

S.E.S.A.M.E.

Stop School Employee Sexual Abuse, Misconduct & Exploitation

SB 0541 / HB 0486



THE PROBLEM:

- As many as 1 in 10 students will be the victim of some form of sexual abuse or misconduct by a school employee by the time they graduate.¹
- Nationally 4.5 million students (10%) currently in school have suffered some form of sexual abuse or misconduct by a school employee.² In Maryland almost 90,000 public school students may have experienced sexual misconduct/abuse.³
- Victims of sexual abuse and misconduct have higher risks for mental and physical health problems that last into adulthood, costing more than \$280,000 per victim.⁵

Sexual Misconduct:

Any verbal, nonverbal, written or electronic communication, or physical act directed towards a minor that promotes a sexual or romantic relationship. This includes dating (or soliciting dates), sexualized dialogue (or suggestive comments), physical exposure of a sexual or erotic nature; or contact (indecent, sexual, romantic, erotic) with a minor.

Sexual Abuse:

An act involving a minor or student by an adult that constitutes a sexual offense under the laws of the State or any sexual contact between an adult and a minor.

Public attitudes on child sexual abuse prevention⁶

- 92% of Americans believe child sexual abuse is a major problem.
- 93% believe institutions are failing to provide adequate child sexual abuse prevention policies.

- On average, a teacher that has been alleged to have engaged in sexual abuse or misconduct will be transferred to 3 different schools before they are reported to the police. This practice must stop.⁴
- Schools should not hide sexual abuse or misconduct and allow offenders to get another job and abuse more children.
- All students have the right to be free from harm at school.



THE SOLUTION

- SB 0541/HB 0486 EDUCATION - PERSONNEL MATTERS - CHILD SEXUAL ABUSE AND SEXUAL MISCONDUCT PREVENTION establishes rules for vetting school employees and keeping school personnel credibly accused of sexual abuse or sexual misconduct out of our schools.
- Seven states, including two of Maryland's neighboring states, have passed similar legislation.⁷ Pennsylvania (2014) New Jersey (2018) Washington (2004) Oregon (2010) Missouri (2011) Connecticut (2016) Nevada (2017)
- Who does the legislation apply to? Any applicant applying for a position involving direct contact with minors in all public and non-public schools and their contracting agencies.
- How does the legislation work? It requires that all of the above applicants be asked the following three screening questions:
 - Have you ever been the subject of a sexual abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency or child protective services agency (unless the investigation resulted in a finding that the allegations were false)?
 - Have you ever been disciplined, discharged, non-renewed, asked to resign while allegations of sexual abuse or sexual misconduct were pending or under investigation or due to findings of abuse or sexual misconduct?
 - Have you ever had a license, professional license or certificate suspended, surrendered or revoked while allegations were pending or under investigation or due to findings of sexual abuse or sexual misconduct?
- Requires written release from applicant to allow disclosure by previous employers.
- Requires the prospective employer to contact all former school employers, and employers where the applicant had direct contact with minors.
- Requires the former employers to complete the screening questions regarding the applicant.
- Provides immunity from civil and criminal liability to former and current employers for providing information or records, including personnel records, in good faith.
- Bans schools from entering into any collective bargaining agreement, employment contract, resignation, or severance agreement, that has the effect of:
 - suppressing information about sexual abuse or misconduct by a current or former employee
 - affecting ability of school to report to authorities
 - requiring expungement of information regarding allegations or findings of sexual abuse or misconduct from any school documents
- Meets Every Student Succeeds Act (ESSA) (SEC. 8038) requirements (signed into law in December 2016) that now prohibit a state, state education department or LEA that receives Federal education funds, from "aiding and abetting any employee in obtaining a new job if they know or have probable cause to believe, that such school employee engaged in sexual misconduct involving a minor or student". ESSA requires states to adopt laws, policies, and regulations to prohibit the practice.

1. U.S. Department of Education [ED]. (2004). *Educator sexual misconduct: A synthesis of existing literature*. Washington, DC: Office of the Under Secretary.

2. *Ibid*

3. *In 2017, there were 886,221 students enrolled in Maryland public schools.*

4. Government Accountability Office (2010). *K-12 education: Selected cases of public and private schools that hired or retained individuals with histories of sexual misconduct*. United States Government Accountability Office, GAO-11-200

5. Letourneau, Brown, Fang, Hasson, & Mercy, (2017) *The economic burden of child sexual abuse in the United States*. Manuscript under review.

6. Online survey conducted by Darkness to Light, July 2012, of a random sample of representative American adults, ages 18 and older. The margin of error at the 95 percent confidence level is +/-3.1.

7. http://www.enoughabuse.org/legislation/mapping-state-legislative-efforts/educator-misconduct_abuse.html