States Policy Exchange Notes 7/19/22

The purpose of the State Policy Exchange is to provide advocates from various states with the space to network about their efforts to pass child sexual abuse (CSA) prevention legislation in their states. This was the third meeting. The group meets virtually on a bimonthly basis. If you would like to add someone to the email list, email us at info@masskids.org.

Meeting Video Recording 7/19/22: https://vimeo.com/731777989

The third meeting of the State Policy Exchange included participants from PCA Texas, PCA Utah, PCA North Carolina, Child USA, Illuminate Colorado, MA Children's Trust, Keep Kids Safe, as well as survivor advocates from Illinois, Texas, California and Michigan, and State legislators and their staff members from Illinois and Indiana.

Sarah Haley Nitta from PCA Utah shared that they working to get a funded mandate to require CSA prevention education.

Faith Colson, survivor advocate, shared that Illinois recently passed Faith's Law that now defines "educator sexual misconduct." A trailer bill to Faith's Law was also passed to prohibit "passing the trash." It requires districts to disclose an employee's history of sexual misconduct and requires schools to ask screening questions to prevent abusers from working in another school. Faith is also working with Rep. Negele in Indiana to support the efforts of survivors and advocates in that state to pass CSA legislation.

Katy Flynn of Keep Kids Safe shared that their group is focusing on promoting the National Blueprint to Prevent Child Sexual Abuse through the Power to Protect campaign. This Blueprint details recommendations for federal policies to prevent CSA and provide healing and justice for survivors.

State Representative Amy Elik from Illinois shared that she is working Faith Colson and Michelle Denault to advocate for CSA prevention legislation in her state. She shared that the case of Emily, a relative who was sexually abused, was featured in an Oxygen network special called, "The Case Died With Her." Her family is working to secure justice for her.

Rep. Sharon Negele from Indiana shared that she introduced and succeeded in passing an updated rape bill, since the statute had not been updated since the 1800s. Rep. Negele, Ashley Nation and Faith are hoping to introduce CSA prevention legislation in the next session. She is also interested in SOL reform as payouts to survivors are based on SOL and Indiana has one of the country's lowest payouts.

Michelle Denault shared that she is a survivor and works for the Rape Crisis Center in Southern Illinois. She also provides a Grooming101 training to schools and youth organizations. She is also working to litigate against her abuser. She explained how legislation that requires a complaint filing within a year of age 18 does not reflect the realities of grooming; survivors who are

groomed often don't recognize the relationship as abusive until they are in their mid-twenties or older.

Jillian Ruck from Child USA shared that their organization advocates for federal and state policy reform, including SOL reform and elimination; reforming Title IX to provide more justice for survivors; and reforming bankruptcy laws that allow institutions to escape justice.

Cassie Davis from PCA Colorado at Illuminate Colorado shared that they are also interested in advocating for reforming laws around school hiring practices, and also prohibiting sexual relationships between teachers and students K-12 ,even if the students are over 18 years old.

Nina Tracy with PCA NC shared that they are planning to introduce new bills to prevent CSA in next year's legislative session.

Jetta and Lindsay from MassKids shared that our *Call to Action Report for Policymakers and Advocates,* which tracks child sexual abuse prevention legislation in the states, has been kept up to date since its release last June. The just released updated version includes the Screening/"Pass the Trash" prevention law that was passed in Illinois in April, as well as a similar prevention law in North Dakota. Advocates are encouraged to inform us if their state passes a CSA prevention education law, a prevention/screening law, or laws to criminalize educator sexual misconduct/sexual abuse by persons in positions of authority or trust.

Call to Action for Policymakers and Advocates: Child Sexual Abuse Prevention Legislation in the States – Updated Report Link:
https://www.enoughabuse.org/images/Legislation/July_2022_Call_to_Action_Report.pdf

Lindsay also shared that Massachusetts voted to end child marriage, by adding the bill as an amendment to the State Budget. A national group called Unchained at Last led that coalition and are active in advocating for this in other states, as well. Child marriage was not addressed in the Call to Action report, as it is not strictly about child sexual abuse prevention, however, it does pose a risk to girls, since they could be coerced into marrying older males by their parents, and then lack legal recourse for a divorce or restraining order since they are minors.

Jetta shared that the MA bill to require CSA prevention education was voted out favorably by the Committee on Education. The bill includes the best elements of other bills across the country that have been introduced and passed because it includes educating all school and youth-serving organization personnel, as well as all students K-12. It also requires schools to adopt an abuse prevention policy. The bill is being reviewed by Senate Ways and Means, and we are hoping it will pass either in the formal or informal legislative session this summer.

Jetta also shared that MassKids conducted a daily email campaign to legislators to advocate for these CSA prevention bills to pass. We developed 18 emails including key facts about the bills, data and charts from the Call to Action report showing where our state stands in regards to the

rest of the country, as well as testimony from survivors. We sent these emails over several weeks to help push these bills over the finish line. The emails are available in a single Word document; colleagues are encouraged to adapt these emails for their own states.

Email Campaign
https://www.enoughabuse.org/images/Legislation/Email_Campaign_to_Prevent_Child_Sexual_Abuse_June_2022docx.pdf

Justin Wood, who directs state and federal policy initiatives for the coalition of 70 CACs in Texas, shared that pending bills have not only provisions that let parents opt their children out of CSA prevention education, but also "opt-in" provisions. This damaging bill that passed in the last legislative session with the opt-in provision may be even more obstructive. It may be very hard to get parents to opt-in to the curriculum, if they don't get the note home or don't respond. Justin was curious if other states have gone down that path and how they've navigated opt-in provisions.

Faith shared that a way to get around the barrier of the political conservative opposition to including anything relating to sex in children's education is keep a separation between comprehensive sex ed. and child sexual abuse prevention legislation. CSA prevention education is more likely to have bipartisan support if it is not mingled with comprehensive sex ed.

Michelle Denault shared that in Southern Illinois, they also have an opt-out provision for schools because they want to provide their own prevention programs and consent education programs, and not follow the state-provided ones.

Justin also suggested that CACs could work with schools to draft opt-out language to make it clear what the curriculum is about.

Tony Rizzuto, a member of Prevent Together, shared that he ran into this problem in his work with the Catholic Archdiocese. They selected curriculum and modified it so it could fit into an educational environment, but received pushback from parents when they tried to implement it. Confusion between sex ed and sexual abuse prevention education was the issue. They worked around this problem by having many meetings with parents, school officials, prevention experts and theologians. After studying the issue, they produced a report, and developed an opt-out provision. They learned that over time, with a persistent, gentle message, and listening to people's concerns, the opt-out rate started dropping. Also, if a parent chose to opt their child out of the program, the diocese provided them with a packet of information that they could use at home to teach their child if they wanted to.

Laurieann from PCA Utah shared that parents often will opt their children out if their children are survivors of child sexual abuse who are already in therapy and they want to avoid triggering them. She also offered to share the opt-out form that PCA Utah developed. PCA Utah also provides a copy of the curricula at the front office for parents to review. Parents are also invited

to participate in the programs. Laurieann also shared that another strategy is to look at literature from conservative groups to see what they consider appropriate for child sexual abuse prevention education programs, and work with that so there is less opposition. PCA Utah shared the link to the report they considered in the chat:

Report from a conservative group about CSA prevention legislation:
https://worldwideorganizationforwomen.org/wp-content/uploads/2017/03/ebook-for-simple-and-safe.pdf

Jetta said that parents can be supported to be advocates rather than obstructionists by engaging them actively in reviewing a range of available training programs early before any one is adopted by schools. With that in mind, MassKids has developed *"Child Sexual Abuse Prevention Programs: A Resource for Schools"* which includes 18 programs with information about which age group is targeted, a description of the program, any evaluation information, cost, etc.

Jetta reminded everyone that the *Call to Action* report includes links to model legislative language that can be used as a starting place for advocates interested in introducing bills in their state to require CSA prevention legislation, prevent educator sexual misconduct by screening school employees, and criminalize educator sexual misconduct/sexual misconduct by people in positions of trust or authority.

Faith shared that a recent blog highlights the need for laws to prevent sexual relationships between teachers and older students, regardless of if the student is over 18 or over the age of consent. A tell-all blog from a teacher describes in detail his sexual relationship with a student and why he believes he was not in the wrong. It is a disturbing account and could be used to educate people about the problem, but giving his writing visibility would not be good as it would no doubt provide fuel for abusers looking to justify their actions. Faith shared that both she and Eileen were abused by educators and that SOL can be a barrier for survivors in that situation to press charges or achieve justice through litigation. Survivors often don't disclose their abuse because it takes them a long time to even recognize the relationship as abusive. Eileen and Faith also shared that music teachers who are fired or resign due to sexual misconduct can often still be hired as private tutors.

Link to former teacher's blog about his sexual relationship with a student that Faith mentioned: (Warning, disturbing content – consider not distributing.)

https://www.riverfronttimes.com/news/illinois-woman-speaks-out-against-student-teacher-affair-memoir-38089919

Lindsay shared that during the hearing for the bill to close the "age of consent loophole" in Massachusetts, a survivor abused by a teacher when she was in high school testified that she considered the relationship consensual for many years. Lindsay also shared that in a recent case

in Massachusetts where a teacher was just arrested and charged for sexually assaulting students at a school he worked at in 2018, the teacher had since then been working as a tutor. Cases like this highlight the need for these screening laws to apply to youth serving organizations, as well as schools.

Jetta and Lindsay also shared information about a new U.S. DOE report on stopping educator sexual misconduct. Magnolia Consulting under a contract with DOE conducted interviews with school and department of education officials in all 50 states and D.C. to ask about whether they have implemented policies or laws to prohibit aiding and abetting school employees who've committed sexual misconduct against students from getting a position in a new school, as required by the Elementary and Secondary Education Act. This report was not a compliance study and did not list which states had or had not implemented these laws or policies; the purpose was for DOE to learn how they could help states implement the prohibition.

DOE Report- "Study of State Policies to Prohibit Aiding and Abetting Sexual Misconduct in Schools" https://oese.ed.gov/files/2022/06/Study-of-State-Policies-to-Prohibit-Aiding-and-Abetting-Sexual-Misconduct-in-Schools.pdf

DOE webinar recording- "Lessons from the Field - Protecting Students by Preventing Aiding and Abetting Adult Sexual Misconduct" https://safesupportivelearning.ed.gov/events/webinar/lessons-field-protecting-students-preventing-aiding-and-abetting-adult-sexual

Michelle brought up the importance of educating people about grooming when it comes to passing laws to prohibit sexual relationships between students who are 18 and teachers. Some people, even people who work in the area of sexual assault response and prevention, think that once someone is 18, they should have bodily autonomy and we shouldn't take away their choices, but these people don't understand abusers that groom people into love relationships. Sexualizing the child is one of the last steps of abuse, but people don't understand how powerful that is. The traditional grooming model talks about fear, not how some abusers groom children into love relationships and don't threaten them. 66% of all sexually abused kids are between 12-18, and that is because they have a natural want for love and a normal sexual curiosity, and abusers are exploiting that; some people in the field don't always have a grasp on what grooming looks like.

Jetta emphasized that as advocates for CSA prevention, we need to support our colleagues and elected officials in their efforts to pass comprehensive legislation to prevent child sexual abuse. Lindsay shared that even with the recent addition of Illinois, only 12 states have passed one or more of the various provisions proposed to address the screening and hiring of prospective school employees to address educator sexual misconduct/abuse.

Faith shared insider information from working to pass that Pass the Trash prevention law in Illinois. She said from working with unions, the concessions they made included a provision that

schools and potential employees do not have to disclose accusations of sexual misconduct against an employee if they were found to be unfounded. The other compromise was that schools did not have to delay the hiring process by going through this screening process. They are still required to contact the former school employers and ask about an employee's history of misconduct, but they are able to onboard the person, while waiting for the results of any disclosed information from pervious employers.

Katy Flynn shared that the Keep Kids Safe campaign is working to promote the U.S. National Blueprint to End Sexual Violence Against Children and Adolescents. This Blueprint calls on Congress and the Biden Administration to take specific actions to support our prevention goals and also to secure healing and justice for survivors. **Read more about the Blueprint and the Power to Protect Campaign here**: https://keep-kids-safe.org/leading-advocacy-groups-launch-national-campaign-calling-for-comprehensive-federal-legislation-to-end-sexual-violence-against-children-and-adolescents/

Next meeting:

The next meeting of the state policy exchange will be held on September 20th at 1pm EST and will be a 90- minute virtual meeting again. If anyone would like to reserve part of the agenda to share something specific, just let us know.