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Testimony Before the District of Columbia Council
Committee on Education
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B22-0951, the “School Safety Act of 2018”

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Introduction

Good afternoon Chairman Grosso and members of the Committee on Education. My name is Aubrey Edwards-Luce and I am a Senior Policy Attorney at the Children's Law Center¹. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With nearly 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. The attorneys, social workers, and investigators at the Children's Law Center see the trauma that children endure after been sexually abused in their homes, and we whole heartedly support the School Safety Act's intent to prevent and respond to sexual abuse in schools.

Children's Law Center is thankful that Chairman Grosso and Councilmembers Nadeau, Todd, Evans, Allen, Cheh and Robert White have introduced the School Safety Act to address the issue of sexual abuse in DC schools. We appreciate the Act's public health approach to addressing the sexual abuse of students and many due diligence requirements that it enshrines. We also look forward to any opportunity to work with the Committee to further strengthen the protective efforts initiated by the School Safety Act.

The Sexual Abuse of Students is Prevalent and Costly

Many students experience sexual violence every year.² While there are no government-sponsored national studies on educator sexual abuse,³ a study by American Association of University Women indicates that, in 2003, approximately 10% of students in grades 8 to 11 were sexually abused by educators.⁴ In this study, girls and Black and Latinx students were disproportionately victimized by educators.

Sexual abuse can disrupt students' development and place them at a significantly higher risk for psychological problems such as suicide attempts, post traumatic stress, depression, and anxiety.⁵ Youth who have been sexually abused are more likely to be arrested, to run away from home, and to be adjudicated delinquent.⁶ This frequented pathway is well document and has been coined the "sexual abuse-to-prison" pipeline.⁷ Additionally, the trauma of child sexual abuse can negatively effect the victim's cognition.⁸ Child victims of sexual abuse are more than twice as likely to become teen mothers and they also report increased substance abuse problems and eating disorders as adults.⁹ The consequences of child sexual abuse contribute to the lifetime burden cost of child maltreatment victims, which is \$210,012 per victim (compared to \$159,846 lifetime cost of stroke per person or the \$181,000 to \$253,000 life time coast associated with type 2 diabetes).¹⁰ Child sexual abuse is a serious and costly public health problem across our country.

While these statistics are very disturbing, we can take real comfort in the fact that the vast majority of educators do not sexually abuse children.¹¹ The research indicates that a small number of educators that do abuse students typically have multiple victims. Additionally, we are empowered by data that shows that the sexual abuse of students typically takes place in schools¹² – which are controllable environments where that we as a community can work together to create policies that keep our students safe.

The School Safety Act Takes a Public Health Approach to Child Sexual Abuse

Children’s Law Center supports the School Safety Act because it takes a public health approach to preventing sex abuse in DC’s schools. The first step in any public health approach is to define the problem. The School Safety Act’s definition of “sex abuse” includes sex trafficking. We support the breadth of this definition because sex trafficking occurs in and around schools and student-survivors often experience similar types of grooming, shaming, and silencing as their sexually abused peers. Sex trafficking belongs in the definition of sex abuse.

The School Safety Act also utilizes an awareness and education approach to preventing the sex abuse of students. Section C of the School Safety Act requires schools to provides child sexual abuse training and instruction for all staff, students, and parents. Teaching students how to talk about safety concerns and how to recognize appropriate boundaries can empower students to seek out help and to report risky situations. It is important for students to feel empowered to report child sexual abuse so

that safe adults can intervene.¹³ Parents also need to know how to report sexual abuse, recognize the warning signs, and how to appropriately respond to disclosures by students. Educating students and parents about the risk and warning signs for sex abuse and sex trafficking can prevent these atrocities from occurring in DC schools.

We applaud the Act's mandate to building parental awareness of the community-based supports and services. Through our work in preventing child sex trafficking, we know that several community-based experts have been shouldering the work of pushing education about sex trafficking into schools for several years now (i.e., the Exodus Project, Courtney's House, Amara Legal, and FAIR Girls). By including sex trafficking in the definition of sex abuse and requiring schools to educate students and parents, the School Safety Act should ensure that all DC schools are able to access the knowledge and training that these committed experts can offer.

Furthermore, the School Safety Act takes a collaborative, systemic approach to the problem of child sexual abuse. Children's Law Center supports the Act's requirement that Office of the State Superintendent of Education (OSSE) develop a policy for preventing and addressing child sexual abuse by August 2019. This policy must be developed in consultation with service providers, community partners, schools and the most important stake holders of all -youth and their parents. By consulting these stake holders OSSE will be able to develop a policy that has community support and will therefore, be more likely to succeed.

Children’s Law Center also supports the Act’s codification of the due diligence requirements for all of DC public schools. The School Safety Act requires each local education agency (LEA) to acquire information from National Association of State Directors of Teacher Education and Certification Clearinghouse (“Clearinghouse”) when making hiring decisions. We know that OSSE already has procedures for reporting license revocations to the Clearinghouse, but we certainly see the benefit in enshrining these practices in the D.C. Code. The Act also requires each LEA to maintain a record of all allegations of sexual misconduct or failure to report child abuse and to provide this information to other institutions who are considering hiring that individual.

We specifically applaud the provision of the Act that requires schools make every possible effort to identify any sexual misconduct allegations that did not result in a criminal conviction. As the Chairman is aware, charter school teachers are not required to be licensed by the state and as such, they are unlikely to be reported to the Clearinghouse. This means that unless a charter schoolteacher has been criminally prosecuted or arrested for sex abuse related crimes, then there will be no public record of their alleged offense. By requiring each LEA to investigate whether a potential employee has committed sex abuse or sexual misconduct, DC will be compensating for documented practice that is called “passing the trash,” where teachers who are suspected of misconduct are transferred to other schools before they are reported.¹⁴ This

investigatory requirement will afford students in public charter schools the same level of safety and protection that students in traditional public school receive.

How to Maximize the School Safety Act's Impact

The School Safety Act takes many steps to address and prevent the sexual abuse of students by staff. However, we offer the following feedback to shine a light on some ways that current practices may undercut the effectiveness of changes that the School Safety Act will make.

First, we recommend that the Committee consider including in the School Safety Act include in the requirement of Section 2 (d) that OSSE develop a policy regarding staff interactions with students on social media. According to the Washington Post, in 2014 “about 35% of the educators convicted or accused of sexual misconduct had used social media to gain access to their victims or to continue the teacher – student relationship.”¹⁵ By developing a policy, OSSE will be able to ensure that all teachers, students, and parents can establish and enforce healthy social media boundaries and preempt some inappropriate interactions.

Next, we recommend that the Committee consider crafting additional legislation that will make information on the Child Abuse and Neglect Registry more comprehensive. Currently, the District's Child and Family Services Agency (CFSA) does not investigate allegations of child abuse perpetrated by school employees. As a result, the Child Abuse and Neglect Registry never contains information about school

personnel who have alleged physically or sexually abused a student. CFSA maintains that it does not have authority to investigate allegations of sexual or physical abuse in DC schools. This is a gap that concerns us, because many child serving agencies, (i.e., child cares institutions, schools, after school programs, group homes, etc.) rely on the information in the Child Abuse and Neglect Registry when making decisions about hires. In other jurisdictions, including in Maryland, the child welfare agency (equivalent of CFSA) investigates abuse of children in schools and input information about confirmed perpetrators on their registry.

Parents we hear from or work with are frequently told to call the police in order to report the physical or sexual harm their children experience at the hands of public school personnel, both traditional public and public charter schools. Very few police officers have mastered the skill of communicating with adolescents who have experienced sexual harm or interviewing students with disabilities who have been physically assaulted. Parents have told us about serious incidents such as choke holds, shoves against walls, etc, that are never investigated or addressed. Additionally, the criminal burden of proof is so high that these issues are not usually pursued by law enforcement. After a parent's efforts to obtain police assistance have been frustrated and after they learn that the "investigating" school personnel also "find not enough evidence," only the most equipped parents will find an alternative way to address their concerns by filing a complaint with the District of Columbia Public School Office of

Personnel Complaints or with the administrator of the public charter school. Schools are not incentivized or trained on how to find evidence, and unlike CFSA, they do not have specific standards for their investigations.

Therefore, we would appreciate the opportunity to work with Chairman Grosso and members of this Committee to find ways to (1) require CFSA to investigate allegations of abuse against all traditional public and public charter school employees and place appropriate incidents on the Registry; (2) prompt schools to consider teacher's records of physical abuse against students in its hiring decisions; and (3) create a system to provide the same level of protection for students in early child care centers.

Conclusion

Thank you for the opportunity to comment on this important piece of legislation. Children's Law Center looks forward to continuing to engage with the Committee to make schools as safe as possible for DC students.

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. Nearly 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² In 2017, nearly 10% of surveyed high school students reported that they had experienced sexual violence within the previous year. Center for Disease Control and Prevention. "High School YRBS: District of Columbia 2017 and United States 2017." Retrieved from <https://nccd.cdc.gov/youthonline/App/Results.aspx?TT=G&OUT=0&SID=HS&QID=QQ&LID=DC&YID=2017&LID2=XX&YID2=2017&COL=T&ROW1=N&ROW2=N&HT=QQ&LCT=LL&FS=S1&FR=R1&FG=G1&FSL=S1&FRL=R1&FGL=G1&PV=&TST=True&C1=DCB2017&C2=XX2017&QP=G&DP=1&VA=CI&CS=N&SYID=&EYID=&SC=DEFAULT&SO=ASC&pf=1>

³ Carol Shakeshaft. "Educator Sexual Abuse." Hofstra University (Spring 2003), 1. Retrieved from https://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf.

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- ⁴ Carol Shakeshaft. "Educator Sexual Abuse." Hofstra University (Spring 2003), 2. Retrieved from https://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf.
- ⁵ Darkness to Light. "Child Sexual Abuse Statistics: Consequences." (2015), 1. Retrieved from http://www.d2l.org/wp-content/uploads/2017/01/Statistics_5_Consequences.pdf.
- ⁶ Darkness to Light. "Child Sexual Abuse Statistics: Consequences." (2015), 1. Retrieved from http://www.d2l.org/wp-content/uploads/2017/01/Statistics_5_Consequences.pdf
- ⁷ https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf
- ⁸ Child sexual abuse victims also tend to perform lower on cognitive ability, academic achievement, and memory assessments than their non-abused peers. http://www.d2l.org/wp-content/uploads/2017/01/Statistics_5_Consequences.pdf p. 2
- ⁹ Darkness to Light. "Child Sexual Abuse Statistics: Consequences." (2015), 2. Retrieved from http://www.d2l.org/wp-content/uploads/2017/01/Statistics_5_Consequences.pdf.
- ¹⁰ Darkness to Light. "Child Sexual Abuse Statistics: Consequences." (2015), 3. Retrieved from http://www.d2l.org/wp-content/uploads/2017/01/Statistics_5_Consequences.pdf
- ¹¹ Carol Shakeshaft. "Educator Sexual Abuse." Hofstra University (Spring 2003), 2. Retrieved from https://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf.
- ¹² Carol Shakeshaft. "Educator Sexual Abuse." Hofstra University (Spring 2003), 2. Retrieved from https://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf.
- ¹³ Carol Shakeshaft. "Educator Sexual Abuse." Hofstra University (Spring 2003), 12. Retrieved from https://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf (Summarizing an incident where a teacher sexually abused boys for 15 years before a student finally reported the abuse.)
- ¹⁴ "A teacher will be transferred to three different schools before they are reported to the police. This practice is called passing the trash." 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. Retrieved from https://docs.wixstatic.com/ugd/b75d1b_6f770bd362df4a7785ed9c740c4280dd.pdf.
- ¹⁵ The Children's Center for Psychiatry, Psychology and Related Services. "Sexual Abuse by Teachers is on the Rise." Retrieved from <http://childrenstreatmentcenter.com/sexual-abuse-teachers> (Quoting, Terry Abbott. "More Teachers are having sex with their students. Here's how schools can stop them." Washington Post (Jan. 20, 2015). Retrieved from https://www.washingtonpost.com/posteverything/wp/2015/01/20/more-teachers-are-having-sex-with-their-students-heres-how-schools-can-stop-them/?utm_term=.5c498088c3c6 .