&search_keywords=child+abuse

## Colorado

Colorado does **NOT have** legislation **requiring** child sexual abuse prevention education in schools, however, **does encourage** it. In 2015, the duties of the Colorado School Safety Resource Center were amended by **Senate Bill 15-020-Education to Prevent Child Sexual Abuse and Assault**, making the Center responsible for researching and making available on the Center's website a variety of curricula, professional development materials, and training resources on the issue of child sexual abuse for personnel and students Grades K-12. The law encourages school districts to adopt a "child sexual abuse and assault prevention plan" and to implement age-appropriate body safety training for students K-12. The Colorado School Safety Resource Center provides sexual misconduct training to schools and recommends other training resources in a comprehensive guide for schools. https://cssrc.colorado.gov/

**Link to law:** https://cdpsdocs.state.co.us/safeschools/Legislation/2015/SB%20020%20Education%20to%20Prevent%20Child%20Sexual%20Abuse%20and%20Assault.pdf

## Connecticut

Connecticut has a law that **requires** child sexual abuse prevention education for school **employees** and **students**. In 2014, Connecticut passed **Act No 14-196**, "An act concerning a state-wide sexual abuse and assault awareness program," which requires child sexual abuse prevention education for public school employees and students in Grades K-12.

**Link to law:** https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Public+Act&which_year=2014&bill_num=196

## Delaware

Delaware has a law that **requires** child sexual abuse prevention education for school **employees** and **students**. In 2016, Delaware passed **SB No. 213**, which requires all public school employees in schools serving students pre-K-6 to receive training in child sexual abuse prevention. This training consists of curricula developed by the Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families. This law also requires training for all students pre-K-6, using a curriculum and written materials provided to parents of students, including: a) warning signs of a child who is being sexually abused, b) effective, age-appropriate methods for discussing personal body safety and sexual abuse with a child, c) resources for reporting child sexual abuse, and d) counseling and other resources available to a child who has been abused.

**Link to law:** http://legis.delaware.gov/BillDetail?legislationId=24384

## District of Columbia

The District of Columbia has a law that **requires** child sexual abuse prevention education for school **employees** and **students**. In 2018, D.C. passed the **"School Safety Omnibus Amendment Act of 2018,"** which requires employees in public schools, charter schools and private schools and public school students in Grades K-12 to be trained. (Training of private school students is not required.) The law amended the Healthy Schools Act of 2010 to require local education agencies to include child sexual abuse prevention training to teach "instruction in consent, setting and respecting boundaries, and developing and maintain healthy relationships."

**Link to law:** https://lims.dccouncil.us/downloads/LIMS/40929/Signed_Act/B22-0951-SignedAct.pdf

## Florida

Florida does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools.

## Georgia

Georgia has a law that **requires** child sexual abuse prevention education for certain school **employees** and **students**. In 2018, Georgia passed **SB 401**, which amended the Official Code of Georgia "Quality Basic Education Act" to require child sexual abuse education for students in Grades K-9. School professional personnel are required to also be educated *if they facilitate the education of the students*. Other school professionals are only *encouraged* to learn about sexual abuse prevention.

**Link to law:** http://www.legis.ga.gov/Legislation/en-US/display/20172018/SB/401

## Hawaii

Hawaii does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. In 2015, **SB 151** was introduced which would have established such a program. However, the bill died in committee. On January 17, 2020, **SB 2343** was introduced requiring the Department of Education to establish and implement an age appropriate training for students; provide relevant training to schoolteachers and staff; and inform parents about child sexual abuse. The bill would have required the Board of Education to adopt policies to carry out the prevention program. The bill died in committee in 2020.

**Link to bill:** https://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=2343&year=2020

## Idaho

Idaho does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools, nor has legislation been introduced.

## Illinois

Illinois law currently **requires** child sexual abuse prevention education in schools for **students and school personnel**. In January 2013, **HB 6193**, named **Erin's Law** after survivor Erin Merryn, amended the School Code to provide that the Comprehensive Health Education Program require age-appropriate sexual abuse and assault awareness and prevention education for students in grades Pre-K through 12. The Code provided that continuing professional development activities for staff may include participating in or presenting at in-service training programs on sexual abuse and assault awareness and prevention.

In September 2020, the **Illinois Make S.A.F.E. Task Force** released its report, which recommended requiring annual training by school districts, ensuring proper funding, monitoring, and compliance on the training, and the use of evidence-based/informed programs for employees, students and parents. In January 2021, **HB1975**, named **Faith's Law** after survivor Faith Colson, was introduced to address those recommendations. Amendments to the School Code were adopted on May 5, 2021, requiring training for school personnel on child sexual abuse and directing the State Board of Education to develop and maintain a resource guide that provides guidance for pupils, parents or guardians, and teachers about sexual abuse response and prevention resources. To prevent sexual misconduct with students, it requires each school district, charter school, or nonpublic, nonsectarian elementary or secondary school to develop an employee code of professional conduct policy.

**Link to law:** https://www.ilga.gov/legislation/97/HB/09700HB6193.htm
**Link to law: (2021)** https://www.ilga.gov/legislation/102/HB/10200HB1975.htm

## Indiana

Indiana has a law that **requires** child sexual abuse prevention education for **students**. In 2012 Indiana enacted **Act No 267**, which 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." It encouraged the education of students from Grades 2-5. In 2017, **Act No 355** was passed which required the training for students in Grades K-12 enrolled in public, charter, and accredited nonpublic schools.

**Link to law:** https://iga.in.gov/legislative/2017/bills/senate/355#document-d6a8cda1
**Link to law:** http://www.in.gov/legislative/bills/2012/SE/SE0267.1.htm

## Iowa

Iowa does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. In 2011, a State Task Force on Sexual Abuse Prevention recommended that legislation be introduced to address the training of school employees and students. In 2014, a bill was introduced but died in committee; in 2020, **HF2154** was introduced and died; **HF414** was introduced in 2021 and a Senate version was introduced also. The bill called for mandated training of both employees and students Pre K- 12. Amendments were introduced to limit the training for students in grades 7-12 and to require school districts to assume any costs associated with implementing the training. The bill died in committee for the third time.

**Link to bill:** https://www.legis.iowa.gov/legislation/BillBook?ga=88&ba=HF2154
**Link to bill:** https://www.legis.iowa.gov/docs/publications/LGI/89/HF414.pdf

## Kansas

Kansas does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. **House Bill 2432** 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. The bill 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." Faced with lack of movement on the issue, Kansas advocates decided to create a Task Force to plan for future actions to address child sexual abuse prevention. The Task Force is currently meeting.

**Link to bill:** http://www.kslegislature.org/li_2014/b2013_14/measures/hb2432/

## Kentucky

Kentucky does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. In 2021, however, **HB154** was introduced which would have required a school council or principal to adopt a child abuse awareness/prevention curriculum. Students in K-9 would have received age-appropriate instruction on physical, sexual, emotional abuse and neglect and how to report. The curriculum would be taught by a teacher that has completed at least one hour of professional development about child abuse and neglect. This bill died in committee.

**Link to bill:** https://apps.legislature.ky.gov/record/21RS/hb154.html

## Louisiana

Louisiana has a law that **requires** child sexual abuse prevention education for **students**. In 2014, Louisiana passed **Act No. 525**, which requires the governing body of each public and charter school to provide age- and grade-appropriate instruction in Grades K-12 on child assault awareness and prevention. Instruction shall be limited to 1) what constitutes abuse or an assault, and 2) how students may safely and confidentially report to a school official the circumstances surrounding any such abuse or assaults.

**Link to law:** http://www.legis.la.gov/legis/ViewDocument.aspx?d=913638

## Maine

Maine has a law that requires child sexual abuse prevention education for students and employees. In 2015, Maine passed **LD1180**, "An Act to Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse," which requires child sexual abuse prevention education for public school students in Grades Pre-K-5. It also requires elementary schools to develop a policy to recognize warning signs that a child is being sexually abused and to prevent child sexual abuse. Parents can also opt their children out of the prevention education.

In 2020, Enough Abuse Maine, a coalition of York County citizens supported by York Hospital and York Police, provided free in-person trainings for county school leaders and raised funds to make the "Enough! Preventing Child Sexual Abuse in My School" one-hour, evidence-informed online course for school staff available for free to all schools in York County. Despite the pandemic, several school districts have implemented the course with more expected in the 2021/22 school year.

**Link to law:** https://mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC292.asp

## Maryland

Maryland has a law that **requires** child sexual abuse prevention education for **students** and **employees**. In 2016, Maryland passed **House Bill 72** and its supplement **House Bill 1072** (effective July 1, 2018), which requires the State Board of Education and certain nonpublic schools to develop and implement an annual program relating to the awareness and prevention of child sexual abuse. All students in Grades K-12 and all employees in public and nonpublic schools are required to be trained. This program is required to be incorporated into the health curriculum of each county board of education and each nonpublic school.

**Link to law:** https://mgaleg.maryland.gov/mgawebsite/legislation/details/hb0072?ys=2016rs

## Massachusetts

Massachusetts does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools; however, several bills are pending in the 2021/2022 Legislative Session.

In 2015, after a successful multi-year effort to reform criminal and civil statute of limitation statutes on child sexual abuse, Massachusetts legislative leaders, child advocates and survivors turned their attention to passing a set of prevention-focused bills, including S316, requiring CSA education in schools and YSOs; S247, requiring standardized screening of school and YSO personnel; and S868/S869, eliminating age of consent protections for school employees engaged in sexual misconduct with students 16-18 years of age. In the 2017/18 Session, Omnibus bill S295 was introduced combining these and other provisions, but was held pending broader support from teachers unions and other organizations. In the 2019/2020 Session, an amended S2579 was passed favorably by the Committee on Education and was headed to the Floor for anticipated passage; however, it was stalled due to the pandemic.

In the current 2021/22 Session, 10 bills have been introduced in both the Senate and House to address various prevention provisions. These include: **S369** and **H241**, which would require public and private schools and youth-serving organizations to educate all employees and all students about child sexual abuse prevention, and require them to adopt a code of conduct detailing prohibited boundary-violating behaviors. To date, this bill is the most comprehensive of any child sexual abuse prevention education bill introduced or enacted in the country.

**Link to bill S369:** https://malegislature.gov/Bills/192/S369
**Link to bill H241:** https://malegislature.gov/Bills/192/H241

## Michigan

Michigan has a law that **requires** child sexual abuse prevention education for **students** and **employees**. In 2012, Michigan passed **Public Act 594**, which requires that public school students in Grades Pre-K-5 receive age-appropriate, evidence-based curriculum and instruction on child sexual abuse prevention. School employees are also required to receive training on how to respond appropriately and supportively to disclosures of abuse. Parents and guardians are also to be provided with information on warning signs sexual abuse, needed assistance, referral or resources.

**Links to laws: Public Act No 593 of 2012 (enrolled Senate Bill 1112):** https://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0593.pdf
**Public Act No 594 of 2012 (enrolled Senate Bill 1113):** http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0594.pdf
**Public Act No 595 of 2012 (enrolled Senate Bill 1114):** http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0595.pdf

## Minnesota

Minnesota has a law that **encourages** child sexual abuse prevention education for **students** and **employees**. In 2020, Minnesota passed Minnesota Statutes, section 120B.234, which encourages school districts to integrate or offer instruction on child sexual abuse prevention to students and to train all school personnel on recognizing and preventing sexual abuse and sexual violence.

**Link to law:** Minnesota Statutes, section 120B.234.
**Link to law:** https://education.mn.gov/mde/dse/safe/MDE073563

## Mississippi

Mississippi amended its School Code in 2015 (**MS Code § 37-3-83**) that allows the School Safety Plan to adopt and implement a policy addressing sexual abuse of children. A school's Safety Plan **may** include age appropriate education of students Pre-K through 5, training for school personnel, and educational information for parents.

**Link to law:** https://law.justia.com/codes/mississippi/2015/title-37/chapter-3/section-37-3-83/

## Missouri

Missouri has a law that **requires** child sexual abuse prevention education for **students**. In 2019, **HB 604** was passed, which requires schools beginning in 2020 to provide sexual abuse prevention training to all students in "grades no lower than Grade 6." The bill also requires school board members to receive training in child sexual abuse prevention; however, training is not required for all school employees.

**Link to law:** https://revisor.mo.gov/main/OneSection.aspx?section=170.045&bid=47872&hl=trauma-informed%u2044
**Link to law:** https://www.house.mo.gov/billtracking/bills191/hlrbillspdf/1373S.10T.pdf

## Montana

Montana has a law that **encourages** child sexual abuse prevention education. In 2017, Montana signed into law **HB 298**, "An act increasing awareness and prevention of child sexual abuse," which encourages the office of public instruction to develop and make available to school districts policies and procedures for child sexual abuse awareness, prevention, response, and reporting. It does not indicate who specifically in the school districts will be educated about child sexual abuse prevention.

**Link to law:** https://leg.mt.gov/bills/2017/billpdf/HB0298.pdf

## Nebraska

Nebraska does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools.

## Nevada

Nevada does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. However, in 2013, Nevada established a Task Force under the direction of the Department of Children and Family Services with a broad focus, including *"educating certain persons who are associated with children about child sexual abuse,"* and the need to develop *"policies to prevent child sexual abuse."*

In September 2014, the Nevada Task Force issued its report recommending the development of standards for all public, private, home schooling, and charter schools on educating students in Grades Pre-K to 12 about child sexual abuse prevention. The Task Force was to develop these standards by 2020; however, the non-funded effort is lagging. Prevent Child Abuse Nevada is working despite this to engage with teachers and superintendents to revise the personal safety plan to include education about child sexual abuse, develop a resource guide for teachers on the issue, and provide training directly to teachers. A site for the Enough Abuse Campaign, Nevada has done extensive training since 2015 using the Campaign's research-based curricula.

## New Hampshire

New Hampshire has a law that **requires** child sexual abuse prevention education for **students**. In 2016, **SB460** was passed as *"An Act relative to a school board's duty to ensure the teaching of health and physical education as it relates to abused children."* The law directs the school board to require that health education and physical education are taught to students as part of the basic curriculum, and that all studies prescribed by the state board of education are thoroughly taught, especially physiology, hygiene, and health and physical education as they relate to the effects of alcohol and other drugs, and child abuse, *including child sexual abuse and prevention*. The law requires all public school students to receive this education.

On Jan. 16, 2020 **SB 711** was introduced to require that any school employee that needs a background check shall also receive training on child sexual abuse warning signs and reporting mandates, within 30 days of employment and every 2 years thereafter. The Department of Education was to certify compliance. The bill was sent to the Education and Workforce Committee but died in committee in March.

**Link to law:** https://legiscan.com/NH/bill/SB460/2016
**Link to bill:** https://legiscan.com/NH/bill/SB711/2020

## New Jersey

New Jersey has a law that **requires** child sexual abuse prevention education for **students** and **encourages employees**. In 2019, New Jersey **passed Assembly Bill 769**, which requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education for students in Grades Pre-K-12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education. The law also encourages education on child sexual abuse prevention, specifically only for teachers, by stating: "A teaching staff member may satisfy in each professional development cycle one or more hours of the professional development requirement established by the State Board of Education through participation in training programs on sexual abuse and assault awareness and prevention."

In addition, **Senate Bill 2711**, also passed in 2019, **requires** that all candidates for teaching certification receive training on the recognition of, and the requirement to report, child abuse including sexual abuse. Beginning with the 2020-2021 school year, all candidates for teaching certification who have completed a teacher preparation program at a regionally-accredited institution of higher education must have satisfactorily completed a program on the recognition of, and the requirement to report, child abuse including sexual abuse.

**Link to law:** https://legiscan.com/NJ/text/A769/id/2048733
**Link to law:** https://www.njleg.state.nj.us/2018/Bills/S3000/2711_I1.HTM

## New Mexico

New Mexico has a law that **requires** child sexual abuse prevention education for **students** and for **employees**, if they are licensed. **In 2014**, New Mexico passed **House Bill 92**, - "Act Relating To Public Schools; Requiring All Licensed School Employees To Be Trained In Detecting And Reporting Child Sexual Abuse And Assault And In Assisting In Awareness And Prevention; Requiring Health Education Instruction To Include Age-appropriate Sexual Abuse And Assault Awareness And Prevention Training." This law requires prevention education for all public school students Grades 1-12, and all licensed school employees.

The New Mexico Department of Education is required to make the training programs available to the deans of every college of education in New Mexico "for use in providing such training to students seeking elementary and secondary education licensure."

**Link to law:** https://www.nmlegis.gov/Sessions/14%20Regular/bills/house/HB0092.pdf

## New York

New York has a law that **requires** child sexual abuse prevention education for **students**. In 2019, New York passed Senate Bill 4070B, "An Act to amend the education law, in relation to requiring a course of study in the prevention of child sexual exploitation and child sexual abuse." The law requires child sexual abuse prevention education for all public school students in Grades K-8.

In January 2020, **S7582** was introduced, which would expand the requirement to students in Grades K-8 enrolled in private schools. The bill was referred to the Committee on Education but did not pass. In January 2020, **A3688** was introduced, which would require all public schools to provide health education instruction for K-12 students, and which would include the prevention and reporting of sexual abuse and assault. This bill also did not pass.

**Link to law:** https://www.dropbox.com/s/2adz8cwrwi4ruw5/S4070B.pdf?dl=0
**Link to bill:** https://www.nysenate.gov/legislation/bills/2019/s7582
**Link to bill:** https://www.nysenate.gov/legislation/bills/2019/A3688

## North Carolina

North Carolina has a law that **requires** child sexual abuse prevention education for certain school **employees**. In 2019 North Carolina passed **SB199**, which requires local boards of education and charter schools to adopt a training program on child sexual abuse and sex trafficking by January 1, 2020. This legislation requires all school personnel who work directly with students in Grades K-12 to receive two hours of training consistent with this section in even-numbered years beginning in 2020. At the discretion of the employing school, other school employees who work directly with students in grades K- 12 *may* be trained. It does not require or encourage prevention education for students.

**Link to law:** https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S199v9.pdf

## North Dakota

North Dakota has **NOT** passed legislation requiring or encouraging child sexual abuse prevention education in schools.

## Ohio

Ohio does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. However, HB 85 was introduced which would require that students in Grades K-6 receive instruction about child sexual abuse and available counseling and resources for victims. Students in Grades 7-12 would receive instruction about sexual violence prevention, as well as dating 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." The latest version of this bill, HB 321, was reintroduced in August 2019 and referred to the Committee on Primary and Secondary Education. The bill died on 12/31/20.

**Link to bill:** https://legiscan.com/OH/bill/HB321/2019
**Link to bill:** https://www.billtrack50.com/BillDetail/1137585

## Oklahoma

Oklahoma **requires** child sexual abuse prevention education for students Pre-K-5 and all school employees. In 2015, **House Bill No. 1684** was passed, which requires schools to establish a sexual abuse prevention program and gives the school board discretion over content. The law requires schools to establish an abuse-prevention instructional program for students in grades Pre-K-5 to be taught by any of a wide variety of school personnel. It also requires instruction about primary and secondary child sexual abuse prevention for school employees, including administrators, counselors, teachers and others. The law encourages parental involvement within the prevention program including information on child abuse prevention, risk-reduction techniques, abuse reporting, and support service availability. The law also includes a parent opt-out, requiring parents to be notified in writing at least 30 days prior to the instruction and given an opportunity to opt their child out.

**Link to Law:** http://www.oklegislature.gov/cf_pdf/2015-16%20COMMITTEE%20SUBS/hcs/

## Oregon

Oregon has a law that **requires** child sexual abuse prevention education for **students** and **employees**. In 2015, Oregon passed **Senate Bill 856**, "An Act Relating to a child sexual abuse prevention instructional program in public schools", which requires administrators, teachers and other public school personnel, and students at K-12 public schools to receive child sexual abuse prevention training.

**Link to law:** https://olis.oregonlegislature.gov/liz/2015R1/Downloads/MeasureDocument/SB856/Enrolled

## Pennsylvania

Pennsylvania does **NOT** have legislation requiring or encouraging child sexual abuse prevention in schools. However, it does have legislation permitting education about child exploitation. In June 2014, PA passed **Act 71**, a bill directing the School Code to require suicide prevention policies and

professional development for teachers serving Grades 6-12. Section 1527 of the Act "permits" schools to provide age-appropriate instruction on "child exploitation" for students K-8. The Department of Education is required to develop a "model child exploitation awareness curriculum, and make such curriculum available to all school entities and, upon request, to nonpublic schools." Child sexual abuse, however, is not specifically mentioned in the law, and 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."

**Link to law:** https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2014&sessInd=0&act=71

## Rhode Island

Rhode Island has a law that **requires** child sexual abuse prevention education for K-8 **students**. In 2014, Rhode Island passed **Title 16 Chapter 97 – The Rhode Island Board of Education Act**. This law requires age-appropriate "instruction designed to prevent the abduction, exploitation, or sexual abuse of children" as part of the Health curriclua.

**Link to law:** http://webserver.rilin.state.ri.us/Statutes/TITLE16/16-22/16-22-26.HTM

## South Carolina

South Carolina has a law that **requires** child sexual abuse prevention education for **students**. In 2014, South Carolina passed an amendment to **Act No, 293**, the Comprehensive Health Act, which requires education of students in public school Grades K-12 about sexual abuse and assault awareness and prevention. The law states that the State board of education should develop or select age-appropriate training curricula, with separate units for each age from 4-year old Kindergarteners to 12th graders, and that the training be provided annually beginning in the 2014-2015 school year.

**Link to law:** http://scstatehouse.gov/sess120_2013-2014/bills/4061.htm

## South Dakota

South Dakota does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. However, as an Enough Abuse Campaign state, and in collaboration with the Center for the Prevention of Child Maltreatment, South Dakota will begin implementing the online curriculum, *"Enough! Preventing Child Sexual Abuse in My School"* in Brookings County schools in 2021.

## Tennessee

Tennessee **requires** child sexual abuse prevention education for **students K-12** through **SB2421, passed in 2014**. Education of teachers and other school employees is not required or encouraged. Despite the law, child sexual abuse prevention was not taught in the majority of Tennessee public school classrooms because the training was not referenced in nor required by the family life curriculum statute (Tenn. Code Ann. § 49-6-1301). Because Tennessee prohibits the teaching of sex education in schools, school employees and outside trainers feared being sued if they educated children about sexual abuse. According to advocates, these fears undermined the education program and resulted in underreporting of suspected cases and, sometimes, lawsuits against schools themselves.

In 2018, Tenn. Code Ann. §§ 49-6-1304; 49-6-1306 and 37-1-603 amended both the original legislation and the Family Life Curriculum to cross-reference each other and to require all public schools to provide education on the prevention, detection, intervention and treatment of child sexual abuse. It now allows educators who provide instruction related to child sexual abuse to teach without fear of being sued.

**Link to law:** https://publications.tnsosfiles.com/acts/108/pub/pc0706.pdf

## Texas

In 2009, Texas passed **HB 1041**, An Act relating to public school and child-care facility policies addressing sexual abuse and other maltreatment of children. The law, named **Jenna's Law** after survivor Jenna Quinn, required child sexual abuse prevention education for students K-12, school staff and caregivers. It called for policies to include ways to increase awareness; knowledge of likely warning signs that a child may be a sexual abuse victim; actions that such a child should take to obtain assistance; and available counseling options. .

In July 2014, the Texas Education Agency (TEA) instructed all districts and charter schools *"to provide, all 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.

In 2019, **HB 111** amended the Education Code to require training on sex trafficking and other maltreatment of children with disabilities. It required the training to be annual, age-appropriate, and research-based. By September 1 of each year, school districts must submit a report to the TEA on the number and percentage of students who completed the training during the previous school year.

**Link to law:** https://capitol.texas.gov/billlookup/BillSummary.aspx?LegSess=81R&Bill=HB1041
**Link to law:** https://capitol.texas.gov/tlodocs/86R/billtext/html/HB00111S.htm

## Utah

Utah has a law that **requires** child sexual abuse prevention education for **students** and **employees**. In 2014, Utah passed **H.B. 286**, which requires that training on child sexual abuse prevention be provided for school personnel and students in Grades K-8.

**Link to law:** http://le.utah.gov/~2014/bills/static/hb0286.html

## Vermont

Vermont has a law that **requires** child sexual abuse prevention education for **students** and employees. In 2009 Vermont signed into law Act 1 – **"An Act Relating to Improving Vermont's Sexual Abuse Response System."** It called for the education of all school employees, staff of licensed childcare facilities, elementary and secondary school students, and parents. Vermont was the first state to enact a law requiring comprehensive education on child sexual abuse prevention.

**Link to law:** http://www.leg.state.vt.us/docs/2010/Acts/Act001.pdf

## Virginia

Virginia has a law that **encourages** child sexual abuse prevention education for **students**. In 2018, Virginia passed **SB101**. § 22.1-207.1:1. Family life education; certain curricula and Standards of Learning. This law does not specifically require education on child sexual abuse prevention for any students, teachers or school employees. However, it does require education for students on dating violence in middle school and high school, and education on sexual harassment, sexual violence and human trafficking in high school. It also requires education on the importance of privacy and physical boundaries in elementary, middle or high school.

The bill states: "Any family life education curriculum offered by a local school division *may* incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse." It does not specify grade levels and is voluntary.

**Link to law:** https://law.lis.virginia.gov/vacode/22.1-207.1:1/

## Washington

Washington has legislation **encouraging** child sexual abuse prevention education in schools for **students**. In March 2018, Washington passed **HB1539** that mandates the Office of the Superintendent of Public Instruction (OSPI) to establish a coordinated program to provide age-appropriate information and training on to the prevention of sexual abuse of students. It would also require the OSPI to disseminate existing information and curricula to school districts.

The OSPI is tasked to be the "lead agency and will assist the department of children, youth, and families, and school districts in establishing a coordinated program for the prevention of sexual abuse of students in K- 2, child abuse, and neglect". This program, however, is voluntary.

**Link to law:** CERTIFICATION OF ENROLLMENT SUBSTITUTE HOUSE BILL 1539 65th Legislature 2018 Regular Session

## West Virginia

West Virginia has a law **requiring** child sexual abuse prevention education for school **employees** and **students**. In 2018, **HB 4402** was passed requiring that school staff be trained about child sexual abuse prevention for four hours every two years and that students K-12 also be educated. Resources for educating staff were to be identified by December 2018 and for students by July 1, 2019 for implementation beginning in the fall 2019 school year. The bill supported the recommendations of the West Virginia Task Force on Child Sexual Abuse that were issued on January 15, 2018.

**Link to law:** https://legiscan.com/WV/bill/HB4402/2018

## Wisconsin

Wisconsin does **NOT** have legislation requiring or encouraging child sexual abuse prevention education in schools. In 2019, **Assembly Bill 377** was introduced to "require the Department of Public Instruction (DPI) to develop, by July 1, 2020, a child sexual abuse prevention policy and instructional program to be provided to pupils in grades K-6. DPI must include in the program an age-appropriate curriculum to provide pupils with the knowledge and tools to escape from a sexual abuse situation and communicate incidents of sexual abuse."

The bill would have required school boards to implement the training beginning in the 2021-22 school year, using either DPI's program or its own child sexual abuse prevention instructional program. The bill did not pass. Advocates postulate two reasons: the state is county-based and locally controlled and any mandates from the state face challenges; also, the state is very conservative and any training that proposes to discuss topics related to sexual behaviors is unlikely to be supported.

**Link to bill:** https://docs.legis.wisconsin.gov/2019/related/proposals/ab377

## Wyoming

Wyoming does **NOT** have legislation requiring child sexual abuse prevention education in schools.

However, it does have a law that encourages the education. In 2018, Wyoming passed **SENATE FILE NO. SF0093** effective July 1, 2018, which states that individual school districts may take specified actions to aid in the education, prevention of, and response to child sexual abuse. It does not detail the specified actions or which employees would be the targets of those actions.

**Link to law:** http://legisweb.state.wy.us/2018/Engross/SF0093.pdf

# SECTION 2.
# Laws for the Screening of New School Applicants and the Dismissal of Employees Engaged in Sexual Misconduct or Abuse

## Background

In 2010, the U.S. Government Accountability Office (GAO) conducted a case study of public and private schools to explore the factors relating to the hiring or retaining of individuals with histories of previous sexual misconduct.[12] Of the 15 cases examined, 11 involved people who previously had targeted children. In at least six cases, the GAO found offenders used their new positions to continue to abuse children.

The following factors contributed to their hiring or retention by the schools:

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 or fingerprint-based; and,

4. schools failed to inquire into troubling information regarding criminal histories on employment applications.

In 2017, Section 9201 of Public Act No. 114-95, the **"Every Student Succeeds Act"** (ESSA), responded to explicitly stated concerns of Congress about State and Local Education Agencies not adequately addressing the sexual abuse of students. The following outlines its **Findings** and the **"Sense of Congress."**

*(a) FINDINGS. — Congress finds the following*:

> *(1) There are significant anecdotal reports that some schools and local educational agencies have failed to properly report allegations of sexual misconduct by employees, contractors, or agents.*

12 K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct. Report to the Chairman, Committee on Education and Labor, House of Representatives. Government Accountability Office, 2010. GAO-11-200 https://www.gao.gov/assets/320/313251.pdf

*(2) Instead of reporting alleged sexual misconduct to the appropriate authorities, such as the police or child welfare services, reports suggest that some schools or local educational agencies have kept information on allegations of sexual misconduct private, or have entered into confidentiality agreements with the suspected employee, contractor, or agent who agrees to terminate employment with or discontinue work for the school or local educational agency.*

*(3) The practice of withholding information on allegations of sexual misconduct can facilitate the exposure of other students in other jurisdictions to sexual misconduct.*

*(b) SENSE OF CONGRESS. — It is the sense of Congress that —*

*(1) confidentiality agreements between local educational agencies or schools and child predators should be prohibited;*

*(2) local educational agencies or schools should not facilitate the transfer of child predators to other local educational agencies or schools; and,*

*(3) States should require local educational agencies and schools to report any, and all information regarding allegations of sexual misconduct to law enforcement and other appropriate authorities.*

To address the concerns of Congress and Department of Education data that indicated the number of K-12 sexual harassment and violence complaints filed with the Office of Civil Rights (OCR) had increased nearly fifteen-fold since a decade ago[13] , **SEC. 8546. Prohibition on Aiding and Abetting Sexual Abuse** was included in ESSA and signed into law in December 2017. It states:

*(a) In General - A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act,* ***shall have laws, regulations, or policies*** *that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.*

In February 2020, the Department of Education announced a new Title IX enforcement initiative led by the Department's Office for Civil Rights (OCR). Its goal was to combat the troubling rise of sexual assault in K-12 public schools and to build on the Department's work to implement ESSA provisions prohibiting schools from moving employees who have committed acts of sexual misconduct to other schools. OCR's initiative was to include:

✔ Nationwide Compliance Reviews in schools and districts, to examine how sexual assault

13 "Secretary DeVos Announces New Civil Rights Initiative to Combat Sexual Assault in K-12 Public Schools" Press Release, February 26, 2020. Contact press@ed.gov or call (202) 401-1576.

cases are handled under Title IX, including sexual incidents involving teachers and school staff;

- ✔ Public Awareness of the issue of sexual assault in K-12 schools, including making information available to educators, school leaders, parents and families; and

- ✔ Data Quality Reviews to ensure that incidents of sexual assault/sexual offenses perpetrated by school staff are being accurately recorded and reported.

Most states have yet to respond to the Department of Education's ESSA directive to *"adopt laws, regulations or policies"* to prohibit the practice it refers to as *"passing the trash."*

Another concern that should be noted has to do with the response of schools that are informed by a former student about a past school employee's alleged sexual abuse of that student or other students. *"That person doesn't work here anymore, so there's nothing we can do,"* is an all-too-common response, according to survivors.

To address that loophole, states should clarify their mandated reporting laws to include a "credible threat" provision. It requires a school or mandated reporter who has reasonable cause to believe that a person alleged to have sexually abused a child in the past may represent a credible threat to other children in the present, must notify law enforcement or other authorities. It is then the responsibility of law enforcement or other authorities, not the school's, to identify the alleged abuser's current location and employer, to investigate the credible threat, and then act accordingly.

The following provides an overview and summaries of states that have enacted such laws.

## Overview

**Twelve states** to date, as well as the District of Columbia have passed legislation to strengthen school hiring policies to screen out individuals who may be sexual safety risks for children or to strengthen their school's capacity to ensure that current employees engaged in sexual misconduct with students are handled appropriately and decisively.

Six states, including Oregon, Pennsylvania, Connecticut, Nevada, New Jersey, Maryland, and D.C., have adopted a standard screening tool that requires the applicant to indicate whether he or she:

1. was the subject of a sexual misconduct investigation, (unless allegations were proven false);

2. was ever disciplined, discharged, non-renewed, asked to resign while abuse or sexual misconduct claims were pending, under investigation due to a finding of abuse or sexual misconduct; or,

3. had his or her license suspended, surrendered their license or had it revoked.

Eight states, including Washington, Oregon, Missouri, Pennsylvania, Connecticut, Nevada, New Jersey, Maryland, and the District of Columbia require school administrators to contact the applicant's current and former school employers if the person was in a position directly involved with children to inquire about their behavior history.

Eight states, including Washington, Oregon, Pennsylvania, Connecticut, Nevada and New Jersey, Maryland and Vermont require a written authorization to be signed by the applicant allowing the current employer and previous employer to share employment information, and releasing those employers from liability for providing the information.

Seven states, including Washington, Missouri, Pennsylvania, Connecticut, New Jersey, Maryland and Vermont, provide schools with specific protections from civil and criminal liabilities when they share information to other schools about an employee's sexual misconduct.

Nine states, including Washington, Oregon, Pennsylvania, Connecticut, Nevada, New Jersey, Colorado, Maryland and Vermont prohibit any collective bargaining agreement, employment contract, resignation or severance agreement, or any other contract or agreement in which the employee is allowed to resign or retire in exchange for positive future job references, financial benefits and/or cleansing of the personnel file to eliminate any reference to the misconduct.

Only four states, including Nevada, Wisconsin, Missouri, Montana and D.C. have included provisions in their laws that prohibit schools and their employees from aiding and abetting any school personnel engaged in sexual misconduct to secure employment in another school, e.g., by withholding information about the misconduct, providing positive references, etc.

Only Massachusetts' pending legislation includes a requirement that schools notify law enforcement about any possible "credible threat" reported to them by previous students or others, even if the alleged abuser is no longer employed at the school.

# CHART 3. States-at-a-Glance

## School Screening/Dismissal Laws to Prevent Child Sexual Abuse

| STATE | Date Enacted | Applicant Must Respond to Standard Questions | School Must Contact Former Employers | Applicant Authorizes Info Exchange | School Protected from Liability | No Private Agreement | No aid to Secure Job in Another School | Required Reporting of Credible Threat |
|---|---|---|---|---|---|---|---|---|
| Washington | 2004 | | ✓ | ✓ | ✓ | ✓ | | |
| Oregon | 2010 | ✓ | ✓ | ✓ | | ✓ | | |
| Missouri | 2011, 2019 | | ✓ | | ✓ | | ✓ | |
| Pennsylvania | 2014, 2019 | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Connecticut | 2016 | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Nevada | 2017 | ✓ | ✓ | ✓ | | ✓ | ✓ | |
| Wisconsin | 2017 | | | | | | ✓ | |
| New Jersey | 2018 | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Vermont | 2018 | | | ✓ | ✓ | ✓ | | |
| Disctict of Columbia | 2019 | ✓ | ✓ | ✓ | ✓ | | ✓ | |
| Maryland | 2019 | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Montana | 2019 | | | | | | ✓ | |
| North Dakota | 2019 | | | | | | ✓ | |
| Colorado | 2021 | | | | | ✓ | | |
| Illinois | 2022 | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Massachusetts | 2022 pending | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

For updates, visit our interactive Maps at:
https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

# STATE SUMMARIES

## WASHINGTON STATE - 2004

In 2004, Washington passed **Chapter 28A.400, Section 303** that stated:

*"The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts."*

Washington's law:

- ✔ requires applicants to sign a statement allowing the hiring school district to request information about past sexual misconduct, physical abuse or verbal abuse from previous school employers, including those from out-of-state;
- ✔ requires school districts who receive requests for the above information to provide it;
- ✔ requires applicants to provide their list of former employers for the schools to request the information from;
- ✔ provides protection from civil liability for schools that request or provide to other schools information about an employee's misconduct;
- ✔ prohibits a collective bargaining agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee

**Washington State Law:** http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.400.301

## OREGON - 2010

In 2010, Oregon passed **HB 2062** to address the problem of sexual misconduct and abuse by Oregon educators. The vote was unanimous in both the House and Senate. The Oregonian newspaper had documented that 129 Oregon educators had been disciplined for molesting more than 215 public

school students over the 10-year-period from 1997- 2007. In 2008, the Oregonian reported that 470 schools had made deals to "pass the trash," that is, to enter into agreements with educators allowing them to resign without a formal investigation and withholding information about their misconduct from any future school employer.

The Oregon law:

- ✔ requires an applicant for a position with a school district or education provider to submit a list of current and past employers and to provide written authorization and release of information and documentation from those employers; it also requires background check on applicants.

- ✔ requires applicants to sign a written statement as to whether they have been the subject of a substantiated report of child abuse or sexual conduct; or are the subject of an ongoing investigation related to a report of suspected child abuse or sexual conduct.

- ✔ requires schools to contact the three most recent employers who were education providers and request information about any past sexual misconduct that was substantiated.

- ✔ prohibits a school district board, school district or school from entering into an agreement or contract that suppresses information about the employee's sexual misconduct or abuse or that affects the school's duty to investigate suspected child abuse, report suspected child abuse or discipline the employee.

- ✔ allows parent or legal guardian of student abused by school employee to bring action against the education provider if the school employee previously committed abuse and the education provider did not investigate or report the abuse.

- ✔ requires public schools to submit reports to the school district board regarding certain employee activity.

- ✔ requires a school employee who has reasonable cause to believe that a student has been subjected to sexual conduct to report the information to a supervisor or other person designated by the school board.

The law was challenged by a teacher that claimed it had no retroactive clause. She was found to have been involved in sexual misconduct with a student in the 2000-2001 school year. In 2012, the circuit court ruled in her favor. However, in 2013, the Legislature passed **HB 2184**, which amended the law to clarify that its full disclosure requirements applied *"to all of an applicant's conduct that is known by the employer, regardless of whether the conduct occurred before, on or after July 1, 2010."*

**Oregon Law:** http://gov.oregonlive.com/bill/2009/HB2062/

# MISSOURI- 2011 and 2019

In 2011, Missouri passed **S854**, the **Amy Hestir Student Protection Act** and in 2019 expanded its provisions through **HB 604, The Omnibus Education Act** which:

- ✔ requires every school district to adopt a written policy on information that the district may provide about former employees to other public schools;
- ✔ requires schools to pass on information relating to any former employee who was found to have violated their policies due to sexual misconduct with a student;
- ✔ requires schools to fire employees found by the department of children's services to have engaged in sexual misconduct with a student;
- ✔ prevents schools that have fired or dismissed an employee for sexual misconduct with a student from failing to mention those allegations in a reference for the employee;
- ✔ 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;
- ✔ holds the district liable for damages and third party liability 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, fails to disclose the information;
- ✔ protects employees who report sexual misconduct from retaliation;
- ✔ requires a report to child protective services within 24 hours if a student reports alleged sexual misconduct by a teacher or school employee; and
- ✔ prohibits the school from conducting 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.

**Missouri Law: Amy Hestir Student Protection Act 2011**
http://www.senate.mo.gov/08info/BTS_Web/Bill.aspx?SessionType=R&BillID=148944
**Missouri Law: The Omnibus Education Act (HB 604) 2019**
https://legiscan.com/MO/text/HB604/id/2024772/Missouri-2019-HB604-Enrolled.pdf

# PENNSYVANIA – 2014

In 2014, Pennsylvania unanimously passed **Public Act 168**, the **"Stop Educator Sexual Abuse, Misconduct and Exploitation Act"** (S.E.S.A.M.E). 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, who despite sexually abusing several 7-year old boys, was allowed to resign in exchange for future good references. For twenty years, the teacher, subsequently promoted to principal, continued to sexually abuse boys. He was finally stopped after he was charged with the rape and murder of 12-year-old 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 law:

- ✔ requires a school to contact the applicant's current and former school employers if the person was in a position directly involved with children;
- ✔ requires the applicant to sign a written authorization to allow disclosure of employment information that releases employers from liability;
- ✔ requires the applicant to 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; or had his or her license suspended, surrendered their license or had it revoked;
- ✔ prohibits the school from hiring an applicant who does not provide information; the school 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; and
- ✔ provides immunity from civil and criminal liability for past employers who disclose information, unless the information shared is known to be false.
- ✔ prohibits entering into confidentiality agreements with employee if to suppress information about sexual misconduct.

**Pennsylvania Law:** https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2014/0/0168..HTM?14

# CONNECTICUT - 2016

In 2016, Connecticut unanimously passed **Public Act 16-67** in response to a number of high profile cases at Stamford High School. The first involved several administrators at the school who were arrested, disciplined or terminated for failing to report to authorities the sexual abuse of a teenage boy by a teacher. The second involved a teacher found to have been engaged in several acts of sexual misconduct but who was still allowed to remain in the classroom. A confidentiality agreement was negotiated with the teacher and its discovery by a local principal created a firestorm that resulted in a major turnover of administrators and school board trustees.

The third case involved a teacher at Stamford High School who was known to have a sexual relationship with a student but who left the school in 2003 with a clean record. He was hired subsequently by Fairfield High school where he was arrested for sexual abuse. In a fourth case, Stamford Public Schools transferred a teacher at the Academy of Information Technology and Engineering to two other schools, even though a student and a teacher at the Academy reported sexual harassment by the teacher.

The law:

- ✔ requires schools to conduct a review of an applicant's former employment, contacting each employer and getting the dates of employment and a statement as to whether the applicant has ever been the subject of a sexual misconduct investigation for which there is a result pending or whether they were ever disciplined or had a license revoked due to sexual misconduct;

- ✔ requires applicants for employment at public schools to:

  - › list the contact information of each of their former employers at which they had contact with children;

  - › provide a written authorization to the school to access their employment records and exempt the school from liability for accessing them;

  - › provide a written statement of whether the applicant: has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated; has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse, neglect or sexual was pending; has ever had a professional or occupational license or certificate suspended or revoked; or has ever surrendered such a license or certificate while an investigation of sexual misconduct was pending or under investigation.

- ✔ authorizes the Department of Education to share information when requested by a school regarding whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, and any information concerning such a finding, and whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending.

- ✔ prohibits a school district board, school district or school from entering into an agreement or contract that suppresses information about the employee's sexual misconduct or abuse or that affects the school's duty to investigate suspected child abuse, report suspected child abuse or discipline the employee.

**Connecticut Law:** https://www.cga.ct.gov/2016/act/pa/pdf/2016PA-00067-R00HB-05400-PA.pdf

## NEVADA - 2017

In 2017 Nevada passed **AB362, the S.E.S.A.M.E. law**, to Stop the Educator Sexual Abuse, Misconduct and Exploitation of students. It incorporated into state law provisions of the federal law, the "Every Student Succeeds Act" (ESSA), designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment.

The Nevada law:

- ✔ prevents schools from assisting an employee who has engaged in sexual misconduct with a minor with obtaining new employment;

- ✔ requires applicants for employment in a school to provide information about their employment history and a written authorization for previous employers to release information about their employment history. Individuals that provide false information or fail to disclose relevant information would be guilty of a misdemeanor.

- ✔ requires schools hiring for positions that have direct contact with pupils to verify the employment history information received from applicants, ensure that the applicant has a license (if one is required) and verify that the Department of Education has not received notice that the applicant is a defendant in a criminal case.

- ✔ prohibits the governing body of public schools from suppressing information relating to an investigation concerning the report of suspected abuse or sexual misconduct by a current or future employee.

- ✔ prohibits the governing body of a public school, an independent contractor or the governing body of a private school, respectively, from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report

of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor

**Nevada Law:** https://www.leg.state.nv.us/App/NELIS/REL/79th2017/Bill/5373/Text

## WISCONSIN - 2017

In 2017 Wisconsin passed **Senate Bill 253**, now known as **Act 130**. It amended state statute 115.31 (1) (c) to include in its definition of "immoral conduct:" *"Assisting a school employee, contractor, or agent to obtain a new job in a school or with a local educational agency, as defined in 20 USC 7801 (30), if the individual knows or has a reasonable suspicion to believe that the school employee, contractor, or agent committed a sex offense, as defined in s. 301.45 (1d) (b), and the victim was a minor or a pupil."*

It further states that no school board, governing body of a private school, or operator of a charter school may assist a school employee, contractor, or agent to obtain a new job in a school, if they know or have a reasonable suspicion to believe that the school employee, contractor, or agent committed a sex offense and the victim was a minor or a pupil.

Exceptions in the statute, that is, conduct that is not "immoral" includes: *"if the assistance is the transmittal of administrative and personnel files, or the information the individual knows or is the basis of the individual's reasonable suspicion has been properly reported to law enforcement and law enforcement has closed any resulting case or investigation without a conviction."*

**Wisconsin Law:** http://docs.legis.wisconsin.gov/2017/related/acts/130

## NEW JERSEY - 2018

In 2018, after unanimous approval by the legislature, **S414 - the Safer Schools Bill**, was signed into law. Public Law 2018, Chapter 5:

- ✔ prohibits a school district, charter school, or contracted service provider from employing a person serving in a position which involves regular contact with students, unless the school district, charter school, or contracted service provider conducts a review of the employment history of the applicant;

- ✔ requires schools and contracted service providers to contact former and current employers and request information regarding child abuse and sexual misconduct allegations. The applicant must also provide his own written statement disclosing any of the same matters;

- ✔ requires disclosure of allegations in a reference to another school district, or when responding to a potential employer's request for information regarding the actions the employee is alleged to have committed; and

- ✔ holds the district liable for damages and has third party liability, 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.

- ✔ prohibits the school from entering into a collective bargaining agreement or contract that (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor

**New Jersey Law:** https://www.njleg.state.nj.us/2018/Bills/PL18/5_.PDF

## VERMONT – 2018

In 2018, Vermont passed **S.3, An Act relating to the sexual exploitation of students**, which states: "…a board member, superintendent, or headmaster shall not enter into on behalf of a supervisory union, school district, or recognized or approved independent school a confidential employment separation agreement that inhibits the disclosure to prospective employers and responsible licensing entities of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor."

The law requires a board member, superintendent, or headmaster and employees of a supervisory union, school district, or recognized or approved independent school schools to share with each other correct information concerning a former employee's employment record, and protects them from civil or criminal liability for disclosing the information required.

The law established a "Committee for Protecting Students from Sexual Exploitation" with the task of recommending: whether grooming behaviors should be unlawful in Vermont; whether all students should be covered; whether the behavior should result in a misdemeanor or felony, and the related punishment. The Committee's recommendations have been delayed due to the pandemic.

**Vermont Law:** https://legislature.vermont.gov/Documents/2018.1/Docs/ACTS/ACT005/ACT005%20As%20Enacted.pdf

## DISTRICT OF COLUMBIA- 2018

In 2018, D.C. passed the **School Safety Omnibus Amendment Act B.22- 0951**. Schools offering instruction at any level or grade from pre-kindergarten through 12th grade are directed to:

- ✔ require applicants for employment to provide written authorization to the school to access their employment records and written affirmation stating whether they have ever been the subject of an investigation of sexual misconduct (unless it was proved the allegations were false or the report was unsubstantiated) or have ever been disciplined for such misconduct or had a license revoked due to it;

- ✔ require District of Columbia Public Schools and public charter schools to investigate the employment history of potential employees; and

- ✔ prohibit schools from assisting an individual in gaining other employment at a school or child development facility if the school or child development facility or its employees have knowledge of or probable cause to believe that the individual in question has committed an act of sexual abuse or sexual misconduct against students or other minors.

The law amends the Prevention of Child Abuse and Neglect Act of 1977 to provide the Office of the State Superintendent of Education access to the Child Protection Registry for the purpose of conducting background checks on employees of licensed child development facilities.

**District of Columbia Law:** https://lims.dccouncil.us/downloads/LIMS/40929/Signed_Act/B22-0951-SignedAct.pdf

## MARYLAND – 2019

In 2017, Maryland introduced the **Comprehensive Child Sexual Abuse Prevention Act** modeled after the Massachusetts bill that had been previously introduced. It included requirements for the hiring of school employees that would better identify those with previous histories of sexual misconduct. It also mandated child sexual abuse prevention education for school employees and students.

The bill was divided into two separate bills: HB 1072, which mandated education about child sexual abuse in schools, was unanimously passed in 2018. **HB 486** was passed unanimously and signed into law in 2019. The law:

- ✔ requires applicants for employment in schools to provide written authorization to the school to access their employment records and written affirmation stating whether they have ever been the subject of an investigation of sexual misconduct (unless it was proved the allegations were false or the report was unsubstantiated) or have ever been disciplined for

such misconduct or had a license revoked due to it;

- ✔ requires schools to investigate the employment history of potential employees;
- ✔ requires schools to respond to request for information about current or former employees within 20 days;
- ✔ excuses school employees from liability for sharing the requested information about employees
- ✔ prohibits the school from entering into a collective bargaining agreement or contract that (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor

**Maryland Law:** https://legiscan.com/MD/text/HB486/id/2005496/Maryland-2019-HB486-Chaptered.pdf

## MONTANA - 2019

In May 2019, Montana passed **SB132**, the **Student Safety Accountability Act**, which states that no officer, trustee, employee, agent, or contractor of a school, school district, county superintendent of schools, or the state superintendent of public instruction and who knows or has probable cause to believe that a CURRENT OR FORMER school employee, contractor, or agent has committed or has attempted, solicited, or conspired to commit an act with a child or enrolled student that constitutes a violation of Montana's sexual abuse law, **may not** assist that school employee, contractor, or agent in obtaining new employment apart from the routine transmission of administrative and personnel files. The law applies to both public and nonpublic schools.

**Montana Law:** https://legiscan.com/MT/text/SB132/id/1910317/Montana-2019-SB132-Amended.pdf

## North Dakota – 2019

In 2019, North Dakota passed **H.B. 1082,** relating to the prohibition on aiding and abetting sexual abuse; and to provide for a penalty. This law requires that for any state or local education agency receiving federal funds under Section 8546 of the Elementary and Secondary Education Act, any school employee shall be prohibited from aiding or abetting a school employee from obtaining a job in another school, if the individual or agency knows, there is confirmation, or there is an investigation into whether the employee engaged in sexual misconduct with a minor or student in violation of law.

The law contains exceptions; it will not apply if the employee has been exonerated or acquitted of the misconduct, or if the investigation remains open but no charges were filed within one year of the date when it was reported to law enforcement. Any employee convicted of the aiding and abetting as described above is guilty of a class B misdemeanor.

**Link to Law:** https://ndlegis.gov/assembly/66-2019/documents/19-8042-04000.pdf

## COLORADO – 2021

In July 2021, Colorado enacted SB21-17, which prohibits schools from entering into a private agreement with an employee if for the purpose of suppressing the sharing of information about that employee's sexual misconduct. The law also requires schools to notify the Department of Education (DOE) when a school employee is dismissed due to allegations of sexual misconduct with a student. Schools must also check with DOE to inquire if a potential hiree has ever been dismissed or has resigned from a school due to an allegation of unlawful sexual behavior or an allegation of a sexual act involving a student who is 18 years of age or older.

**Colorado Law:** https://leg.colorado.gov/sites/default/files/2021a_017_signed.pdf

## Illinois – 2022

Illinois passed **HB4316** in April 2022. This bill requires the Superintendents to notify the State Superintendent of Education and applicable regional superintendent of schools if the superintendent has reasonable cause to believe that a license holder committed an act of sexual misconduct that resulted in the license holder's dismissal or resignation from the school district. Requires schools to conduct an employment history review of school applicants, including contacting former employers and asking whether the potential employee has a history of sexual misconduct with students. Addresses notification procedures when alleged sexual misconduct is committed against a student by an employee or agent of the school. Specifies that provisions requiring an employer to review and delete records concerning disciplinary actions that are more than 4 years old do not apply to a school district sharing information related to an incident or attempted incident of sexual misconduct. This law:

- ✔ Prohibits separation agreements that conceal findings of sexual misconduct
- ✔ Requires prospective districts to ask about investigations/discipline related to allegations of sexual misconduct
- ✔ Grants immunity to former employers to share findings of misconduct
- ✔ Protects educators against false accusations by not requiring disclosure when investigations have shown an allegation to be false, unfounded, or unsubstantiated

- ✔ Addresses notification procedures when alleged sexual misconduct is committed against a student by an employee or agent of the school

**Link to Law**: https://ilga.gov/legislation/fulltext.

## MASSACHUSETTS - 2022 - Bills Pending

In the 2015-2016 Legislative Session, Massachusetts proposed a bill to prohibit the allowing or encouraging of school employees engaged in sexual misconduct to resign in lieu of an internal investigation, outside investigation or legal action. Bills were introduced in both the House (H1374) and Senate (S247). In the 2017/2018 Session **S295**, the bill was introduced as part of a broader **Comprehensive Child Sexual Abuse Prevention Act** which included provisions on **Sexual Abuse Prevention Hiring Requirements**. Support was secured from numerous public and private groups, including teachers' associations; however, the bill failed to pass. In the 2019/2020 Session, S295 provisions were divided into two bills, which due to the pandemic, were stalled.

In 2021, **S1091** and **H1471** were introduced to address the full range of policies to screen out individuals with histories of misconduct. They require applicants to answer questions about past misconduct and an authorization allowing schools to exchange information about previous history; require schools to contact past employers; protect schools from liabilities for sharing misconduct information; prohibit confidentiality agreements if to suppress information about misconduct; prohibit aiding an employee engaged in sexual misconduct to secure a position in another school; include a full disclosure/retroactive provision and a "credible threat" reporting requirement. As of July 2022, these bills are still pending in the Joint Committee on the Judiciary.

**Massachusetts Bill:** https://malegislature.gov/Bills/192/S1091
**Massachusetts Bill:** https://malegislature.gov/Bills/192/H1471

# SECTION 3.
# Educator-Specific Sexual Misconduct Statutes

## Background

It is important to note that the vast majority of employees in schools and youth organizations are committed, ethical professionals who do not exploit the children placed in their care. However, it would be inaccurate to characterize cases of child sexual abuse in schools as rare. As stated earlier, the U.S. Department of Education in a 2004 survey reported that 10% of schoolchildren K-12 indicated they had experienced inappropriate sexual contact in their school by an adult.[14] While

14 Shakeshaft, C. (2004). Educator Sexual Misconduct: A Synthesis of Existing Literature PPSS 2004-09. *US Department of Education*.

federal research funding has not been available to support an update of these data, there is general consensus in the field that incidents of sexual abuse in schools, including adult-on-child and child-on-child abuse, have increased even as the numbers of reported and substantiated cases in general have dropped.

One indicator of this rise is the number of civil and criminal cases that insurance companies providing coverage for schools have had to defend. Though figures are difficult to confirm with insurers, news coverage reports significant increases in monetary settlement amounts over the past several years. For example, over the past few years the Los Angeles Unified School District has paid out over $327 million in sexual abuse, assault, and harassment claims involving the abuse of students, coaches, supervisors, substitutes and other school employees and contractors. Smaller school districts in less populous states have also faced considerable penalties. In response, some insurers of schools and municipalities have removed coverage for sexual abuse in schools.

With more cases being disclosed, schools are becoming more and more aware that Criminal Offender Record Information checks (CORI) and fingerprint inquiries, while necessary, are not alone sufficient to identify those at risk of sexually abusing children. According to national risk management experts, more than 80% of child molesters identified in schools or youth-serving organizations have no prior criminal records.

## Overview

A statutory analysis of these laws by Abboud, et al., including data collected between 2010 and 2017, documented that the number of applicable statutes criminalizing "educator sexual misconduct" had nearly doubled from 15 states to 29.[15] Our review shows that currently **38 states and the District of Columbia** have adopted statutes that specifically prohibit the sexual abuse of children by individuals working in or associated with schools and by persons in positions of authority that include school personnel.

While the term "educator sexual misconduct" is the "catch-all" term used to describe these statutes, the types of school-related adults prohibited from engaging in sexual contact with students vary greatly. For example, Alaska's statute simply states: *"…a person who holds a certificate who is employed by a school district…"* Wisconsin's statute is equally brief: *"...a school staff person or a person who works or volunteers with children."*

Several states specifically describe the types of personnel their law targets. These may include: administrator, principal, vice-principal, teacher substitute teacher, student teacher, school health services provider, school safety officer, coach. Mississippi's statute goes further to include: counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, scout leader.

Some states refer to licensed school employees while others include unlicensed school employees

15 Abboud, M. et al., "Educator Sexual Misconduct: A Statutory Analysis." Criminal Justice Policy Review, 2020. Vol.31 (1) 133-153.

and contracted employees. Three states, including Nevada, New Mexico and Vermont, include **school volunteers** and six, including Maine, Maryland, Michigan, Oklahoma, Texas and Utah, extend prohibitions to **private and public schools**.

Statutes in **16 states are educator-specific only; 18 include both educator-specific sexual misconduct** and misconduct committed by **persons in positions of authority** who provide supervisory or disciplinary authority over a student. **Five states include only the position of authority** and do not mention schools at all. Twelve states criminalize adult/child sexual relationships in general but have **no educator-specific sexual misconduct law**.

**Nearly half the states with educator-specific sexual misconduct statutes include a "same school" criterion**, defined as *"a school at which the student is enrolled and the defendant is employed, assigned, or volunteers."* Mississippi and Ohio do not stipulate that the student and defendant must be in the same school. New Jersey expands the prohibition to any *"actor who has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status."*

The range of punishments for violating these statutes varies widely. For example, they include in-house punishment to imprisonment from six months to life, for misdemeanor or felonies and impose fines ranging from none to $300,000, though $10,000 to $20,000 is the typical amount. Statutes in **23 states require individuals who violate these statutes to register as a sex offender**; others leave the decision to the courts.

In eight states - Alabama, California, Louisiana, Maryland, Minnesota, Mississippi, New Hampshire and Tennessee, and in Colorado and Massachusetts where bills are pending, efforts to criminalize educator-specific sexual misconduct and/or sexual misconduct by persons in positions of authority have been influenced by **Age of Consent laws** and the loophole they provide for those motivated to sexually abuse youth. Currently, in 33 states the age of consent is 16 years of age; in six states – age 17; and in eleven states – age 18. (**See page 16 for a discussion** of the unintended consequences of Age of Consent laws and recommendations to ensure they are excluded as a defense in civil and criminal actions brought against abusers.)

Advocates should be aware of possible opposition to closing the age of consent loophole. For example, California closed such a loophole by passing SB14, which disallows defendants in civil suits who are accused of sexually abusing minors from arguing that the sex was consensual. In the civil suit that preceded this 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, which Governor Jerry Brown signed into law in July 2015.

The following **States-at-a-Glance Chart** provides a look at the key features of laws passed to criminalize educator specific sexual misconduct and misconduct committed by persons in positions of authority:

# CHART 4. Educator-Specific Sexual Misconduct Statutes:

## Criminalizing Child Sexual Abuse by Educators and Persons in Positions of Authority

✓ = passed law | P = pending law | * = policy

| State | Educator Sexual Misconduct | Position of Authority | Consent No Defense | Sex Offender Registration Required |
|---|---|---|---|---|
| Alabama | ✓ | | ✓ | |
| Alaska | ✓ | | | ✓ |
| Arizona | ✓ | ✓ | | ✓ |
| Arkansas | ✓ | ✓ | | ✓ |
| California | | ✓ | ✓ | |
| Colorado | ✓ | | ✓ | |
| Connecticut | ✓ | | | ✓ |
| Delaware | ✓ | ✓ | | ✓ |
| District of Columbia | ✓ | ✓ | | |
| Florida | ✓ | | | |
| Georgia | ✓ | | | ✓ |
| Hawaii | | | | |
| Idaho | | | | |
| Illinois | | ✓ | | ✓ |
| Indiana | ✓ | ✓ | | ✓ |
| Iowa | ✓ | | | ✓ |
| Kansas | ✓ | ✓ | | |
| Kentucky | ✓ | ✓ | | ✓ |
| Louisana | ✓ | | ✓ | ✓ |
| Maine | ✓ | ✓ | | ✓ |
| Maryland | ✓ | ✓ | ✓ | |
| Massachusetts | P | P | P | P |
| Michigan | ✓ | | | |
| Minnesota | ✓ | ✓ | ✓ | |
| Mississippi | ✓ | ✓ | ✓ | |
| Montana | ✓ | ✓ | | |

(See additional states on the next page.)

# CHART 4. Educator-Specific Sexual Misconduct Statutes:

## Criminalizing Child Sexual Abuse by Educators and Persons in Positions of Authority

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| State | Educator Sexual Misconduct | Position of Authority | Consent No Defense | Sex Offender Registration Required |
|---|---|---|---|---|
| Nebraska | ✓ | | | |
| Nevada | ✓ | | | |
| New Hampshire | ✓ | ✓ | ✓ | ✓ |
| New Jersey | * | ✓ | | ✓ |
| New Mexico | ✓ | | | ✓ |
| New York | | | | |
| North Carolina | ✓ | | | |
| North Dakota | | | | |
| Ohio | ✓ | ✓ | | ✓ |
| Oklahoma | ✓ | | | ✓ |
| Oregon | | | | |
| Pennsylvania | | | | |
| Rhode Island | | | | |
| South Carolina | | ✓ | | ✓ |
| South Dakota | | | | |
| Tennesee | | ✓ | ✓ | |
| Texas | ✓ | | | |
| Utah | ✓ | ✓ | | ✓ |
| Vermont | ✓ | ✓ | | |
| Virginia | | | | |
| Washington | ✓ | | | ✓ |
| West Virginia | | | | |
| Wisconsin | ✓ | | | ✓ |
| Wyoming | ✓ | ✓ | | |
| **TOTAL** | **34** | **23** | **9** | **23** |

For updates, visit our interactive Maps at:
https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

# STATE SUMMARIES

## Alabama

Alabama has a law that criminalizes educator sexual misconduct. In 2012, Alabama passed **Code § 13A-6- 81 & 82** which states that "a person commits the crime of a school employee engaging in a sex act or deviant sexual intercourse with a student below the age of 19 years if he or she is a school employee and engages in a sex act or sexual intercourse with a student, regardless of whether the student is male or female." The statute established educator sexual misconduct as a Class B felony which could result in a jail sentence of from 2 to 20 years and a fine up to $30,000. Consent is not a defense to a charge under this law.

**Link to law:** https://law.justia.com/codes/alabama/2012/title-13a/chapter-6/section-13a-6-81

## Alaska

Alaska has a law that criminalizes educator sexual misconduct. Alaska's **Administrative Code title. 4 § 12.200** states that "A person who holds a certificate, who is employed by a school district may not engage in sexual conduct with a student." The individual may be imprisoned for 5-20 years with a fine of up to $15,000. Registration as a sex offender is required.

**Link to law:** http://www.touchngo.com/lglcntr/akstats/aac/title04/chapter012/section200.htm

## Arizona

Arizona has a law that criminalizes educator sexual misconduct. **Arizona Rev. Stat. § 13-1405** prohibits "a certificated teacher as defined in section 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state from committing sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age." Punishment varies by age of the child from a Class 6 felony (prison term of 4 months to 6 years), a Class 2 felony (3-12.5 years without parole). Sexual contact with a child 1 or under can result in a life sentence without parole.

https://codes.findlaw.com/az/title-13-criminal-code/az-rev-st-sect-13-1405.html

## Arkansas

**Arkansas has a law that criminalized educator sexual misconduct. Ark. Code Ann. § 5-14-125 (2018)** makes it a crime for a person in a position of authority at a public or private school (such as a teacher, principal, athletic coach, or counselor) to engage in sexual conduct with a student younger than 21 years of age who is enrolled in the same school. Educator sexual misconduct is a Class B felony punishable with imprisonment for 5-20 years and a fine of up to $15,000. Registration as a sex offender is required.

**Link to law:** https://law.justia.com/codes/arkansas/2017/title-5/subtitle-2/chapter-14/subchapter-1/section-5-14-125/

## California

California does **NOT** have a law that criminalizes educator sexual misconduct. However, **Chapter 128 Sec. 1708.5.5** prohibits consent from being a defense in any sexual battery civil action involving a child 18 years of age or older, if the person committing the crime is a specified adult in a position of authority (including, teacher, coach counselor) and is able to exercise undue influence over the minor. Chapter 128 does not appear to prohibit consent as a defense in sexual battery civil actions involving children 14 to 18 years of age.

## Colorado

Colorado has a law that criminalizes educator sexual misconduct. **SB21-017** was signed into law in July 2021. The law provides that "…an educator who subjects a secondary school student who is at least 18 years of age to sexual contact commits the crime of abuse of public trust by an educator, if the educator is at least four years older than the student."

"Abuse of Public Trust by an Educator' is now a Class 1 Misdemeanor. Consent from the student would not nullify the charge.

**Link to law:** https://leg.colorado.gov/sites/default/files/2021a_017_signed.pdf

## Connecticut

Connecticut has a law that criminalized educator sexual misconduct. **CGS Sec. 53a-71** states that "a person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and such other person is 13 years of age or older but below 16 years of age and the actor is 3 years older than such other person." It also includes when "the actor is a school employee and such other person is a student enrolled in a school in which the actor works or

a school under the jurisdiction of the local or regional board of education which employs the actor." The statute established educator sexual misconduct as a Class C or B felony. Class C felonies are punishable by 1-10 years imprisonment and a fine of up to $10,000; Class C are felonies can result in 1-40 years imprisonment and a fine of $15,000. Registration as a sex offender is required.

**Link to law:** https://law.justia.com/codes/connecticut/2005/title53a/sec53a-71.html

## Delaware

Delaware has a law that criminalizes sexual misconduct by a person in a position of trust. **Delaware Code § 770** makes it a Class C felony if "a person intentionally engages in sexual intercourse or sexual penetration with another person, and the victim has reached that victim's 16th birthday but has not yet reached that victim's 18th birthday and the defendant stands in a position of trust, authority, or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority, or supervision over the child. A child who has not yet reached their sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances." The Class C felony can result in a prison term of up to 15 years. Registration as a sex offender is required.

**Link to law:** https://delcode.delaware.gov/title11/c005/sc02/

## District of Columbia

District of Columbia has a law that criminalizes educator sexual misconduct. The District of Columbia's statutes on first degree of sexual abuse **§ 22–3009.03** and second degree of sexual **§ 22–3009.0** state that any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in a sexual act with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in a sexual act, shall be imprisoned and fined.

**Link to law:** https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/#

## Florida

Florida has a law that criminalizes educator sexual misconduct. **Section 800.101** of Florida Statutes, states that an "Authority figure" means "a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers." They shall not solicit or engage in: (a) Sexual conduct; (b) A relationship of a romantic nature; or (c) Lewd conduct with a student in a public school, private school, voluntary prekindergarten education program, early

learning program, the Florida School for the Deaf and the Blind, and the Florida Virtual School. Such acts constitute a felony of the second degree, punishable by imprisonment not exceeding 15 years.

**Link to law:** https://www.flsenate.gov/Session/Bill/2018/515/BillText/c1/PDF

## Georgia

Georgia has a law that criminalizes educator sexual misconduct. The **Ga. Code Ann. §16-6-5.1(b)** states: "A person who has supervisory or disciplinary authority over another individual commit sexual assault when that person is a teacher, principal, assistant principal, or other administrator of any school and engages in sexual contact with such other individual who the actor knew or should have known is enrolled at the same school." The statute established that an educator convicted of sexual assault shall be punished by imprisonment of from 1-25 years or by fine not to exceed $100,000 or both. Registration as a sex is offender required.

**Link to law:** https://law.justia.com/codes/georgia/2010/title-16/chapter-6/16-6-5-1/

## Hawaii

Hawaii does **NOT** have a law that criminalizes educator sexual misconduct but has a law forbidding adult/child sexual relationships.

## Idaho

Idaho does **NOT** have a law that criminalizes educator sexual misconduct but does have a law forbidding adult/child sexual relationships.

## Illinois

Illinois has a law that criminalizes educator sexual misconduct. **Illinois 720 Ill. Comp.Stat.5/12** states that "If a person who holds a position of trust, authority, or supervision in relation to the victim commits criminal sexual assault, if the person engages in sexual penetration with a child between 13 and 17 years of age." The offense is a Class 1 felony offense, with a potential penalty of 4-15 years in prison. Registration as a sex offender is required.

In 2020 the Illinois Make Sexual and Severe Physical Abuse Fully Extinct (Make S.A.F.E.) Task Force proposed to expand the law to include individuals in positions of trust, authority, or supervision of the victim specifically in connection with any education or athletic program or activity, regardless of the location of the offense.

**Link to bill:** https://www.ilga.gov/legislation/ilcs/ilcs4.

asp?ActID=1876&ChapterID=53&SeqStart=14900000&SeqEnd=16400000

## Indiana

Indiana has a law that criminalizes educator sexual misconduct. **Indiana Code 35-42-4-7**, called the Child Seduction law, states that a person, who is at least 18 years of age and is the: guardian, adoptive parent, adoptive grandparent, custodian, stepparent or child care worker for a child less than 18 years of age, and engages with the child in sexual intercourse, or other sexual conduct, that person commits child seduction." Teachers are considered "child care workers" as they are in a position of trust, supervised or provided care for the child. Regardless of whether the teacher is still in a supervisory role over the student, if child seduction occurred while the teacher and student were both connected to the school, the statute applies.

Penalties vary depending on the age of the child and the violation committed. Registration as a sex offender is required.

**Link to Law:** https://codes.findlaw.com/in/title-35-criminal-law-and-procedure/in-code-sect-35-42-4-7.html

## Iowa

Iowa has a law that criminalizes educator sexual misconduct. **Iowa Code Ann.§709.15** states that sexual exploitation by a school employee occurs when any sexual conduct occurs with a student for the purpose of arousing or satisfying the sexual desires of the school employee or student. The statue established sexual misconduct as aggravated misdemeanor with punishment of up to 2 years imprisonment and a fine of $6,350 or a Class D felony with punishment of up to 5 years and a fine of $7,500. Registration as sex offender is required.

**Link to law:** https://www.legis.iowa.gov/docs/code/709.15.pdf

## Kansas

Kansas has a law that criminalizes educator sexual misconduct. **Kan. Crim. Code Ann. §21-5512** states that "unlawful sexual relations are engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if (9) the offender is a teacher or other person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at the school where the offender is employed. The statute establishes it as a level 5-person felony with imprisonment of from 50-55 months and a fine of up to $300,000.

**Link to law:** http://www.kslegislature.org/li_2012/b2011_12/statute/021_000_0000_chapter/021_055_0000_article/021_055_0012_section/021_055_0012_k/

## Kentucky

Kentucky has a law that criminalizes educator sexual misconduct. **Ky. Rev. Stat. Ann. §510.060 (1)(d)** states that a person is guilty of rape in the third degree if when being a person in a position of authority or special trust defined as a parent, youth leader, teacher, coach or detention center employee, or other positions with influence over a minor, engages in sexual intercourse with a minor below 18 years with whom he or she comes into contact as a result of that position. The statue establishes Class D felony punishable by 1-5 years in prison and a fine of $1,000 to $10,000. Registration as a sex offender is required.

**Link to law:** https://casetext.com/statute/kentucky-revised-statutes/title-50-kentucky-penal-code/chapter-510-sexual-offenses/section-510060-rape-in-the-third-degree

## Louisiana

Louisiana has a law that criminalizes educator sexual misconduct. **La. R.S. 14:81.4** makes it illegal for a teacher or educator to have sexual intercourse with "a person who is 17 years of age or older, but less than 21 years of age, where there is an age difference of greater than 4 years between the two persons, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed, or working at the time of the offense." "Educator" includes "any administrator, coach, instructor, paraprofessional, student aide, teacher, or teacher aide at any public or private school, assigned, employed, or working at the school or school system where the victim is enrolled as a student on a full-time, part-time, or temporary basis.

Penalties vary depending on the offense. Registration as a sex offender is required. *Consent of a student is no defense to any violation of this law, nor is lack of knowledge of the student's age.*

**Link to Law:** https://law.justia.com/codes/louisiana/2011/rs/title14/rs14-81-4/

## Maine

Maine has a law that criminalizes educator sexual misconduct. **Me. Rev. Stat. Ann. Tit. 17-A, §255-A(1)(K-L), (S-V)** states that "a person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee, or other official having instructional, supervisory or disciplinary authority over the student. The Class D crime is

punishable by up to 1 year in county jail and a fine of up to $2,000. Registration as a sex offender is required.

**Link to law:** http://legislature.maine.gov/statutes/17-A/title17-Asec255-A.html

## Maryland

Maryland has a law that criminalizes educator sexual misconduct. **Md. Code Ann., Crim. Law §3-308(c)(1-2)** states that "a person of authority may not engage in sexual misconduct: includes a principal, vice principal, teacher, or school counselor at a public or private preschool, elementary school, or secondary school." Punishment includes imprisonment not to exceed 3 years or a fine not exceeding $1,000 or both.

**Link to law:** https://www.dpscs.state.md.us/onlineservs/sor/sor_crimes_article.shtml#_Toc280276147

## Massachusetts

Massachusetts has laws criminalizing adult/child sexual relationships; however, in 2021 **S1092** was introduced, which would specifically criminalize educator sexual misconduct. The bill broadly defines the position of trust, authority or supervision over a child to include: "a teacher, substitute teacher, coach, tutor, special educator, paraprofessional, mentor or other paid staff or volunteer providing instruction or educational services to a child in a private or public school; or an instructor, tutor or coach of any athletic, artistic, or academic club, team, institution or organization, or an individual tutor or coach." It also includes: "a parent, stepparent, adoptive parent, legal guardian, foster parent, or any person with custodial authority or supervision of a child; or a babysitter, child care provider, or child care aide or volunteer; or any other person who because of that person's familial relationship, profession, employment, vocation, or volunteer service has regular direct contact with a child..."

A person who commits indecent assault and battery on a child 14 to 18 years of age shall be punished by imprisonment not to exceed 10 years. Whoever unlawfully has sexual intercourse with and abuses a child 16 to under the age of 18 or a child under 14, shall be imprisoned from life to no less than 10 years. *Age of consent is not a defense as a child under the age of 18 would be deemed incapable of consenting to any such conduct for which a defendant is being prosecuted.*

**Link to bill:** https://malegislature.gov/Bills/192/S1092

## Michigan

Michigan has a law that criminalizes educator sexual misconduct. **Mich. Comp. Laws Ann. § 750.520b (1)(b)(iv-v)** states that "a person is guilty of criminal sexual conduct in the first degree if he

or she engages in sexual penetration with another person and if any of the following circumstances exists: (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled." The statute establishes that the court may order any terms of imprisonment and fine. Registration as a sex offender is required.

**Link to law:** http://www.legislature.mi.gov/(S(gc4p3wuprju14jzwt5z5kek0))/mileg.aspx?page=GetObject&objectname=mcl-750-520b

## Minnesota

Minnesota has a law that criminalizes educator sexual misconduct. **Act 138 Section 750.520b**, Minnesota's criminal sexual conduct statute, includes among those defined as a person in a position of authority, "a teacher, substitute teacher, or administrator of a public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.

Penalties range up to life imprisonment for 1st degree criminal sexual conduct against a child under 16 and up to 15 years for 2nd degree criminal sexual conduct against a child 13 to age 18. Sexual assault against a child 16 to 18 can be a misdemeanor punishable by a 2-year sentence. If the victim is at least 16 but under 18 and the abuser is more than 4 years older than the victim and in a current or recent position of authority over the child, neither mistake as to the victim's age nor consent to the act by the victim is a defense.

**Link to law: First Degree:** https://www.revisor.mn.gov/statutes/cite/609.342
**Link to law: Second Degree:** https://www.revisor.mn.gov/statutes/cite/609.343
**Link to law: Third Degree:** https://www.revisor.mn.gov/statutes/cite/609.344

## Mississippi

Mississippi has a law that criminalizes educator sexual misconduct. **Miss. Code Ann. §97-3-95(2)** states that "a person is guilty of sexual battery if he or she engages in sexual penetration with a child below the age of 18 years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader, or coach. The statute establishes a prison term of not more than 30 years and a fine of up to $10,000.

**Link to law:** https://law.justia.com/codes/mississippi/2013/title-97/chapter-3/section-97-3-95/

## Missouri

Missouri has a law that criminalizes educator sexual misconduct. **Mo. Ann. Stat. §566.086** states that "a person commits the offense of sexual contact with a student if he or she has sexual contact

with a student of the school and is (1) a teacher, (2) a student teacher, or (3) an employee of the school." The statute establishes sexual misconduct as a Class E felony with a prison term of not more than 4 years. Registration as a sex offender is required.

**Link to law:** https://law.justia.com/codes/missouri/2014/title-xxxviii/chapter-566/section-566.086/

## Montana

Montana has a law that criminalizes educator sexual misconduct. **MCA Sec.45-5-501** states that a person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault. It prohibits "any person who has or ever had instructional, supervisory, disciplinary, or other authority over a student in an elementary or secondary school setting and knows, reasonably should know, or should have known the victim is a student at an elementary or secondary school" from committing sexual assault.

It specifically cites: employees, contractors, and volunteers including principals, teachers, student teachers, aides, paraprofessionals, monitors, assistants, administrative employees, bus drivers, cafeteria workers, maintenance workers and custodians, coaches, crossing guards, security workers, medical professionals, and mental health professionals. This law provides that a student up to the age of 18 cannot provide consent to sexual assault by any such person.

**Link to law:** https://law.justia.com/codes/montana/2011/title45/chapter45-5/part45-5-5/section45-5-501/

## Nebraska

Nebraska has a law that addresses educator sexual misconduct. At the close of the 2020 Legislative Session, Nebraska lawmakers gave final approval to **LB 1080**, which requires the school board or board of education of each school district and the governing authority of each private, denominational or parochial school to adopt a policy regarding appropriate relationships between a student and a school employee, student teacher or intern on or before June 30, 2021.

The required policy must prohibit any school employee, student teacher or intern from engaging in grooming. It also must prohibit any relationship that involves sexual contact or penetration from occurring between a student and a school employee, student teacher or intern while a student is enrolled and for a minimum of one year after a student graduates or ceases enrollment. It must include notice that policy violations could result in disciplinary action and referral to the state Department of Education and that any violation involving sexual or other abuse will result in referral to DHHS, law enforcement or both.

**Link to law:** https://legiscan.com/NE/text/LB1080/id/2204707/Nebraska-2019-LB1080-Chaptered.pdf

## Nevada

Nevada has a law that criminalizes educator sexual misconduct. **Nev. Rev. Stat. Ann.§ 200.364** outlaws "sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.54, and outlaws sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550." The statute establishes punishment as a Category B with imprisonment of 1-6 years and a fine of $5,000 or Category C with imprisonment of 1-5 and a fine of $5,000.

**Link to law:** https://www.leg.state.nv.us/NRS/NRS-201.html#NRS201Sec540

## New Hampshire

New Hampshire has a law that criminalizes educator sexual misconduct. **N.H. Rev. Stat. Sec.632-A:3** states that a person is guilty of felonious sexual assault if he is in a position of authority over a student, or over a victim aged 13 and under 18 years and uses this authority to coerce the victim to submit to sexual penetration. A student is defined as a person enrolled or participating in any class or program from preschool through grade 12. The statute establishes punishment as imprisonment of 10-20 years and a fine of up to $4,000 or both. Registration as sex offender is required. *Consent of a victim under 13 years of age and under 18 shall not be considered a defense.*

**Link to law:** http://www.gencourt.state.nh.us/rsa/html/LXII/632-A/632-A-mrg.htm

## New Jersey

New Jersey has a law that criminalizes educator sexual misconduct. **N.J. Rev. Stat. Sec.2C 14-2** states "a person commits aggravated sexual assault if he commits an act of sexual penetration with another person when (1) the victim is below 13 years or (2) the victim is 13, 14, or 15 years and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status." The statute establishes imprisonment from 10 to 20 years, a fine of $200,000, or both. Registration as a sex offender is required.

**Link to law:** https://law.justia.com/codes/new-jersey/2014/title-2c/section-2c-14-2

## New Mexico

New Mexico has a law that criminalizes educator sexual misconduct. **N.M. Stat. Ann. §30-9-11(G)(2)** states that "criminal sexual penetration perpetrated on a child 13-18 years of age when the

perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider, or a school volunteer, and who is at least 18 years of age and is at least 4 years older than the child and not the spouse of that child, learns while performing services in or for a school that the child is a student in a school. " The statute establishes the punishment as a fourth-degree felony, with up to 18 months in prison and a fine of up to $5,000. Registration as a sex offender is required.

**Link to law:** https://law.justia.com/codes/new-mexico/2006/nmrc/jd_30-9-11-c28b.html

## New York

New York does **NOT** have a law that criminalizes educator sexual misconduct. New York has statutory rape laws, making it criminal for an adult to have sexual contact with a person under a prescribed age. Under law, the underage person does not have the legal capacity to consent, so in a criminal case, it does not matter that the underage person wanted the sexual conduct to occur. However, the Age of Consent in New York is 17, so currently a student of that age is presumed to be capable of consenting to a sexual relationship with a teacher, other school employee, or other person in a position of authority or trust. In a civil or criminal action involving a 17-year-old victim, a defendant, therefore, may use age of consent as a defense.

## North Carolina

North Carolina has a law that criminalizes educator sexual misconduct. **N.C. Gen. Stat. Ann. §14-27.32(b)** states that "if a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least 4 years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers." The statute established educator sexual misconduct as a felony punishable by imprisonment of from 8 to 31 months.

**Link to law:** https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_1427.32.pdf

## North Dakota

North Dakota does **NOT** have a law that criminalizes educator sexual misconduct or sexual misconduct by a person in a position of authority over the child that would include school employees. If a person is accused of having sex with a minor, he or she may escape punishment if

it can be shown that the offender reasonably believed the minor to be 18, the age of consent. The offender does not have a defense where the child is under 15 years of age and the offender believed, no matter how reasonably, that the child was 15 or older.

## Ohio

Ohio has a law that criminalizes educator sexual misconduct. **Ohio Rev. Code Ann. § 2907.03(A)(7-8)** states that "no person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school…, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. The statute establishes sexual misconduct as a third-degree felony with 1-5 years imprisonment and a fine of $5,000, or second-degree felony with 2-8 years imprisonment and a fine of up to $10,000. Registration as sex offender is required.

**Link to law:** http://codes.ohio.gov/orc/2907.03

## Oklahoma

Oklahoma has a law that criminalizes educator sexual misconduct. **Okla. Stat. Ann. tit. 21, § 1111(A)(8)** states that includes: "Where the victim is at least 16 years of age and is less than 20 years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is 18 years of age or older and is an employee of the same school system. The statute establishes punishment as a second-degree rape felony punishable by imprisonment between 1-15 years. Registration as sex offender is required.

**Link to law:** https://law.justia.com/codes/oklahoma/2019/title-21/section-21-1111/

## Oregon

Oregon does **NOT** have a law that criminalizes educator sexual misconduct but does have a law forbidding adult/child sexual relationships.

## Pennsylvania

Pennsylvania does **NOT** have a law that criminalizes educator sexual misconduct but does have a law forbidding adult/child sexual relationships.

## Rhode Island

Rhode Island does **NOT** have a law that criminalizes educator sexual misconduct but does have a law forbidding adult/child sexual relationships.

## South Carolina

South Carolina has a law that criminalizes educator sexual misconduct. **S.C. Code Ann. §16-3-653** states that "The actor engages in sexual battery with a victim who is at least 14 years of age but who is less than 16 years of age and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. However, a person may not be convicted of a violation of the provisions of this item if he is 18 years of age or less when he engages in consensual sexual conduct with another person who is at least 14 years of age. The statute establishes a fine at the discretion of the court or imprisonment for not more than 15 years, or both. Registration as sex offender is required.

**Link to law:** https://law.justia.com/codes/south-carolina/2013/title-16/chapter-3/section-16-3-655

## South Dakota

South Dakota does **NOT** have a law that criminalizes educator sexual misconduct but does have a law forbidding adult/child sexual relationships.

## Tennessee

Tennessee does **NOT** have a law that criminalizes educator sexual misconduct. However, under Tennessee Code **39-13-527**, "sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant if the victim was, at the time of the offense, thirteen (13) years of age or older but less then eighteen (18); or the defendant was at the time of the offense in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional or occupational status and used the position of trust or power to accomplish the sexual contact." Sexual battery by an authority figure is a Class C felony.

**Link to law:** https://www.tn.gov/content/dam/tn/tbi/documents/Definitions%20of%20Tennessee%20Sexual%20Offenses%20and%20Violent%20Sexual%20Offenses.pdf

## Texas

Texas has a law that criminalizes educator sexual misconduct. **Tex. Penal Code Ann. § 21.12** states that (a) an employee of a public or private primary or secondary school commits an offense if the

employee: (1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works. The offense is a second degree felony with punishment of 2-20 years of imprisonment and a fine of up to $10,000.

**Link to law:** https://statutes.capitol.texas.gov/Docs/PE/htm/PE.21.htm

## Utah

Utah has a law that criminalizes educator sexual misconduct. **Utah Code Ann. § 76-5-404.l(h)** defines sexual abuse of a child by a person of special trust to include: "a teacher, or any other person employed by or volunteering at a public or private elementary school or secondary school, and who is 18 years of age or older." The offense is a second degree felony with punishment of a prison term of 1-15 years. Registration as a sexual offender is required.

**Link to law:** https://le.utah.gov/xcode/Title76/Chapter5/76-5-S404.1.html

## Vermont

Vermont has a law that criminalizes educator sexual misconduct - **Vt. Stat. Ann. tit 13, § 3258**. It states that "(a) no person shall engage in a sexual act with a minor if (2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, *instruction*, or organized recreational activities for minors." The statute established imprisonment for not more than 5 years or a fine of not more than $10,000, or both.

**Link to law:** https://legislature.vermont.gov/statutes/section/13/072/03258

## Virginia

Virginia does **NOT** have a law that criminalizes educator sexual misconduct. It does have a law requiring all Virginia school districts to report cases of possible educator sexual misconduct to Virginia Department of Education within 10 days of learning of the allegations.

## Washington

Washington has a law that criminalizes educator sexual misconduct. **Wash. Rev. Code §9A.44.093(1)(b)** states that "(1) a person is guilty of sexual misconduct with a minor in the first degree when (b) the person is a school employee who has, or knowingly causes another person below the age of 18 years to have, sexual intercourse with an enrolled student of the school who is at least 16 years old and not more than 21 years old and not married to the employee, if the employee is at least 60

months older than the student." The statute established educator sexual misconduct as a Class C felony punishable by imprisonment for up to 5 years, a fine of up to $10,000, or both. Registration as a sex offender is required.

**Link to law:** https://apps.leg.wa.gov/rcw/default.aspx?cite=9A.44.093

## West Virginia

West Virginia does **NOT** have a law that criminalizes educator sexual misconduct.

## Wisconsin

Wisconsin has a law that criminalizes educator sexual misconduct. **Wis. Stat. Ann. §948.095** states that "sexual assault of a child by a school staff person or a person who works or volunteers with children is guilty of a Class H felony. (2) Whoever has sexual contact or sexual intercourse with a child who has attained the age of 16 years and who is not the defendant's spouse is guilty of a Class H felony punishable by a fine of up to $10,000 and a prison term of up to 6 years. Registration as a sex offender is required.

**Link to law:** https://docs.legis.wisconsin.gov/statutes/statutes/948/095

## Wyoming

Wyoming has a law that criminalizes sexual misconduct committed by a person in a position of authority, which includes: a parent, guardian, relative, household member, teacher, employer, custodian or any other person who, by reason of his position, is able to exercise significant influence over a person.

**Link to law:** https://codes.findlaw.com/wy/title-6-crimes-and-offenses/wy-st-sect-6-2-303.html

# SECTION 4:
# State Task Force Laws

## Overview

State Task Forces have been organized in **21 states and the District of Columbia. Seventeen** states passed legislation authorizing their establishment; **five** of the Task Forces were established without legislation, as in Massachusetts (2002), Maryland and New Jersey (2011) and New York (2012) where statewide "Partnerships" were organized under the Enough Abuse Campaign; more recently, D.C. organized a District-wide task force in 2019 without legislation to address child sexual abuse in schools.

Some Task Forces are directed to address a broad group of programmatic and policy strategies to prevent and respond to child sexual abuse, such as in North Carolina and Michigan; other laws simply direct these bodies to develop specific prevention education tools for use in schools. **Twenty-nine states have no Task Forces** dedicated to child sexual abuse prevention.

Links to the Task Force laws are provided below, as well as to 18 State Task Force Reports. Time frames in which task forces must produce these reports or prevention tools range from six months to two years. Reports vary widely in their length - from over 200 pages to only 20.

There is also much variability in the focus and scope of the reports. Some issue broad-sweeping recommendations that address ways to prevent first time perpetration of child sexual abuse (primary prevention); ways to recognize, respond to, and report cases of child sexual abuse (secondary prevention); how to ensure counseling and treatment for child victims (tertiary prevention); and even how to reduce recidivism among convicted sexual offenders.

In **nine** states, including Alabama, Alaska, Arkansas, Illinois, Michigan, New Hampshire, Texas, Vermont and West Virginia, report recommendations have resulted in subsequent passage of specific laws to address sexual abuse. In other states, recommendations have been issued "encouraging" actions; however, no legislation has been filed to mandate their implementation. In some states, such as Massachusetts, the filing of comprehensive prevention legislation preceded the Task Force's report. Still in other states, including Iowa, bills supported by the Task Force were introduced but failed to pass despite several attempts.

# CHART 5.

## CSA Task Force Laws

| STATE | Year CSA Task Force Established* or Law Enacted |
|---|---|
| 1. Massachusetts* | 2003*, 2014 |
| 2. Vermont | 2009 |
| 3. Texas | 2010 |
| 4. Maryland* | 2011 |
| 5. New Jersey* | 2011 |
| 6. Missouri | 2011, 2018 |
| 7. Illinois | 2011, 2019 |
| 8. Iowa | 2011 |
| 9. New York* | 2012 |
| 10. Arkansas | 2013 |
| 11. Michigan | 2013 |

| STATE | Year CSA Task Force Established* or Law Enacted |
|---|---|
| 12. Mississippi | 2013 |
| 13. Nevada | 2013 |
| 14. Louisiana | 2014 |
| 15. New Hampshire | 2014 |
| 16. North Carolina | 2014 |
| 17. South Dakota | 2014 |
| 18. Alabama | 2015 |
| 19. Alaska | 2015 |
| 20. West Virginia | 2015 |
| 21. North Dakota | 2017, 2019 |
| 22. District of Columbia.* | 2019 |

For updates, visit our interactive Maps at:
https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

# STATE SUMMARIES

## Alabama

In 2015, Alabama passed **HB 197**, which called for the establishment of an 8-member **Governor's Task Force on Prevention of Sexual Abuse of Children** to adopt guidelines for child sexual abuse prevention education for students K-12 and professional training for administrators, teachers, and other school personnel on avoiding child sexual abuse. In 2016, the Task Force report recommended that: the task force be ongoing, that it develop standards for child sexual abuse prevention; immediately implement programs recommended in the report; require annual Mandatory Reporting training for school personnel; require training on peer-to-peer sexual abuse for middle and high school students; and, the creation of a County Child Sexual Abuse Prevention Task Force to develop prevention and response protocols based on local needs.

**Link to law:** http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2015rs/PrintFiles/HB197-enr.pdf
**Link to report:** https://v2.nside.io/EOP/Training-Tabs-Uploads/Erin's%20Law%20State%20Guidelines%20for%20Sexual%20Abuse%20Prevention%20Instructional%20Program.pdf#:~:text=In%20accordance%20of%20Erin%E2%80%99s%20Law%20%28HB197%29%20passed%20by,vulnerability%2C%20and%20encourage%20them%20to%20report%20the%20abuse

## Alaska

In 2015 Alaska passed **HB44**, which created **The Alaska Safe Children's Act Task Force** in the Department of Education and Early Development for the purpose of providing recommendations to the Department regarding model curricula for use by school districts. The Task Force was to provide recommendations for age-appropriate model curricula and teacher training materials related to child sexual abuse prevention, suicide prevention, dating violence prevention, and alcohol and drug abuse education.

**Link to law:** http://www.akleg.gov/basis/Bill/Detail/29?Root=HB%20%2044
**Link to report:** https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=104194

## Arizona

Arizona has **NO** law establishing a state task force on child sexual abuse prevention.

## Arkansas

In 2013, Arkansas passed **Act 1298** establishing the **Arkansas Legislative Task Force for Child Sexual Abuse Prevention**. It was charged with making recommendations towards adopting and implementing age-appropriate sexual abuse prevention education for students in Grades K-5; training of licensed and classified school personnel on the prevention and detection of child sexual abuse; and the training of parents and guardians on the warning signs of child sexual abuse. The Task Force issued its report in September 2014. It later expanded the original law's focus on children in Grades 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, emphasizing also that strategies be employed to encourage parental involvement. The Task Force was to expire May 15, 2015 but was authorized to continue and to meet semi-annually.

**Link to law:** https://www.arkleg.state.ar.us/Acts/

## California

California has **NO** law establishing a state task force on child sexual abuse prevention.

## Colorado

Colorado has **NO** law establishing a state task force on child sexual abuse prevention.

## Connecticut

Connecticut has **NO** law establishing a state task force on child sexual abuse prevention.

## Delaware

Delaware has **NO** law establishing a state task force on child sexual abuse prevention.

## District of Columbia

The District of Columbia has **NO** law establishing a state task force on child sexual abuse prevention. However, in 2019, D.C. Public Schools established a District-wide **Student Safety Task Force** in order to engage families around the implementation of sexual misconduct policies and protocols, as well as student sexual health curricula.

**Link to report:** https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Student-Safety-Accepted-Applicants-FCE-Final-2019-Public.pdf

## Florida

Florida has **NO** law establishing a state task force on child sexual abuse prevention.

## Georgia

Georgia has **NO** law establishing a state task force on child sexual abuse prevention; however, a **Statewide Human Trafficking Task Force**, organized by the Georgia Criminal Justice Coordinating Council collaborated with the Georgia Center for Child Advocacy to publish a "Technical Assistance Resource Guide on Child Sexual Abuse and Exploitation Prevention." The comprehensive guide provides background on principles of prevention, identifies resources for the classroom and age appropriate teaching suggestions, and an analysis of specific programs available for implementation.

**Link to report:** https://georgiacenterforchildadvocacy.org/learn-more/resources/child-sexual-abuse-and-exploitation-prevention-resource-guide.html

## Hawaii

Hawaii has **NO** law establishing a state task force on child sexual abuse prevention. However, In January 2020, Hawaii introduced **HB2044** establishing a Task Force charged with researching and reviewing policies, programs, and curricula for educating public school students in Grades Pre-K-12 about child sexual violence prevention using age-appropriate curricula. Also to be reviewed: current resources available in the State for educating students about sexual violence prevention; and existing gaps in addressing sexual violence experienced by children, including prevention, education, training, and awareness, as needed, for students, teachers, school staff, parents, and guardians. It would require the Department of Education to establish and implement a system-wide sexual abuse prevention education program at the conclusion of the Task Force. The bill was referred to Committee and no action has yet been taken.

**Link to bill:** https://www.capitol.hawaii.gov/session2020/bills/HB2044_.htm

## Idaho

Idaho has **NO** law establishing a state task force on child sexual abuse prevention.

## Illinois

In February 2011, Illinois passed **Public Act 096-1524** which established a **Task Force on the Prevention of Sexual Abuse of Children**. Section 10-23-13 of the Act was named **Erin's Law** after survivor Erin Merryn. The law instructed the Task Force to adopt and implement a policy addressing

sexual abuse of children "…that *may* include age-appropriate curriculum from students in pre-k through 5th grade; training of school personnel on child sexual abuse; education information to parents or guardians; …and available counseling and resources for students affected by sexual abuse."

In May 2012 the Task Force issued its report with three recommendations: 1) Child sexual abuse prevention education should be taught in grades pre-K through 5; 2) Training for school administrators should be amended to include child sexual abuse as a selective strand under the Illinois Administrator Academy and, 3) Child sexual abuse training should be provided as a certified professional development unit for certified non-administrative school personnel. On January 24, 2013, legislation was passed requiring all Illinois schools to provide age-appropriate child sexual abuse prevention education annually for students K-12.

In August 2019, **Public Act 101-0531** was enacted that established the I**llinois Make S.A.F.E. Task Force** to address "best practices for preventing the sexual abuse of students in a school-related setting or by school-related perpetrators, including school district employees or other students." In September 2020, the Task Force released its report recommending required annual training by school districts, ensuring proper funding, monitoring, and compliance on the training, and the use of evidence-based/informed programs for employees, students and parents.

In January 2021, **HB1975**, named **Faith's Law** after survivor Faith Colson, was introduced to address those recommendations. On May 5, 2021, amendments to the School Code were adopted requiring the State Board of Education to develop and maintain a resource guide to provide guidance for pupils, parents or guardians, and teachers about sexual abuse response and prevention resources. To prevent sexual misconduct with students, it requires each school district, charter school, or nonpublic, nonsectarian elementary or secondary school to develop an employee code of professional conduct policy; and required training for school personnel on child sexual abuse.

**Link to 2011 Task Force law:** https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1524
**Link to 2013 Task Force report:** https://www.isbe.net/Documents/erins-law-final0512.pdf
**Link to 2019 Task Force law:** https://www.ilga.gov/legislation/101/HB/PDF/10100HB3305lv.pdf
**Link to 2020 Task Force Report:** https://www.isbe.net/Documents_MSAFE/Make-SAFE-Final-Report-20200903.pdf

## Indiana

Indiana has **NO** law establishing a state task force on child sexual abuse prevention.

## Iowa

In 2011, pursuant **Section 87 of SF 533**, Prevent Child Abuse Iowa convened and staffed a **Task Force on the Prevention of Sexual Abuse of Children**. The Task Force was charged with developing a model policy for adoption by school districts, creating goals for state policy to prevent child sexual abuse, and recommending statutory changes. In 2012, the Task Force issued its report recommending: increased adult education about child sexual abuse, its precursors and warning signs, ways to protect children, and how to report its occurance; teaching children ways to reduce their victimization and perpetration and providing resources to increase protective factors; and a list of proposed statutory changes.

Bills introduced in 2014, 2020 and 2021 to require the training of school staff and students pre-K through 12, which had been recommended by the task force, were defeated.

**Link to report:** https://pcaiowa.org/content/uploads/2019/02/sap-task-force-report.pdf

## Kansas

Kansas has **NO** law establishing a state task force on child sexual abuse prevention.

## Kentucky

Kentucky has **NO** law establishing a state task force on child sexual abuse prevention.

## Louisiana

In 2014 **Senate Resolution 69** established the Louisiana **Human Trafficking Prevention Commission** and subsequently a **Task Force on the Prevention of Sexual Abuse of Children** within the Department of Children and Family Services. The Task Force was to: (1) gather information concerning child sexual abuse throughout the state; (2) receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; (3) create goals for state policy that would prevent child sexual abuse; an (4) submit a final report with its recommendations to the legislature by January 1, 2016. **SCR 14**, adopted in 2015, authorized the Task Force to continue until 2017 and indicated its recommendations could include proposals for specific statutory changes.

**Link to laws** http://www.legis.la.gov/Legis/ViewDocument.aspx?d=896341

Link to law: https://legiscan.com/LA/text/SCR14/2015

**Link to report:** https://www.lasc.org/documents%2F2018_HTPC_Exec_Summary_and_Annual_Report.pdf

## Maine

Maine has **NO** law establishing a state task force on child sexual abuse prevention.

## Maryland

Maryland has **NO** law establishing a state task force on child sexual abuse prevention. However, in 2011 Maryland adopted the **Enough Abuse Campaign** which assisted the state in organizing the 27-member **Maryland Child Sexual Abuse Prevention Partnership**, a statewide multidisciplinary and public/private body to develop and oversee prevention efforts. The Partnership certified dozens of Enough Abuse trainers who in turn trained thousands of parents and other adults across the state. A 12-hour curriculum, *Reducing Sexual Violence among Youth in Custody"* was developed and implemented in seven Maryland Department of Juvenile Services youth detention facilities.

In 2016, the State Council on Child Abuse adopted recommendations developed in conjunction with the Maryland Child Sexual Abuse Partnership and in 2016 passed legislation mandating child sexual abuse prevention education of school personnel, the development of codes of conduct for school employees re: sexual abuse and misconduct. It developed the "Guidelines and Best Practices for the Design, Modification, and Assessment of School Physical Spaces to Reduce Opportunities for Child Sexual Abuse," and in 2019 passed a law prohibiting schools from aiding and abetting school employee engaged in sexual misconduct from securing positions in other schools.

**Link to Report:** https://dhs.maryland.gov/documents/Data%20and%20Reports/SSA/Annual%20Progress%20and%20Services%20Review%20Report/2017%20-%202018%20APSR%20Reports/Appendix%20AE.%202016%20SCCAN%20Annual%20Report%20FINAL%206-14-17.pdf

## Massachusetts

In 2002, under a 5-year grant from the Centers for Disease Control and Prevention (CDC), the **Massachusetts Child Sexual Abuse Prevention Partnership** was formed as the first statewide multidisciplinary, public/private task force to address child sexual abuse. The Enough Abuse Campaign, its citizen education and community mobilization arm, was launched to implement a comprehensive model to prevent child sexual abuse through coalition-building, education of parents and the public, training of child- and family-serving professionals, promotion of prevention policies for schools and youth organizations, and legislative advocacy. Enough Abuse has been adopted by several states.

In 2014, a MA Legislative Task Force on the Prevention of Child Sexual Abuse was formalized into law. The task force was to develop guidelines for the development of sexual abuse prevention and intervention plans by youth-serving organizations, a plan to increase public awareness about child sexual abuse, and to incentivize youth organizations to develop and implement prevention and intervention plans. The Task Force issued its report in June 2017.

**Link to law:** https://malegislature.gov/Bills/188/H113
**Link to Report:** https://childrenstrustma.org/uploads/files/PDFs/Child_Sexual_Abuse_Prevention_Task_Force_Report.pdf

## Michigan

In 2013, the **Michigan Task Force on the Prevention of Sexual Abuse of Children** law was passed and in 2014 a 15-member Task Force was assembled to make recommendations for reducing child sexual abuse in the State and to consider school policies to address the issue. One year later 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 moved away from the initial child-victim focus of the 2013 law and emphasized the need to place responsibility for preventing child sexual abuse on all adults. The report presented seven overarching goals as the foundation for 57 recommendations provided.

**Link to bill:** http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0593.pdf
**Link to report:** https://www.michigan.gov/documents/dhs/ReportRecommendations_491970_7.pdf

## Minnesota

Minnesota has **NO** law establishing a state task force in Minnesota.

## Mississippi

In 2013, Mississippi passed **SB 2133** to create a **Study Committee on Child Sexual Abuse** to explore the feasibility of creating and implementing a curriculum on prevention of sexual abuse for children in grades K-5. The study committee was to submit a written report of its findings and recommendations to the Governor and the Legislature before January 1, 2014, at which time the study committee was to be dissolved. In 2014, **HB 439** was introduced 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 died in the Education Committee, however, in 2015, Mississippi's School Code, **MS School Code § 37-3-83**, was amended to state that schools **may adopt and implement** a policy addressing sexual abuse of children within its School Safety Plan. A school's Safety Plan may include age-appropriate education of students Pre-K through 5, training for school personnel, and educational information for parents.

**Link to 2013 law:** http://billstatus.ls.state.ms.us/documents/2013/html/SB/2100-2199/SB2133SG.htm

**Link to 2015 law:** https://law.justia.com/codes/mississippi/2015/title-37/chapter-3/section-37-3-83/

## Missouri

In 2011, Missouri established the **Task Force on the Prevention of Sexual Abuse of Children**. Led by Missouri KidsFirst, the Task Force was directed to study and identify strategies for preventing child sexual abuse and provide recommendations in a report to the Governor, General Assembly and State Board of Education. The Task Force released its initial report in 2012 after holding public hearings and receiving testimony from 35 experts in the field of child abuse.

The Report contains 22 recommendations in seven core subject areas: community-based child abuse prevention, professional training and technical assistance, multi-disciplinary team excellence, mental health services and treatment, awareness, funding and statutory changes. After the report's release, the Task Force was reauthorized in 2018 to continue gathering information and to begin implementing the report's recommendations. In 2020 the Task Force issued its second report – "Child Sexual Abuse Prevention Education – Guidance and Training Materials."

**Link to law:** https://revisor.mo.gov/main/OneSection.aspx?section=210.1200
**Link to report:** https://mjja.org/images/media/pressreleases/2013/MoKidsFirst_Report_FINAL.pdf

## Montana

Montana has **NO** law establishing a state task force on child sexual abuse prevention. In 2018 the state released a "Strategic Plan to Prevent Child Abuse and Neglect in Montana;" however, the Plan referred to child sexual abuse only once in relation to the Montana Child Sexual Abuse Response Team which supports victims of child sexual abuse. No prevention strategies were proposed.

## Nebraska

Nebraska has **NO** law establishing a state task force on child sexual abuse prevention.

## Nevada

In 2013 **Senate Bill 258**, now codified into NRS 432B.700-730, established the **Nevada Task Force on the Prevention of the Sexual Abuse of Children.** The Task Force was charged with studying and identifying strategies, goals and recommendations for preventing child sexual abuse. Task Force members made recommendations to educate children, school staff, families and communities on child sexual abuse. Its overall recommendations were grouped into two main categories: Primary

and Secondary/Tertiary Prevention. The recommendations' goals were to: 1) improve education of lawmakers and the public; 2) prevent the occurrence and reoccurrence of abuse; and 3) provide crucial support to victims and their families.

In January 2015 Nevada adopted the Enough Abuse Campaign as a vehicle through which the Task Force's prevention recommendations would be implemented.

**Link to law:** https://legiscan.com/NV/text/SB258/2013
**Link to report:** http://dcfs.nv.gov/uploadedFiles/dcfsnvgov/content/Tips/Reports/SB258%20Report.pdf

## New Hampshire

In 2014 New Hampshire enacted a law establishing the **Commission to Study Child Sexual Abuse Prevention Education in Elementary and Secondary Schools**. It issued its final report in July 2015 which recommended expanding child sexual abuse prevention education to reach all public school students and expanding use of community-based organizations, and other public and private organizations, specializing in preventing and responding to sexual abuse to provide prevention education services.

In May 2016 **SB460** was passed requiring all school children to receive education on child sexual abuse prevention as part of the heath education curriculum.

**Link to law:** https://legiscan.com/NH/text/SB348/id/905986
**Link to report:** http://www.gencourt.state.nh.us/statstudcomm/reports/2147.pdf

## New Jersey

New Jersey has **NO** law establishing a task force on child sexual abuse prevention. However, in 2011 New Jersey adopted the Enough Abuse Campaign which assisted the state in organizing the **New Jersey Partnership to Prevent Child Sexual Abuse**, a multidisciplinary, public/private statewide coalition that brought about important changes in knowledge building, state policy, and collaboration. The focus on community-level mobilization resulted in high quality education and skill building among a wide range of stakeholders.

The NJ Partnership developed safe child policies for youth-serving organizations which were adopted by the New Jersey Department of Children and Families as a "condition of eligibility" for its child-serving grantees statewide. In 2018, New Jersey passed the **Safer Schools Bill** to address educator sexual misconduct; in 2019, **Assembly Bill 769** requiring school districts to incorporate age-appropriate sexual abuse awareness and prevention education for students in Grades Pre-K-12;

and in 2019, **Senate Bill 2711** requiring child abuse and sexual abuse training for all candidates for teaching certification.

## New Mexico

New Mexico has **NO** law establishing a state task force on child sexual abuse prevention.

## New York

New York has **NO** law establishing a state task force on child sexual abuse prevention. However, in 2012, the Enough Abuse Campaign was adopted as a comprehensive citizen education and community mobilization effort to prevent child sexual abuse. With Prevent Child Abuse New York serving as lead agency, the **New York Partnership for Child Sexual Abuse Prevention** was organized to develop and oversee prevention programming. As of 2020, the Enough Abuse Campaign in New York has been expanded to 11 counties serving over 200 cities and towns.

## North Carolina

In 2014, North Carolina's **S.L. 2014-199**, Section 4 charged the Human Trafficking Commission with making recommendations for the prevention of child sexual abuse. The Commission partnered with a study committee of the **North Carolina Coalition for the Prevention of Child Sexual Abuse** and issued a report in 2015. Initial recommendations included providing $50,000 to the Coalition 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.

**Link to report:** https://www.nccourts.gov/assets/inline-files/Final-Report-Erins-Law-020215_0.pdf?ViCLxegqFd.b4t5MIB8bChR5ZxZ.GtQ1

## North Dakota

In 2019 **HB1237** established a new task force to build upon the efforts of the 2017-18 **North Dakota Task Force on the Prevention of Child Sexual Abuse**. The task force was to focus on increasing child sexual abuse prevention education for tribal and nontribal children and adults, increasing interagency data collection, sharing, and collective analysis, supporting resource development for investigations and prosecutions of child sexual abuse, including the sentencing, supervision, and treatment of sex offenders, increasing trauma-informed services for children, adult survivors, and families and implementing the remaining recommendations of the November 2018 final report of the North Dakota Task Force.

**Link to law:** https://www.legis.nd.gov/assembly/66-2019/documents/19-0645-04000.pdf
**Link to report:** http://www.nd.gov/dhs/info/pubs/docs/cfs/final-report-nd-task-force-

prevention-child-sexual-abuse-2018.pdf

## Ohio

Ohio has **NO** law establishing a state task force on child sexual abuse prevention.

## Oklahoma

Oklahoma has **NO** law establishing a state task force on child sexual abuse prevention.

## Oregon

Oregon has **NO** law establishing a state task force on child sexual abuse prevention.

## Pennsylvania

Pennsylvania has **NO** law establishing a state task force on child sexual abuse prevention.

## Rhode Island

Rhode Island has **NO** law establishing a state task force on child sexual abuse prevention.

## South Carolina

South Carolina has **NO** law establishing a state task force on child sexual abuse prevention.

## South Dakota

In 2014, **CL2-6-31** established the **Jolene's Law Task Force**, named after survivor Jolene Loetscher, and charged it to study the prevalence and impact of child sexual abuse in the state. 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.

On January 1, 2016, the 15-member Task Force issued its final report with 34 policy recommendations, including the establishment of the Center for the Prevention of Child Maltreatment at the University of South Dakota to coordinate prevention and response efforts. In 2018, the Center adopted the Enough Abuse Campaign to help implement statewide training of

parents and professionals, promote prevention policies in schools and youth organizations, and develop child sexual abuse prevention legislation.

**Link to law:** https://mylrc.sdlegislature.gov/api/Documents/125130.pdf
**Link to report:** https://doh.sd.gov/documents/news/JLTF_2015_Final_Report.pdf

## Tennessee

Tennessee has **NO** law establishing a state task force on child sexual abuse prevention.

## Texas

In 2010, **HB1041**, called **Jenna's Law** for survivor Jenna Quinn, was passed creating a 9-member task force to establish a strategy for reducing child sexual abuse and other forms of child maltreatment. Recommendations of the task force called for the establishment of a permanent **Prevention Commission to Reduce Child Abuse and Neglect** to continually assess evidence of the effectiveness of prevention programs and policies. The task force's report highlighted the need to better evaluate school-based child sexual abuse prevention programs for students.

In 2014, the Texas Education Agency issued a directive to all districts and charter schools requiring them to implement Jenna's Law to provide all district and charter school employees "training concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children." By May 2015 all mandated training was to have been implemented.

**Link to law:** https://capitol.texas.gov/tlodocs/81R/billtext/html/HB01041F.HTM
**Link to report:** http://www.ncdsv.org/BRTF_TX-Statewide-Blue-Ribbon-TF-Final-Report_12-1-2012.pdf

## Utah

Utah has **NO** law establishing a state task force on child sexual abuse prevention.

## Vermont

In 2009, Vermont passed a comprehensive law, called **ACT 1**, which established a **Sexual Violence Prevention Task Force** and included numerous recommendations to improve the response to and the prevention of child sexual abuse. Included in the 74-page law was an emphasis on the need to educate adults first and then children. It promoted a focus on social emotional learning for children, establishing appropriate boundaries and developing healthy relationships as core to an effective sexual abuse prevention strategy.

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 requirements. 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.

**Link to law:** https://legislature.vermont.gov/Documents/2010/Docs/ACTS/ACT001/ACT001%20As%20Enacted.pdf
**Link to report:** https://education.vermont.gov/sites/aoe/files/documents/edu-health-education-technical-assistance-resource-guide.pdf

## Virginia

Virginia has **NO** law establishing a state task force on child sexual abuse prevention.

## Washington

Washington has **NO** law establishing a state task force on child sexual abuse prevention.

## West Virginia

In 2015 **HB 2527** created the **State Task Force on the Prevention of Sexual Abuse of Children** to make recommendations on policies and practices to prevent child sexual abuse. The 23-member Task Force issued its report in 2018 with the following recommendations: all public school employees shall receive training to recognize and respond to suspected abuse and neglect; mandatory reporting laws should be simplified to make them easier to understand and implement; non-criminal sanctions and screenings for licensing child-serving professionals should be strengthened; strategies for child abuse prevention approaches and education should be identified; and, school systems' capacity should be strengthened to provide age-appropriate, comprehensive, evidence-informed child sexual abuse prevention education at least annually for all students grades K-12.

**Link to law:** http://www.wvlegislature.gov/bill_status/bills_text.cfm?billdoc=HB2527%20SUB%20ENR.htm&yr=2015&sesstype=RS&i=2527
**Link to report:** https://wvcan.org/wp-content/uploads/2021/09/Erin-Merryns-Law-Report.pdf

## Wisconsin

Wisconsin has **NO** law establishing a state task force on child sexual abuse prevention. However, it does have an independent **Child Abuse and Neglect Prevention Board** created in 1983 to advance statewide policy, public awareness and programming to strengthen families and prevent child maltreatment. The 20-member Board includes 10 members from state government and 10 from the

public sector appointed by the Governor. The Prevention Board has made a commitment to support child sexual abuse prevention as part of the state's Community Investment Plan as included in WI statute 49.982 (4)(d)2. Through a competitive grant process the Child Abuse and Neglect Prevention Board has awarded $200,000 to fund initiatives focused on preventing sexual abuse by assisting adults and communities to take action to protect children.

## Wyoming

Wyoming has **NO** law establishing a state task force on child sexual abuse prevention.

# SECTION 5.
# Student Safety Poster Laws

## Background

Efforts to prevent child sexual abuse beginning in the mid-1980s were focused uniquely on educating children in early grades about "good and bad" touches, resisting any uncomfortable or confusing behaviors, and telling an adult about them. In-person educational programs in schools, theatrical presentations and an array of children's books were produced to support the message that if properly educated, children could protect themselves from adults who would abuse them.

By 2000, the Centers for Disease Control and Prevention (CDC) became concerned about reports from the field that efforts to educate and engage parents and adults meaningfully were largely absent. They were also concerned about possible unintended consequences of child-focused programs. Reports from clinicians alerted the field that children whose abuse had been discovered other than by self-disclosure, and who had participated earlier in a safety program, experienced heightened shame and guilt for not having been able to do as they had been instructed, that is, to stop the abuse and go tell somebody.

In 2002, the CDC in its first Request for Proposals to prevent child sexual abuse, challenged states to develop and implement strategies to "build adult and community responsibility" and called for a "paradigm shift" away from child self-protection programs. Based on subsequent feedback, the CDC tempered its approach and embraced the notion of developing "a more comprehensive paradigm."

Today, we see a balanced approach that places the responsibility for preventing child sexual abuse squarely on the shoulders of adults. However, the education of very young children about self-protection has evolved to include educating children of all ages about developmentally-appropriate safe body boundary messages and about healthy relationship building.

As an additional tool in the armament of prevention, several states have sought to reinforce the message that children have a right to be safe in their homes, schools and communities, and that trusted adults are available to reach out to, if a child ever feel unsafe. Placing Student Safety Posters in schools is not a substitute for educating students about safe/unsafe behaviors using age-appropriate curricula or, an indication that schools are only concerned about reporting cases after the fact.

Posters are simply another way to send the message to children that they are valued, their safety is paramount and their school is committed to building a culture of safety for everyone.

# Overview

**Thirty-five states are utilizing a Student Safety Poster;** 25 require them under state law and legislation is pending in two states. **Ten** states have produced and distributed the safety posters without legislation or through non-profit advocacy groups as part of a broader child sexual abuse prevention program for schools. Seventeen states report they are not in use. (These should not be confused with posters that remind mandated reporters of their obligation to report suspected cases.)

Laws generally require that schools place these posters, usually 18"x24" in size, in several prominent locations where children will notice them and at student eye-levels. The posters vary considerably in design. Some are developed by students as part of a poster competition project. Generally, they include a phone number and/or website students can contact for help.

The fact that posters are inexpensive to develop, can be printed in various sizes, (e.g., 8 ½"x11" for restroom stalls) and can be translated easily in various languages makes them a practical tool that schools and non-profits can afford. Getting endorsements of the posters from state associations of principals/superintendents can eliminate the need for laws to mandate their posting, and statewide school nurse networks can be an effective vehicle for distributing the posters to local schools and posting them without bureaucratic barriers.

Links to state laws are provided below, as well as links to actual posters when available.

# STATE SUMMARIES

## Alabama

Alabama has **NO** law requiring student safety posters in schools. However, in 2017 the Governor of Alabama authorized funding for student safety posters through the Alabama Center for Missing and Exploited Children. The Alabama Law Enforcement Agency has distributed to schools, posters featuring the Alabama Safe Schools Hotline.

## Alaska

Alaska has **NO** law requiring student safety posters in schools.

## Arizona

Arizona has a law requiring student safety posters in schools. **SB1114** was introduced on January 11, 2021, passed unanimously, and then signed by the Governor as **Chapter 123** on March 24, 2021. It requires public schools and charter schools to post, in a clearly visible location in a public area of the school that is readily accessible to students, a sign in bold-faced type that includes: the telephone number of the Arizona centralized intake hotline to report suspected abuse and neglect of children; instructions to call 911 for emergencies; and, directions for accessing the website of the Department of Child Safety for more information on reporting child abuse, child neglect, sexual abuse and exploitation of children.

**Link to Law:** https://legiscan.com/AZ/text/SB1114/2021

## Arkansas

Arkansas has a law requiring student safety posters in schools. In 2017, Alabama passed **HB1435** becoming Act 379. This law requires public schools and open enrollment charter schools to post signs at least 11"x17", in English and Spanish, in areas clearly visible to students, as well as in each restroom. The signs must include the state child abuse reporting hotline number, and instructions to access the website of the Division of Children and Family Services for more information about reporting abuse.

**Link to law:** https://www.arkleg.state.ar.us/Bills/Detail?ddBienniumSession=2017%-2F2017R&measureno=HB1435

# California

California has a law requiring student safety posters in schools. **Section 33133.5 of the California Education Code** states that the Superintendent of Instruction for the California Department of Education shall create a poster that notifies children of the appropriate telephone number to call to report child abuse or neglect. The Superintendent may partner with other local, state, and federal agencies as well as nonprofit entities for purposes of the design and content of the poster. The posters may be produced in English, Spanish and three other top languages spoken in the state. The Legislature encourages school districts, charter schools, and private schools to post the appropriate version or versions of the poster in an area of the school where pupils frequently congregate.

**Link to law:** http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33133.5.&lawCode=EDC
**Links to posters:** These posters were developed by California students and selected by the CA Department of Education to be posted in every school:
Abused Person vs. Non-Abused Person (English) (PDF)
We Stand With You (English) (PDF)
The Scariest Things Don't Always Hide in Our Closets (English) (PDF)
Hands are For Holding and Helping, not Hitting (English) (PDF)
Abuse is More Than Meets the Eye (English) (PDF)
Help Me Please (English) (PDF)

# Colorado

Colorado has a law requiring student safety posters in schools. **Senate Bill 14-002** passed in 2014, transferred the Safe2Tell Colorado program to the Department of Law and required it to provide Safe2Tell awareness and education materials to participating schools and school districts. The posters for Colorado schools and communities encourage and empower students to report safety concerns and help friends who may be hurting.

**Link to law:** http://www.leg.state.co.us/Clics/CLICS2014A/csl.nsf/fsbillcont3/072B820C9090213D87257C5500668A94?Open&file=002_rer.pdf
**Link to posters:** https://safe2tell.org/safe2tell-posters

# Connecticut

Connecticut has a law requiring student safety posters in schools. **SB179 §§ 2 & 3** - Careline Information Posting requires each local or regional board of education to post the telephone number for the Department of Children and Families Careline, the 24-hour hotline for reporting suspected

child abuse or neglect, in a conspicuous location frequented by students in each school under the board's jurisdiction. The posting must include the Careline website address and be in various languages most appropriate to students at each school.

**Link to the law:** https://www.cga.ct.gov/2016/BA/2016SB-00179-R01-BA.htm

## Delaware

Delaware has a law requiring student safety posters in schools. **HB 292** was signed in 2016 which requires public and charter schools to post the toll-free telephone reporting line number for child abuse and neglect in a conspicuous location, where it may be viewed by students.

**Link to law:** https://legis.delaware.gov/json/BillDetail/GetHtmlDocument?fileAttachmentId=50042

## District of Columbia

District of Columbia has **NO** law requiring student safety posters in schools.

## Florida

Florida has a law requiring student safety posters in schools. **Florida statute 1006.061** under section 4 states that (1) child abuse, abandonment, and neglect policy, schools are required to (a) post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students, a sign in English and Spanish.

**Link to law:** https://www.flsenate.gov/laws/statutes/2018/1006.061
**Link to poster:** http://www.fldoe.org/core/fileparse.php/7725/urlt/DCFEnglishPoster.pdf

## Georgia

Georgia has a law requiring student safety posters in schools. **HB12 part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated**, requires every public school to post a sign containing the toll-free telephone number operated by the Division of Family and Children Services of the Department of Human Services to receive reports of child abuse or neglect.

**Link to law:** http://www.legis.ga.gov/Legislation/en-US/display/20192020/HB/12

## Hawaii

Hawaii has **NO** law requiring student safety posters in schools. However, **HB133 HD1** was introduced in 2018 to allow the Department of Education and charter schools to post signs in every school featuring the child abuse reporting hotline number for Hawaii, to encourage students to report child abuse, and instructing them to call 911 in case of emergencies. The Education committee recommended that the bill be deferred. The Department of Human Services (DHS) testified that they could do it through administrative rule.

**Link to bill:** https://www.capitol.hawaii.gov/session2018/bills/HB133_HD1_.HTM

## Idaho

Idaho has a law requiring student safety posters in schools. Idaho passed **HB514** in 2016, giving organizations a place to go to regularly assess and modify school safety and security guidelines and resources that may be used in public educational facilities.

**Link to law:** https://legiscan.com/ID/text/H0514/2016
**Link to law:** https://www.crisisprevention.com/Blog/April-2016/Idaho-HB-514-Establishes-the-School-Safety-and-Sec

## Illinois

Illinois **mandated reporting law** that requires student safety posters in schools. Illinois law calls on the Department of Children and Families, in cooperation with school officials, to distribute posters throughout Illinois schools to let children know where they can turn for help. The "You Are Not Alone" posters are available in English and Spanish. School personnel may also print the "Mandated Reporter Poster for Schools" and display them in high-traffic areas in school buildings as a reminder to all teachers, administrators, school board members and other school employees that they are required by law to report suspected child abuse or neglect.

**Link to poster:** https://www2.illinois.gov/dcfs/safekids/reporting/documents/hotline_poster_for_schools_spanish.pdf
**Link to poster:** https://www2.illinois.gov/dcfs/safekids/reporting/Documents/You_are_Not_Alone_Poster_for_Schools.pdf

## Indiana

Indiana has **NO** law requiring student safety posters in schools. However, **SB168** was introduced in the 2021 Legislative Session that would require all public and charter schools to post a sign with the

toll-free telephone number for the child abuse and neglect hotline established by the department of child services to receive reports of child abuse or neglect. The bill stipulates the posters must be in a clearly visible location accessible to students, and in English and Spanish.

**Link to bill:** http://in-proxy.openstates.org/2019/bills/SB0168/versions/SB0168.01.INTR

## Iowa

Iowa has **NO** law requiring student safety posters in schools. The Department of Education promoted the Child Abuse Hotline poster via the Departments Schools Leader Update Newsletter in August 2020.

## Kansas

Kansas has **NO** law requiring student safety posters in schools. The Department of Education, however, has printed abuse hotline posters which schools can choose to post.

## Kentucky

Kentucky has **NO** law requiring student safety posters in schools. In 2016, however, the Kentucky House and Senate passed **HB111**, which would amend KRS 156.095 to require every public school to post the Kentucky child abuse hotline number. The bill was filed without the Governor's signature with the Secretary of State, so it did not become law.

**Link to bill:** https://legiscan.com/KY/bill/HB111/2016

## Louisiana

Louisiana has a law requiring safety posters in schools. **HB97** was signed as Act 234 in 2016 requiring the state child protection toll-free hotline number be posted on the website of every public school. This is included in a law that requires child sexual abuse prevention education for all students.

**Link to law:** http://www.legis.la.gov/legis/BillInfo.aspx?i=228597

## Maine

Maine has **NO** law requiring student safety posters in schools. However, Enough Abuse Maine, a citizens-based child sexual abuse prevention initiative, has printed and distributed a student safety

poster available to schools in York County. Schools in other counties are encouraged to print and distribute the poster for their schools by contacting info@enoughabuse.org.

**Link to poster:** https://www.enoughabuse.org/images/stories/Resources/Maine_School_Student_Safety_Flyer.pdf

## Maryland

Maryland has a law requiring safety posters in schools. **HB1386**, passed in 2018, states that (a) all public schools post the appropriate telephone number for reporting suspected child abuse or neglect in a high-traffic, widely used area of the school and (b) each county board shall ensure that the appropriate telephone number for suspected child abuse or neglect be published in schools' student handbooks and the on the website of the county board or local school systems.

**Link to law:** https://legiscan.com/MD/bill/HB1386/2018

## Massachusetts

Massachusetts has **NO** law requiring safety posters in schools. However, as part of its work to provide training and policy support to schools to prevent child sexual abuse, the Enough Abuse Campaign developed a Student Safety Poster in 2020, which it printed and distributed to schools at no cost. The poster was formally endorsed by the MA Association of School Superintendents and the Massachusetts School Nurses Organization. A second poster has been developed for posting in youth-serving organizations.

**Link to poster:** https://www.enoughabuse.org/images/stories/Resources/Student_Safety_Flyer_MA_English_85.pdf

## Michigan

Michigan has **NO** law requiring student safety posters in schools. However, as a result of the Student Safety Act of 2013, Michigan created a program called **Ok2Say** which allows students to confidentially report tips on potential harm or criminal activities directed at school students, school employees, and schools. It uses a comprehensive communication system to facilitate tip sharing among students, parents, school personnel, community mental health service programs, the Michigan Department of Health and Human Services, and law enforcement officials about harmful behaviors that threaten to disrupt the learning environment.

**Links to posters:** https://www.michigan.gov/ok2say/0,5413,7-366-86299_86361_86375_77500---,00.html

## Minnesota

Minnesota has **NO** law requiring student safety posters in schools.

## Mississippi

Mississippi has **NO** law requiring student safety posters in schools. However, in 2014 **HB 439** was introduced 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 died in the Education Committee.

## Missouri

Missouri has a law requiring safety posters in schools. **SB341 (Section 160.975)** requires all public and charter schools to post, in a clearly visible location in a public area of the school, a sign in English and Spanish containing the toll-free child abuse and neglect hotline number established by the Children's Division. This number shall also be posted in all student restrooms. The Children's Division was to develop an acronym to help children remember the hotline number.

**Link to law:** https://house.mo.gov/billtracking/bills151/sumpdf/SB0341T.pdf
**Link to posters:** https://dss.mo.gov/cd/pdf/oscr-female-report-it.pdf
**Link to posters:** https://dss.mo.gov/cd/pdf/can-poster_boy-elementary.pdf

## Montana

Montana has **NO** law requiring student safety posters in schools. The Office of Public Instruction, however, indicates it has plans to make student safety posters available to schools.

**Link to poster:** https://dphhs.mt.gov/CFSD/Raiseyourvoice

## Nebraska

Nebraska has **NO** law requiring student safety posters in schools. However, at the urging of insurance companies providing coverage to schools, the Department of Education has placed posters in all schools to reduce civil liability if a school or its employees failed to report suspected cases of child abuse.

## Nevada

Nevada has a law requiring safety posters in schools. **AB305**, effective in 2017, requires the Division

of Child and Family Services to design a poster, in English and Spanish and in any other languages the Division determines is appropriate based on the demographic characteristics in Nevada. It is to be displayed in public and private schools with the appropriate state and local toll-free telephone numbers The Division is to distribute the poster to the boards of trustees of school districts, the governing bodies of charter schools and the governing bodies of private schools in a printed format or an electronic format that may be printed.

**Link to law:** https://legiscan.com/NV/text/AB305/2017

## New Hampshire

New Hampshire has a law requiring safety posters in schools. **HB556** was passed in 2017, which requires the school board of public and charter public schools to post in a clearly visible location in a public area of the school readily accessible to students in English and Spanish. The poster is to contain the telephone number operated by the New Hampshire Division of Children, Youth, and Families of the Department of Health and Human Services, to receive reports of child abuse or neglect and instructions on how to access the Division's website.

**Link to law:** https://legiscan.com/NH/text/HB556/id/1461486

## New Jersey

New Jersey has a law requiring safety posters in schools. **S2489**, approved in 2019, requires a board of education to display prominently information about the Department of Children and Families' State Central Registry, a toll-free hotline for reporting child abuse, in each school of the district. The information shall give instructions to call 911 for emergencies and include directions for accessing the department's website or social media platforms for more information on reporting abuse, neglect, and exploitation. The information shall be in a format and language that is clear, simple, and understandable. The information shall be on a poster and displayed at each school in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students.

**Link to law:** https://legiscan.com/NJ/text/S2489/id/2048737

## New Mexico

New Mexico has **NO** law requiring student safety posters in schools. However, the New Mexico Department for Children Youth and Families has mandated that the child abuse hotline number be posted in schools though it is unclear if this is intended for students or adult employees.

## New York

New York has a law requiring safety posters in schools. **A06961**, effective 2017, requires each public and charter school to post in English and in Spanish the toll-free telephone number operated by the New York State Office of Children and Family Services to receive reports of child abuse or neglect and directions for accessing the Office's website. The school must post such information in clearly visible locations so that it is readily accessible for students and employees.

**Link to law:** http://www.counsel.nysed.gov/common/counsel/files/rulesandregs/100.2%28nn%29%20TERMS.pdf
**Link to law:** https://legiscan.com/NY/sponsors/A06961/2015
**Link to poster:** http://p1232.nysed.gov/sss/documents/OCFSPoster_ChildAbuseHotline.pdf

## North Carolina

North Carolina has **NO** law requiring student safety posters in schools. However, **HB205** was introduced in 2021 and is pending passage. The bill calls for the Board of Education and the Superintendent of Public Instruction to provide information to students in Grades 6 to 12 about child abuse and neglect, including sexual abuse. Information is to be provided in the form of document distributed to all students at the beginning of each school year and a display posted in visible, high-traffic areas throughout each public secondary school. The document and display shall include the likely warning signs indicating that a child may be a victim of abuse or neglect, including age-appropriate information on sexual abuse, and the telephone number used for reporting abuse and neglect to the county department of social services.

**Link to bill:** https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H205v2.pdf

## North Dakota

North Dakota has **NO** law requiring student safety posters in schools. However, posters featuring the state child abuse hotline number were provided to all North Dakota School Districts, Principals, Superintendents and School Boards by the Children's Advocacy Centers of North Dakota. The Child Abuse Hotline, staffed by North Dakota Human Services, Child Protection Services, accepts text messages as well as calls. All schools were encouraged to place the posters in well-visited areas of the school to encourage students to report child abuse.

## Ohio

Ohio has **NO** law requiring student safety posters in schools. However, **SB225** was introduced in 2019 and is expected to be filed again in the 2021 legislative session. The earlier bill stated that: the board of education of each school district shall post in each school building under the board's control a

sign that contains a toll-free telephone number that receives reports of child abuse or neglect. The sign shall be posted in a clearly visible location in a public area of the school building that is readily accessible to students. The state board of education may adopt rules relating to the size and location of the sign.

**Link to bill:** https://legiscan.com/OH/bill/SB225/2019

## Oklahoma

Oklahoma has a law requiring safety posters in schools. **HB2432** passed in 2016, requires schools to post the child abuse hotline number, operated by the Department of Human Services, in a clearly visible location in a public area of the school that is readily accessible to students in English and Spanish.

**Link to law:** https://legiscan.com/OK/text/HB2432/2016
**Link to poster:** https://sde.ok.gov/sites/default/files/documents/files/DHS%20Hotline%20Poster.pdf

## Oregon

Oregon has a law requiring safety posters in schools. **SB790**, effective 2016, requires the Department of Education to provide school districts with posters containing information in both English and Spanish regarding domestic violence and at least one toll-free hotline telephone number that a student may call to obtain information and help regarding domestic violence. Each school district board shall adopt policies that require posting of the posters in clearly visible locations on school campuses in accordance with rules adopted by the Department.

**Link to law:** https://olis.oregonlegislature.gov/liz/2015R1/Downloads/MeasureDocument/SB0790/Enrolled

## Pennsylvania

Pennsylvania has a law requiring safety posters in schools. **HB1232** passed in 2018 requires K-12 schools, public or non-public, and all hospitals to publicly display at each respective school campus and hospital facility a poster that contains the statewide toll-free Childline number for reporting suspected child abuse or neglect.

**Link to law:** https://www.pasenate.com/post-session-report-wednesday-june-20-2018/Bill Information - House Bill 1232; Regular Session 2017-2018

**Link to poster:** http://www.keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_278581.pdf

## Rhode Island

Rhode Island has a law requiring safety posters in schools. **SB2368** requires public and charter schools in Rhode Island to post a notice that contains the statewide, toll-free telephone number established and implemented by the Department of Children, Youth and Families for reporting concerns and suspicion of child abuse and neglect or that a child has been a victim of sexual abuse by another child, in a conspicuous, high-traffic area accessed and widely used by the students in each school.

**Link to law:** http://webserver.rilin.state.ri.us/BillText16/SenateText16/S2368.pdf

## South Carolina

South Carolina has **NO** law requiring student safety posters in schools. However, in 2019 the South Carolina Department of Education developed and printed posters and encouraged schools to post them, though it is unclear if these were intended for school employees or students.

## South Dakota

South Dakota has **NO** law requiring student safety posters in schools. The Attorney General's office, however, indicates it plans to distribute posters intended to encourage children to report abuse.

## Tennessee

Tennessee has a law requiring safety posters in schools. **HB 1780** was passed in 2016, requiring every elementary and secondary school to post the toll-free telephone number operated by the Department of Children's Services to receive reports of child abuse or neglect in a clearly visible location in a public area that is readily accessible to students.

**Link to law:** https://legiscan.com/TN/text/HB1780/2015

## Texas

Texas has a law requiring safety posters in schools. **SB939**, signed into law in 2013, amended the Education Code and Human Resources Code relating to the posting of the child abuse hotline telephone numbers operated by the Department of Family and Protective Services at each public school and open-enrollment charter school in English and in Spanish. The law allowed the

commissioner to adopt rules relating to the size and location of the sign.

**Link to law:** 83(R) SB 939 - Enrolled version - Fiscal Note
**Link to poster:** https://tea.texas.gov/sites/default/files/Child%20Abuse_Poster_English.pdf

## Utah

Utah has **NO** law requiring student safety posters in schools.

## Vermont

Vermont has **NO** law requiring student safety posters in schools. However, Vermont has a regulation by the Department of Children and Families that the child abuse reporting hotline be provided on posters in schools, and DCF provided posters to schools in many languages, including English, Spanish, French, Vietnamese, Bantu, Somali Portuguese, Indian (native Abenaki, and India) and Farsi.

## Virginia

Virginia has **NO** law requiring student safety posters in schools.

## Washington

Washington has **NO** law requiring student safety posters in schools. However, the Office of Superintendent of Public Instruction has indicated plans to post the child abuse hotline poster on their OSPI website in a format that schools can access, download and print and send e-newsletter announcements to inform school staff of its availability.

## West Virginia

West Virginia has a law requiring safety posters in schools. **HB4402** passed in 2018 requires the development of supplementary materials on child sexual abuse prevention, including that posting of the child abuse hotline be embedded into the school climate.

**Link to law:** http://www.wvlegislature.gov/Bill_Text_HTML/2018_SESSIONS/RS/bills/hb4402%20ENR.pdf

## Wisconsin

Wisconsin has **NO** law requiring student safety posters in schools. SB692/AB761 bill was introduced in

2020, but failed to pass. However, on March 31, 2021 **SB238** was introduced and is currently awaiting passage. The bill requires a school board, the operator of an independent charter school, or the governing body of a private school participating in a parental choice program or in the Special Needs Scholarship Program to post in a conspicuous location in a public area of each school building a sign that contains the telephone number for the local county or state agency that is responsible for receiving reports of, and conducting investigations regarding, child abuse or neglect.

**Link to bill:** https://legiscan.com/WI/text/SB238/2021

## Wyoming

Wyoming has a law requiring safety posters in schools. **Senate File 97**, passed in 2016, created the Safe2Tell program which encourages students to report abuse, schooling threats, dating violence, and any other safety issues to a call center run by the Attorney General's office, either by calling in, submitting a report online, or through the mobile app. Safe2Tell has posters, banners, and cards to promote awareness of the line for students, as well as teams of professionals promoting it in each school, assemblies for students and the public.

Safe2Tell Wyoming's focus is on education and awareness through intentional, influential conversations with students. Posters are only one educational resource promoted to actively change perceptions of speaking up early, identifying concerning behaviors and situations and recognizing a system of support ready to intervene and offer help. The Safe2Tell message is one of hope, civic engagement, empathy and empowerment.

**Link to law:** https://wyoleg.gov/2016/Enroll/SF0097.pdf
**Link to brochure:** https://edu.wyoming.gov/wp-content/uploads/2016/10/Safe2Tell-brochure-1.pdf

**For updates, visit our interactive Maps at:**
https://www.enoughabuse.org/legislation/mapping-state-legislative-efforts.html

## Conclusion:

As we look back on the collective accomplishments of the field over the past decade, and step into the new one, we are heartened that the movement to prevent child sexual abuse continues to build, and that our shared goals remain clearer and, we believe, more achievable than ever before.

In 2013, the Ms. Foundation for Woman declared that "„, ending child sexual abuse is one of the most urgent issues of our times.' Yet they identified a major obstacle to preventing it and stated emphatically, "…there is a chronic under-resourcing of and resistance to the issue." Nearly a decade later, this is still the case. Only a few foundations include child sexual abuse prevention in their funding guidelines, choosing to focus their support on programs that address the aftermath of child abuse rather than on those aimed at preventing it *in the first place*.

The federal government in its 83-page "2021/2022 Prevention Resource Guide on Child Abuse" makes no mention of child sexual abuse and an Interagency Working Group on Child Abuse, active since 1996, has yet to address the issue meaningfully. It is past time for federal and private sector funders to join with advocates and survivors to build the movement to end child sexual abuse. As the Ms. Foundation concluded on a more hopeful note: "This is a different time than ever before. We've never had this much knowledge, substance or possibility."

We can:

- ✔ educate and support every parent to be the confident first educators of their children about child safety and sexual abuse prevention,
- ✔ identify and implement strategies that help children build safe and nurturing relationships that foster healthy sexual development,
- ✔ ensure the adoption of comprehensive prevention policies in every school and organization serving children and youth, and
- ✔ mobilize citizens, survivors, and communities to take prevention actions aimed at strengthening social/cultural norms that shift towards ending the sexual abuse and exploitation of our children.

We hope this Call to Action for Policymakers and Advocates will be a useful tool to help generate new ideas on how best to capture the political will to shape the policies and practice that will lead to those changes.

We are grateful to our many colleagues with Prevent Child Abuse America and its 50-State Chapter network; Prevent Together (the National Coalition to Prevent Child Sexual Abuse and Exploitation) and its 35 member organizations; state legislators and Congressional leaders that have fought for better laws to prevent child sexual abuse; and to the many child sexual abuse prevention advocates and survivors working in communities every day across our country to keep children protected, and to ensure their right to a safe and nurturing childhood.

# Appendix A
# Frameworks and Standards to Prevent Child Sexual Abuse

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# Appendix B
# The Crisis of Child Sexual Abuse and Exploitation

During the COVID pandemic, stay-at-home orders have kept many safe, but they have also placed many children at increased risk of sexual abuse and exploitation. For the first time ever, the National Sexual Assault Hotline reported in March 2020 that half its calls were from minors. Two-thirds of children said their abusers were family members; 79% were living with the person hurting them.[i]

Increases in the demand for and reporting of online sexually exploitive videos and images of children, now referred to as "child sexual abuse materials" (CSAM) have been both unprecedented and exponential. During the pandemic, the F.B.I. and the National Center for Missing and Exploited Children (NCMEC) have released sobering warnings about this increase.[ii] Consider that in 2008, NCMEC received 100,000 reports of CSAM. A decade later, 18.4 million reports involving 45 million images were received.[iii] Last year, 69 million images were identified by tech companies and the public.[iv] Between January and September 2020, NCMEC experienced a 98.6% increase in online enticement reports versus the same time period in 2019.[v] As the WePROTECT Global Alliance has simply and powerfully stated, *"…the sheer volume is almost inconceivable."*[vi]

Children from every community and from all economic, racial and cultural groups are included in the estimated one in ten children who are victims of child sexual abuse. Children remain vulnerable to in-person contact abuse by family members and those in positions of trust. For example, 10% or 4.5 million students report experiencing sexual abuse/misconduct by a school employee sometime during their K-12 years.[vii] Recent cases demonstrate that even school employees are using technology to record and disseminate exploitive images involving their students.[viii] Making clear the links between in-person sexual abuse and online exploitation, consider that 67% of online CSAM imagery appears to have been taken in a home setting. [ix]

Teachers, school nurses and social workers normally make up the largest group of mandated reporters (21% of 4.3 million referrals in 2018.[x]) Virtual learning, however, has reduced opportunities for these professionals to detect signs of abuse in their students. Sharp decreases in reports to Child Protective Services have been the result.[xi] Importantly, opportunities for children to disclose abuse and safety concerns to these trusted adults have been essentially shut down.

Compounding the risk, children are spending an unprecedented amount of time online, while most parents are occupied with working from home or traveling to their essential jobs, unable to supervise children consistently while they are online. In fact, two-thirds of parents don't talk to their children about vital online safety concerns.[xii]

The significant underreporting of child sexual abuse occurring in our homes and communities; the live-streaming of illicit materials on the dark web; the outreach by distributors to mainstream audiences to draw more users; and the hijacking by predators of popular technology platforms used by youth to groom and entice them, demonstrate the critical need for aggressive primary prevention

strategies to combat child sexual abuse and exploitation – a crisis law enforcement and public health officials are now calling, *"a pandemic within a pandemic."*

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# MassKids and the Enough Abuse Campaign

MassKids is a private, statewide citizen-based child advocacy organization with a 60-year history of effective advocacy on behalf of Massachusetts' most vulnerable children. Since 1986, it has served as Prevent Child Abuse Massachusetts, the state chapter of Prevent Child Abuse America.

MassKids leads the Enough Abuse Campaign, a community mobilization and citizen education initiative established in 2002 under a 5-year grant from the U.S. Centers for Diseases Control and Prevention (CDC), and subsequently supported by the Ms. Foundation for Women. It works in several Massachusetts communities to mobilize and educate parents, professionals, and youth to prevent adult perpetration and child-on-child sexual abuse.

Through the Campaign, MassKids provides training and technical assistance resources to schools and youth-serving organizations seeking to strengthen their capacity to prevent child sexual abuse through: the training of employees/volunteers; the latest screening and hiring practices; the adoption of detailed codes of conduct; the modification of physical spaces to reduce opportunities for abuse; and the appropriate reporting of suspected abuse.

MassKids, the Campaign, and its members also engage in citizen-based advocacy to ensure the passage of legislation aimed at ensuring justice for survivors, accountability for sexual abusers and the prevention of future sexual abuse of more children.

**For more information about how to strengthen your organization's capacity to prevent child sexual abuse, contact us at info@enoughabuse.org or 617-742-8555**

www.masskids.org ~ www.enoughabuse.org

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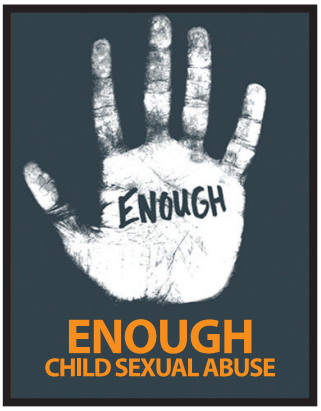


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