

Child Sexual Abuse Prevention Education:

A Comparative Report on Legislation in Seven States



**By Megan Cox
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This report was undertaken as an Oberlin College Winter Term project by Megan Cox, a fourth-year student. This report was created under the direction and supervision of Elizabeth Cox, Executive Director of Prevent Child Abuse Iowa, located in Des Moines, Iowa.

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EXECUTIVE SUMMARY

This report compiles the research performed for Prevent Child Abuse Iowa (PCAI) by Megan Cox, a senior at Oberlin College, during her Winter Term in January of 2018. The intention of the project was to create a comparative analysis of child sexual assault prevention (CSAP) legislation in at least five other states, taking into account the various bill characteristics and lobbying tactics of Prevent Child Abuse America state chapter advocates. Seven states were compared: Colorado, Iowa, Massachusetts, New Jersey, Vermont, West Virginia, and Wisconsin. The research was mainly conducted through phone or in-person interviews with the respective Prevent Child Abuse America state chapter director, in addition to interviews with two lobbyists and one Child Sexual Abuse Prevention Specialist.

The findings of this report summarize the best practices in supporting legislation on CSAP education and provides recommendations to the Advocacy Committee of PCAI.

Conclusions

1. It is not enough to just educate children.

Comprehensive, successful CSAP education includes education for both adults and children, but places most of the emphasis on adult-focused practices. CSAP education is desperately needed for adults and children around the nation, but states should be wary of programs that only educate children on body protection. Children should not be responsible for preventing their own abuse.

2. Bipartisanship can be a challenge, even on this issue.

CSAP legislation should be a bipartisan issue based in unbiased research on best practices, but that is not the reality in many states. Most of the distinction between Democratic-led states and Republican-led states on this issue comes from the differing partisan ideology on the role of state control over schools and organizations.

3. Ignorance is dangerous.

Ignorance is what makes child sexual abuse the silent epidemic that it truly is and what has led to the national movement against sexual assault and harassment we are experiencing today.

Recommendations

1. Acquiring strong lawmaker leadership

Looking to leading states such as Vermont, West Virginia, and Massachusetts, it's clear that forming strong relationships with champion lawmakers on this issue gives advocates an advantage in passing their bills. For these three states, proactive lawmakers have been integral to the success of their respective CSAP bills.

2. Work with school and organizational administrative bodies to strike a balance between legislative mandates and administrative policy

A common theme across almost all the states covered in this study is that in nearly all legislation passed or proposed on CSAP education, lawmakers have stopped short of mandating the act of education itself and opt instead for the more conservative approach of mandating that education be made *available* to schools and youth serving organizations (YSO's). Most schools and YSOs, without binding mandates from the state won't voluntarily integrate these educational programs into their schools or into administrative policy, making the laws themselves essentially ineffective in prevention.

3. Rallying a comprehensive legislative approach to tackle the most immediate aspects of CSAP education

The comprehensive legislative approaches demonstrated by Vermont, West Virginia, and Massachusetts have shown that, other elements given, well-rounded CSAP education mandates can be achieved. As shown by those leading in this field, emphasizing adult training that includes a section on child education is the best practice in reducing the risks for child sexual abuse. Pursuing a comprehensive mandate does come with its challenges, but when paired with lawmaker leadership and administrative support, it can also reap the greatest rewards.

Continuing to track legislative processes and progress in other states related to this issue will help PCAI to base their own tactics off of demonstrated successful practices. Every state has its own political personality, but one truth is universal: child sexual abuse prevention works for everyone. Continuing to pursue these objectives may prove a struggle but keeping this and related reports in mind may help to provide direction going forward on this issue.

Areas of importance are segmented into seven sections.

- Part 1 Introduction to the goals of the project, the terms used, and connects the project with the legislative priorities of PCAI concerned with CSAP legislation.
- Part 2 Summary of each state studied, including their CSAP-related legislative agenda, approach, tactics, and stances on related issues.
- Part 3 Legislative characteristics of bills or current laws related to CSAP education per state.
- Part 4 Research on legislative tactics employed by CSAP advocates in each state, including a short discussion on demonstrated best practices.

Part 5 Discussion: debates in this field of legislative action. Two debates are covered: one on the different legislative approaches taken by CSAP advocates in each state, and one on the merits of Erin’s Law in the national discussion on CSAP legislation.

Part 6 Related issues that contribute to the implementation of CSAP legislation, including mandatory reporter law and “pass the trash” practices. This section also includes brief descriptions of two issue-related themes: safe-child standards and boundary-violating behavior.

Part 7 Concluding remarks and recommendations

The researcher wishes to thank all the interviewees for supporting and contributing to her project. Special thanks go to PCAI and Executive Director Liz Cox for her guidance, connections, and vision for a child abuse-free Iowa.

PT 1: INTRODUCTION, TERMS, AND PRIORITIES

Goal of Report

The goal of this report is to compare and analyze original research on current legislation regarding child sexual abuse prevention education supported by PCAA state chapters in six other states. Through contrasting best-practice legislative processes, this report makes several recommendations to Prevent Child Abuse Iowa based on successful strategies utilized by other states in passing such legislation.

Method

The research presented in this report was gathered primarily through phone or in-person interviews conducted by the researcher with six PCAA state directors, the Program Director for PCA-CO, a Colorado lobbyist, a Colorado Child Abuse Prevention Specialist, an Iowa lobbyist, and Iowa lawmakers. Other research was conducted online by the researcher on PCAA state chapter websites and several state legislature websites.

Because the bulk of the information gathered about each state was collected by phone or inperson interviews, only preliminary citations of the interviews and citations directly citing specific documents and legislation will be included to avoid hundreds of repetitive citations.

Terms and Definitions

PCAA	Prevent Child Abuse America, a national non-profit organization with state offices in all 50 states. Any acronym beginning with “PCA” followed by state letter symbols the denotes PCAA chapter of that state. For example, PCA-CO = Prevent Child Abuse Colorado and PCAI = Prevent Child Abuse Iowa.
CSAP	Child sexual abuse prevention
YSO	Youth-serving organization, such as an after-school program, sporting club, Scouting, tutoring company, 4-H, religious group, etc.
MR (Mandatory Reporter)	A designation given to select individuals involved in child, elderly, health, or emergency services that mandates they report any suspected abuse or neglect of children or the elderly through a legally-defined process. Most mandatory reporters must undergo training of some kind, usually through online services. In some states, such as New Jersey, every adult is considered a mandatory reporter – that framework is known as “universal mandatory reporting.” In those cases, not every mandatory reporter receives training.
PTT (Pass the Trash)	A practice that allows schools and other YSOs to create nondisclosure agreements with discharged staff that have been accused or found culpable of sexual misconduct. This practice often leads to such individuals finding work in other schools or YSOs where they may continue their predatory sexual behaviors.
EL (Erin’s Law) ¹	Erin’s Law is the popular name for legislation that originally passed in Illinois in 2011 that mandates the offering of childfocused, body-safety training for children grades K-12. EL, or laws containing similar language, have been passed in 31 states. “Erin’s Law” is also the name of the 501(c)(4) organization run by Erin Merryn, a child sexual abuse survivor and prevention advocate after whom the legislation is named. EL has created some controversy in the CSAP advocacy world, as discussed in “Part 5: Debates” of this report.

PCAI's Legislative Priorities

This report was requested, in part, to supplement two of PCAI's legislative priorities² in the 2018 legislative session: Priority 2) Create a work group to examine current mandatory reporter training, and Priority 3) Enact legislation for awareness and prevention of child sexual abuse and assault. Please see endnote 2 to find a path to the full document.

PT 2: STATE CODE SUMMARIES

Seven states were surveyed, examining current legislative status, existing programs, legislative bills under consideration, advocacy tactics, implementation, partnerships, and other pertinent factors.

COLORADO³

CURRENT STATUS: Colorado does not currently have legislation requiring schools to offer CSAP education. They do have a 2015 law, SB 15-020 known as “Erin’s Law” (CSAP advocates refer to it as “Erin’s Law Lite”).⁴

Also in 2015, Colorado passed the Claire Davis Act (SB15-213).⁵ This law encourages inclusion of language about body safety programming. More importantly, this law changes the standard for violence in schools, wherein murder, felony assault, and felony sexual assault are all listed under the standard of *negligence*. Damages for claimants of these charges became capped at \$350k for one victim, and just over \$900k for multiple victims. This means that any sexual contact between staff and student is considered a costly felony. Schools quickly sought-after adult sexual misconduct training in order to pass a possible negligence claim under this law, including sexual harassment training for students. This law did not make completion of these trainings mandatory, it simply encouraged them by threatening felony charges in case of a negligence claim.

EXISTING PROGRAM: Erin’s Law in Colorado amended the duties of the Colorado School Safety Resource Center to provide materials and training to schools, parents, and students regarding CSAP. School districts and charter schools are encouraged to adopt a CSAP plan as a part of its school safe plan, as well as include CSAP training to school personnel and parents. Teachers looking to renew their license must complete professional development which may include training in CSAP. This law does not mandate education, it simply mandates that training programs be available for school use.

PCA-CO, through their own research, have created three separate trainings that emphasize adult education in preventing child abuse, and one specific program that touches on CSAP.

CURRENT BILLS: The Early Childhood Sexual Abuse Prevention bill (HB18-1064)⁶ was introduced in January 2018 to provide education to early childhood care providers on how to prevent CSA.

There is also a proposed bill (HB18-1115)⁷ proposing to provide materials regarding human trafficking training to law enforcement, school personnel, parents or guardians of students, and other groups that would benefit from this training. This bill would not be a ground-breaking law – many of these practices already exist.

LEGISLATIVE APPROACH: Incremental.

LEGISLATIVE TACTICS: PCA-CO have built a coalition to push the bill, including all 15 Child Advocacy Centers, DHS, Court Appointed Special Advocates (CASAs), faith-based organizations, and other related orgs.

PCA-CO are careful to stay away from the name “Erin’s Law.”

PCA-CO have contracted a lobbyist: Andi Leopoldus, a woman with 30 years of lobbying experience in health and human services issues.⁸ She generally goes after new representatives to get them interested and on-board right off the bat. Her timeline: clinch the lawmaker's interest in an idea while the legislature is still in session. Begin talking to them about sponsorship during the summer. Work with the rep until July. Finalize the bill around October. Introduce the bill on the first day of the next session. This is better than doing the work during session and introducing a late bill. She tends to go after female lawmakers who are former therapists, social workers, and teachers. She also looks for moderate Republicans who have a personal connection to the issue. She is careful to warn bill sponsors about making deals without talking to the stakeholders first.

IMPLEMENTATION: The Early Childhood Sexual Abuse Prevention bill does not mandate that providers take the training, but it does mandate that training be offered. The bill includes a small fiscal note that early childhood training be contracted out, not offered by training academy staff.

The human trafficking training materials bill would offer information and tools already available from the Dept. of Public Safety.

EFFICACY TRACKING: Colorado does not currently have a mechanism through which to track the efficacy of this legislation. In 2008, the Colorado Legislature established the School Safety Resource Center (SSRC)⁹ and created the Child Sexual Abuse Prevention Specialist position, currently held by Margaret Ochoa, J.D.¹⁰ The SSRC is not a compliance agency, rather they provide free technical assistance to schools for school culture and safety programs by creating emergency operations plans, threat assessments, suicide and bullying prevention, and now CSAP programming.

MANDATORY REPORTER: Already have a free web-based training available through Child Welfare Training system. There has been a recent uptick in the need for MR training. The issue is not on the legislative agenda right now.

PASS THE TRASH: No legislation action on this currently. The Colorado Dept. of Education has Mandated Reporting Requirements ("Pass the Trash" statutes).¹¹ The Dept. of Public Safety is working on a toolkit for schools on when and how to notify their communities/parents about sexual misconduct in schools.

PARTISANSHIP: Democratic governor and House but Republican Senate. Colorado Republicans are all about parental control, so starting these bills in the house yields greater success.

TAKE-AWAY:**STATE CODE SUMMARY**

APPROACH	Comprehensive
CSAP LAW?	Yes – Erin’s Law and Claire Davis Act
MANDATED EDUCATION?	No – only offered
CURRENT BILL	Early Childhood Sexual Abuse Prevention (HB18-1064)
SUMMARY	Provide education to early childhood care providers on how to prevent CSA. Goes further than Erin’s Law.
TRACKING METHOD	No current compliance agency. Closest mechanism is School Safety Resource Center.
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Yes
ERIN’S LAW	Passed in 2015
MANDATORY REPORTER	Not on PCA-CO legislative agenda.
PASS THE TRASH	No legislative action.

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	No
ADVOCACY COALITION	Yes
LAWMAKER LEADERSHIP	Yes
LOBBYING	Yes
PRESS COVERAGE	No
LEGIS. COMMITTEE PRESENTATION	Not yet
LETTER OF SUPPORT	No

IOWA¹²

CURRENT STATUS: Iowa does not currently have legislation requiring schools to offer CSAP education.

EXISTING PROGRAM: In 2011, PCAI convened Iowa's first CSAP task force, pursuant to Section 87 of SF 533, which was signed into law on July 27, 2011. The task force consisted of a diverse group of CSAP stakeholders who conducted their first meeting on Sept. 29, 2011 and held their last meeting on Jan. 4, 2012, when the committee approved a report¹³ on CSAP with a provided model school district policy.

Iowa code already has about \$260k for sexual abuse prevention throughout the state. These dollars are distributed through a grant process to local communities who want to have CSAP curricula provided.

The Iowa Department of Education has committed to making resources from the Enough Abuse Campaign (developed by PCA Massachusetts through a grant from the Center for Disease Control) available to Iowa schools. This curriculum is developed specifically for schools and is the only curriculum of its kind in the country. The licensing fee for the curriculum requires special funding (\$50,000).

In Iowa, the predominant curriculum currently used is "Darkness to Light,"¹⁴ an adult education initiative out of South Carolina that is also utilized by PCA-Wisconsin. In Iowa, this curriculum educates students and school staff about CSAP in 1- or 2-time classroom session. This program's education in Iowa is mostly directed at kids, as it is difficult to get time to educate staff on the same curriculum.

CURRENT BILLS: PCAI are monitoring the status of 5 bills the 2018 legislative session.

There are two bills of similar wording in the Iowa Senate: SF 2029¹⁵ and SF 2056¹⁶. SF 2029 mandates the Iowa Department of Education must consider CSAP in their K-12 health/human growth and development curriculum. SF 2056 mandates that, in addition to the provisions of SF 2029, sexual assault and human trafficking awareness education be included in health curriculum standards. SF 2056 also strikes out grades K-3 from receiving sexual education, but still encourages prevention education. These bills are unfunded mandates. These bills are Republican-sponsored. PCAI register "undecided" on these bills.

Sen. McCoy proposed a bill, SF 2066,¹⁷ to establish a work group for MR reform to amend Iowa Code (IC) sections 232.67–232.75. Referred to Human Resources Committee. PCAI heavily support this bill.

Senate study bill SSB 3041¹⁸ addresses lascivious acts with a minor, legal definitions, and the requirement that a person convicted of this must register as a sex offender. This bill was referred to Senate Judiciary Committee Subcommittee, which recommends amendment and passage.

There is another Senate study bill, SSB 3045,¹⁹ relating to the penalties for the commission of sexual misconduct with juveniles (essentially a human trafficking bill), and including effective date provisions. Raises the charge from an aggravated misdemeanor to a class “D” felony. This was assigned to the Senate Judiciary Committee.

LEGISLATIVE APPROACH: Incremental. Most of the legislation pursued by PCAI attempt to modify existing code to fit PCAI’s legislative goals.

LEGISLATIVE TACTICS:²⁰ PCAI has engaged in a number of tactics to achieve passage of their bills. PCAI recognize that there are three layers to effective CSAP work: educating adults, educating students, and changing school policies.

When meeting with legislators, PCAI include House and Senate leaders from both parties and outlines the need and highlights the solution.

PCAI’s Advocacy Committee meets with people within the Dept. of Human Services and other agencies and orgs that share a common vision – such as Victims of Crime Association and lobbyists from the Dept. of Ed – to educate them on ACEs and sexual abuse in schools. They ask these organizations to join PCAI in their work, and all overwhelmingly support PCAI’s initiatives. As legislative priorities are developed, PCAI make sure to communicate with advocates on the vision and process.

PCAI also holds webinars to collaborate with grassroots partners on legislative priorities within the Child Abuse Prevent Council network. Information on locating and talking to a legislator, what advocates should bring to meetings with a legislator, and how to meet a legislator in their home town are the focus of discussion. Review of pending legislation is also shared.

PCAI also publishes a newsletter email as a means for communicating at large. All legislators are included in the distribution. Printed legislative agenda priorities are also shared with legislators.

PCAI holds a Day on the Hill that focuses on Child Abuse Prevention Month (April). They also collaborate with other child serving organizations on their legislative action days.

PCAI is currently looking for a champion lawmaker in both parties. They are working to create a strong, comprehensive vision for legislative action on CSAP.

Schools are required by the state of Iowa and the federal government to create a safe learning environment. PCAI is not of the position that school leaders need to take more time and money to implement school staff training on CSAP. Instead, they maintain that current safety training should address issues as dire as child sexual abuse. The percentage of students harmed by sexual abuse is much higher than those that will be harmed by a tornado or school intruder.

ERIN’S LAW: Not being considered in the Statehouse this year. PCAI oppose Erin’s Law.

MANDATORY REPORTER: Addressed in SF 2066 above. The goal is to form a MR legislative work group. This group must be a cross-sector collaborative group. Legislation requires there be representatives from each sector that involves MRs and departments that deal with children and elderly protections. Additionally, a Senator and a Rep from each party must be on the committee, as well as child abuse prevention advocate. Others can be added but these are required. This group would meet at least two times during the recess and explore recommendation to the legislature before Nov. 15, 2018.

PASS THE TRASH: Not on the table this year. PCAI would want any legislation about educating adults, such as Texas' Jenna's Law,²¹ to include this component to support changing the policies within schools.

PARTISANSHIP: The state is run entirely by Republican leaders. PCAI has worked collaboratively with Republicans and Democrats this session to support their desired outcomes.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Incremental
CSAP LAW?	No
CURRENT BILL SUMMARY	CSAP education (SF 2029) Mandates that Iowa Department of Education must consider CSAP as part of K-12 health/human growth and development curriculum
TRACKING METHOD	None
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Uncertain
CURRENT BILL SUMMARY	CSAP education (SF 2056) Mandates the same as SF 2029 but strikes out grades K-3 in sexual education. Must also include sexual assault and human trafficking awareness education in health curriculum standards.
TRACKING METHOD	None
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Uncertain
CURRENT BILL	Mandatory Reporter work group (SF 2066)

SUMMARY	To establish a work group for MR reform to amend Iowa Code (IC) sections 232.67–232.75
TRACKING METHOD	N/A
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Yes
CURRENT BILL	Lascivious acts with a minor (SSB 3041)
SUMMARY	Addresses lascivious acts with a minor, legal definitions, and the requirement that a person convicted of this must register as a sex offender
TRACKING METHOD	Registration as sex offender
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Yes
CURRENT BILL	Human trafficking (SSB 3045)
SUMMARY	Regarding penalties for commission of sexual misconduct with juveniles, including effective date provisions
TRACKING METHOD	N/A
BIPARTISANSHIP SUPPORT?	Uncertain
PROJECTED TO PASS THIS YEAR?	Yes
ERIN'S LAW	Not proposed, PCAI does not support
MANDATORY REPORTER	Addressed in SF 2066.
PASS THE TRASH	Not on PCAI's agenda this year

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	In progress
ADVOCACY COALITION	Yes
LAWMAKER LEADERSHIP	In progress
LOBBYING	Yes
PRESS COVERAGE	No
LEGIS. COMMITTEE PRESENTATION	Not yet
LETTER OF SUPPORT	No

MASSACHUSETTS²²

(PCA-MA = “MassKids”)

CURRENT STATUS: Massachusetts does not currently have legislation requiring schools to offer CSAP education.

CURRENT BILLS: In the current 2018 Legislative Session, MassKids are advocating for S.295: An Act Relative to Preventing the Sexual Abuse of Children and Youth (introduced by MA Senator Joan Lovely [D-Salem]).²³ The bill currently has 30 cosponsors in the Senate and House. It was co-drafted by the Enough Abuse Campaign²⁴ of PCA-MA.

This is an unfunded mandate.

This bill would mandate schools, both public and private, and YSOs to:

- educate their adult staff about child sexual abuse prevention
- implement Safe-Child Standards²⁵ into the code of conduct, including a code of conduct detailing prohibited boundary violating behaviors
- educate the children and youth they serve about the updated rules in the code of conduct

This bill would prohibit schools from:

- aiding and abetting school staff engaged in sexual misconduct to secure employment in other schools
- creating confidentiality agreements aimed at suppressing any investigation or information sharing about the misconduct

Part 1 mandates education for staff in all schools and YSOs.

Part 2 handles the “pass the trash” portion, using language created in Pennsylvania. This section includes mandates on screening of prospective employees, developing routine questions, information-sharing between schools, protecting schools from civil/criminal liability when sharing information with authorities or other schools, and prohibiting schools from creating confidentiality agreements regarding CSA/misconduct.

This bill also addresses mandatory reporter law by adding new positions to the list of mandatory reporters. This would be expanded to include athletic coaches, IT repair and service personnel, photo processors, etc.

This bill also changes the nature of defense by age of consent in court proceedings, where traditionally a teacher or YSO employee having a sexual relationship with someone aged 16 (age of consent) is not prosecuted. This bill states that anyone in a supervisory position in schools or YSOs may not use age of consent as a defense in a criminal or civil matter. Any student without

a high school diploma or certificate of completion are protected as a part of this bill (mainly aimed at protecting those with developmental disabilities).

LEGISLATIVE APPROACH: Comprehensive omnibus bill. Schools see this as a practical, cost-effective mandate. This bill addresses many sides of the issue of CSAP.

LEGISLATIVE TACTICS: MassKids helped draft this bill, provided testimony at the Public Hearing, and presented at the Legislative Briefing for legislators.

MassKids have met with and sought support from key groups such as the MA Chiefs of Police Association, the Women's Bar Association, the MA Association of School Superintendents, the MA Association of School Committees, and other community groups. .

MassKids have testified at the Joint Committee on Education Public Hearing that took place July 2017, when key groups endorsed the bill: MassKids, the MA Chiefs of Police Association, the Office of the Child Advocate, the Children's League, the Children's Trust, school committee members, and several survivors of educator sexual abuse.

After the legislation was introduced, MassKids organized "Citizens to Prevent Child Sexual Abuse" to mobilize people to support the legislation and receive regular updates on the bill.

Endorsed in a Boston Globe Editorial, the bill has also been publicized on the news, talk shows, and at State House rallies. MassKids Executive and bill sponsor, Senator Lovely, also taped a cable program about the bill that was shown in numerous MA communities.

The bill is expected to be voted favorably out of the Education Committee and passage is expected before the July 30th 2018 deadline.

PCA-MA have developed the following trainings, curricula, and materials to support schools and youth organizations in implementing the provisions of S295:

- Sexual Abuse Safe Child Standards in Massachusetts for Schools and YSOs
- 20 Boundary Violating Boundaries Schools and YSOs Should Avoid
- Enough! Preventing Child Sexual Abuse in My School
- Strategies for Your School and Strategies for Youth
- It's Not Just Jenna 18-minute video and Discussion Guide for parents and students (grades 7-12)
- Straight Talk: A Prevention Guide for Parents
- Straight Talk: A Prevention Guide for Parents of Children with Disabilities

IMPLEMENTATION: Children in the schools would be educated through the established code of conduct on expected staff-student interactions. Students would be made aware that they have absolute permission to report when someone in their school violates boundaries.

CSAP training would not be mandated for parents or guardians, but PCA-MA has developed curricula through funding from the Center for Disease Control for families, communities, private and public schools, YSOs, and faith communities.

EFFICACY TRACKING: Schools would be required to maintain records of who took the course and when, protecting their own legal liability.

ERIN’S LAW: CSAP education for children is included in the provisions of the Omnibus bill. MassKids opposed the Erin’s Law bill introduced several years ago because of its narrow focus on educating children only.

PASS THE TRASH: Included in the provisions of the bill.

MANDATORY REPORTER: Included in the provisions of the bill.

PARTISANSHIP: Moderate Republican governor, legislature is controlled by Democrats in both houses. The Republicans are a small group but issues involving children are usually seen as bipartisan.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Comprehensive
CSAP LAW?	No
CURRENT BILL SUMMARY	S.295 Omnibus bill
	<ul style="list-style-type: none"> • Mandates schools and YSOs to educate staff on Boundary Violating Behaviors and Safe-Child Standards and to implement those into the code of conduct. • Mandates that these entities provide age-appropriate education to children/students in their care. • Information-sharing between schools and increased screening on potential employees. • Adds new positions to MR roles. • Prohibits age of consent as viable defense in civil/criminal proceedings.
TRACKING METHOD	Schools must maintain records of training
BIPARTISANSHIP SUPPORT?	Yes

PROJECTED TO PASS THIS YEAR?	Yes
ERIN'S LAW	Included in omnibus bill
MANDATORY REPORTER	Included in omnibus bill
PASS THE TRASH	Included in omnibus bill

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	Yes
ADVOCACY COALITION	Yes
LAWMAKER LEADERSHIP	Yes
LOBBYING	Yes
PRESS COVERAGE	Yes
LEGIS. COMMITTEE PRESENTATION	Yes
LETTER OF SUPPORT	Yes

NEW JERSEY²⁶

CURRENT STATUS: New Jersey does not currently have legislation requiring schools to offer CSAP education.

EXISTING PROGRAM: An existing program, Child Assault Prevention New Jersey (NJ CAP), has educated school children on how to protect themselves for the last 25 years. That program is outdated, incomprehensive, and only focuses on educating children.

In collaboration with PCA-Massachusetts' Enough Abuse Campaign, PCA-NJ released a report, "Sexual Abuse Safe-Child Standards" in 2012.²⁷ This report outlines 6 standards that orgs and schools should implement into their own procedures.

1. Post a clear and accessible child-safe policy
2. Analyze and minimize risk of harm
3. Develop codes of conduct for adults and children
4. Recruit and hire suitable volunteers and employees
5. Educate staff and volunteers about the risk of child sexual abuse
6. Report and respond appropriately to suspected abuse and neglect

CURRENT BILLS: PCA-NJ is currently pushing a "pass the trash" bill, S.414.²⁸ First introduced Jan. 10, 2018. This bill would prevent schools from signing nondisclosure agreements to quietly pass on teachers who have faced child abuse and sexual misconduct allegations. Reporting requirements: When a school takes action against an employee, it must be reported to the NJ Dept. of Education. This bill also includes protections against false or unsubstantiated allegations.

LEGISLATIVE APPROACH: PCA-NJ use an incremental approach to child abuse legislative advocacy. Their experience in their state points to the conclusion that comprehensive bills have more provisions and details, making it easier for lawmakers to pick out one unfavorable quality and vote against the entire bill. By adding degrees of complication, one raises the possibility of opposition.

LEGISLATIVE TACTICS: PCA-NJ engaged in a variety of tactics to garner support for S.414.

They wrote a letter of support urging legislators to sign on, including the signatures of 16 major, related state and national organizations. This added pressure to other organizations and to lawmakers to have their names aligned with those major organizations. The NJ Coalition Against Sexual Assault (of #MeToo fame) joined as a full partner, earning PCA-NJ new connections with legislators as well as support in effective tactics.

They also have convened a legislative work group, known as the New Jersey Partnership to Prevent Child Sexual Abuse, to discuss and coordinate support for the bill.

They called on a junior legislator to sponsor the bill in an effort to build momentum in the future. PCA-NJ did testify at the bill's Committee hearing and plan to continue to do so in the Assembly.

They also promoted the bill in the press.

EFFICACY TRACKING: There is no compliance agency attached to tracking S.414's effects. The NJ Dept. of Education would be required to develop the regulations and procedures to follow the bill's provisions.

ERIN'S LAW: Because of the existence of NJ CAP, Erin's Law (EL) has not had a strong backing in New Jersey. A very short version of EL has been introduced in New Jersey. PCA-NJ oppose it until the following stipulations are added: research-based programs, quality control, inclusion of all schools, inclusion of all school personnel.

MANDATORY REPORTER: New Jersey already has a universal mandatory reporting system, meaning that everyone is a mandatory reporter if one has a reasonable cause to suspect abuse or neglect. PCA-NJ believe the system works well.

PASS THE TRASH: Included in S.414.

PARTISANSHIP: The state is run entirely by Democratic leaders. S.414 has been introduced by a Republican with numerous Republican co-sponsors. S.414 was the first bill heard on Jan. 25, 2018, in New Jersey's Senate Education Committee, where it passed unanimously. For a minority-sponsored bill to be the first scheduled in a majority-led committee is noteworthy.

As advocates, PCA-NJ try to line up bipartisan support to help bills overcome challenges, such as funding. PCA-NJ, like all PCAA chapters, maintain that issues involving children should be inherently bipartisan.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Incremental
CSAP LAW?	No
CURRENT BILL	"Pass the trash" S.414

SUMMARY	Prevents nondisclosure agreements between schools and abusive teachers after termination. Mandates reporting to NJ Dept. of Ed. Protections against false/unsubstantiated allegations.
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Yes
ERIN'S LAW	Not proposed, PCA-NJ does not support
MANDATORY REPORTER	Not on agenda
PASS THE TRASH	Included in bill S.414

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	Yes
ADVOCACY COALITION	Yes
LAWMAKER LEADERSHIP	Yes
LOBBYING	Yes
PRESS COVERAGE	Yes
LEGIS. COMMITTEE PRESENTATION	Yes
LETTER OF SUPPORT	Yes

VERMONT²⁹

CURRENT STATUS: Vermont does have legislation requiring schools to offer CSAP education. Vermont passed “Act One: An Act Relating to Improving Vermont’s Sexual Abuse Response System” in 2009 in response to the horrific rape and murder of 12-year-old Brooke Bennett.³⁰

EXISTING PROGRAM: Act One mandates that schools and licensed childcare centers teach development-appropriate, trauma-informed child sexual abuse prevention (CSAP) to children. Schools also must educate all school staff about CSAP, as well as inform parents about CSAP. There are no penalties for non-compliance, nor is there a provision for a compliance agency to oversee the implementation. Much of that work has been done by advocacy organizations such as PCA-VT.

This is an unfunded mandate: the state receives earmarked federal funds from their representative in Congress.

CURRENT BILLS: PCA-VT are not pushing any current bills.

LEGISLATIVE APPROACH: Comprehensive.

LEGISLATIVE TACTICS: Due to the community-like atmosphere of the small state, lawmakers felt compelled to step up for this issue on their own. They created their own research task force and, in partnership with advocacy organizations, proposed and passed Act One. PCAVT are working with Republican lawmakers for an increase in funds to hire more staff and account for administrative needs of PCA-VT.

IMPLEMENTATION: The state bought “Caring for Kids,”³¹ a Canadian program, and adapted its content to fit Vermont. The Sexual Violence Prevention Taskforce (founded by PCA-VT before 2009) was charged with surveying schools at the beginning of the implementation process to get a baseline of information regarding CSAP education. They re-survey every few years to record the grade levels taught and if the content is age-appropriate and trauma-informed. In a state of only 600,000 people and 14 counties, the implementation process is slightly easier than in more populous and geographically vast states.

PCA-VT offer positive programs based in health education to schools. They have three major school-based programs along with early childhood training (including childcare providers). They also offer “victim and victimizer” prevention training. Two-thirds of all VT schools receive support from PCA-VT.

EFFICACY TRACKING: The data results from the surveys show an 80-85% compliance rate in schools, a 53% decrease in reported child sexual assaults, and a 73% decrease in child physical abuse reports.

ERIN’S LAW: PCA-VT are currently teaming up with domestic violence prevention partners to meet with legislators to oppose the introduction or passage of Erin’s Law in VT.

MANDATORY REPORTER: A collaboration of agencies and advocacy groups pushed for the mandatory reporter law and online training. This is no longer on PCA-VT’s agenda.

PASS THE TRASH: Act One contains some language about “pass the trash” insofar as the school hiring process must involve requesting a criminal background check for applicants.

PCA-VT are not looking to get current legislation passed on this issue. They plan on replicating Massachusetts’ process: they will hold a conference in April for educators and administrators. The process of coming together elevates understanding and promotes good practices and accountability between peers and coworkers. Implementing this conference on the county/regional level is better than on the state level.

PARTISANSHIP: This issue has been a community effort for Vermont. At the time of Act One (and currently), Vermont had a Republican governor and a Democratic House and Senate.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Comprehensive
CSAP LAW?	Yes – Act One
MANDATED?	Yes
ADULT EDUCATION?	Yes
CHILDREN EDUCATION?	Yes
SCHOOLS AND YSOs?	Yes
TRACKING METHOD	Surveys
EFFICACY	~80% compliance, 53% decrease in CSA reports
BIPARTISANSHIP SUPPORT?	Yes
ERIN’S LAW	PCA-VT opposed
MANDATORY REPORTER	Not on agenda
PASS THE TRASH	Not on legislative agenda

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	Yes
ADVOCACY COALITION	Yes

LAWMAKER LEADERSHIP	Yes
LOBBYING	No
PRESS COVERAGE	Yes
LEGIS. COMMITTEE PRESENTATION	Yes
LETTER OF SUPPORT	No

WEST VIRGINIA³²

CURRENT STATUS: West Virginia does not currently have legislation requiring schools to offer CSAP education. They do have some non-mandate provisions that address broad preventions, goals, and objectives. These are about 20 years old.

CURRENT BILLS: Bill to come based on recently-released report. PCA-WV recently published a recommendation report entitled “The WV State Task Force on the Prevention of Sexual Abuse of Children.”³³ Supportive WV lawmakers pledged to enact recommendations 1 and 5 in this legislative session.

Recommendation 1: Require CSAP training for public school staff, strongly recommended for YSOs and faith-based organizations.

Recommendation 2: Simplify and clarify MR laws.

Recommendation 3: “Pass the trash” revisions by strengthening non-criminal sanctions for offenders.

Recommendation 4: Require WV Safe-Child Standards if an organization receives state funding (same as anti-tobacco and anti-discrimination clauses); Create Program Manager position for the prevention of child abuse and neglect within Dept. of Public Health; Study the feasibility of WV Board of Risk and Insurance Management in reducing insurance rates for agencies/orgs that adopt Safe-Child Standards; Study the expansion of mental health and social services within public schools.

Recommendation 5: Inclusion of Erin’s Law principles (educate students on body safety).

LEGISLATIVE APPROACH: Comprehensive. The idea with these recommendations is to strike a balance between administrative policy and legislation: use the threat of legislation to urge organizations and schools to follow recommendations, which raises the bar for quality within those entities that others will be pressured to match.

IMPLEMENTATION: Drawing from the 1st and 5th recommendation of the task force report, legislators would put together a bill that mandates the state Board of Education to work out a plan that implements CSAP training for school staff and body safety training for students. This would be due by December 2018 for review and implemented in January 2019.

Training measures should be integrated into existing training. The details of that will be worked out by the State Board of Education.

The original intention was to have financial compensation for those taking the training. Lawmakers had to take that out of the plans to make sure that the future bill would pass. One helpful aspect in West Virginia is that they have a declining student enrollment due to declining

state population. With this situation, improvement package funding has remained the same, but now is dispersed to have more money per child. The bill could draw funding from this area. The bill could also utilize funding issued through the Every Student Succeeds Act (2016) which allows states (under Titles II and IV) some flexibility in school student safety programming.

EFFICACY TRACKING: Tracking mechanism to be determined by the State Board of Education.

LEGISLATIVE TACTICS: A task force was created to assess a comprehensive, broad understanding of CSAP education and best practices. Lawmakers wanted a specific focus on MR and criminalizing a failure to report. This task force was led by lawmakers: it was co-chaired by Senate and House representatives from their respective Education Committees.

The findings of the task force were presented to the Joint Committee on Education, with 30 lawmakers from both houses present. A school principal presented the bulk of the recommendations, letting an educator speak on their own behalf.

The Joint Committee asked the task force to select 2 key recommendations out of their total of 5 that would have the broadest impact. They chose recommendations 1 and 5, requiring school personnel to be trained in CSAP, and including elements of Erin's Law to educate children on body safety.

Lawmakers offered to issue the press release on behalf of the task force, in which they pledged to implement the recommendations this legislative session.

MANDATORY REPORTING: Included in Recommendation 2 of the task force report. Endeavors to clean up MR legislation to simplify language, clarify timelines, and tighten up the nuances.

PASS THE TRASH: Addressed in Recommendation 3 of the report. Called to expand screenings and strengthen non-criminal sanctions against offenders. This recommendation is not as strong as PCA-WV would like – they are trying to keep this issue on the table through this report to address it more fully next legislative session.

One specific point in this area addresses the subpoena power for superintendents. This would allow access to records that are hidden within school districts regarding staff sexual misconduct allegations. Teachers unions have been tricky to negotiate with on this issue, but ultimately agreeable to the recommendation. The Court Improvement Board of the WV Supreme Court and Law Enforcement Against Child Abuse were all on the task force on this particular issue.

PARTISANSHIP: This is a bipartisan effort with strong support on both sides.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Comprehensive
CSAP LAW?	No
CURRENT BILL	Bill expected based on Recommendations 1 and 5 of WV task force report
SUMMARY	Mandate the WV Board of Education to work out a plan to implement: <ul style="list-style-type: none"> • CSAP education into public school staff training • body safety training for students (Erin's Law language)
TRACKING METHOD	TBD by WV Board of Education
BIPARTISANSHIP SUPPORT?	Yes
PROJECTED TO PASS THIS YEAR?	Yes
ERIN'S LAW	Included in upcoming bill
MANDATORY REPORTER	Included in Recommendation 2 of report
PASS THE TRASH	Included in Recommendation 3 of report

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	Yes
ADVOCACY COALITION	Yes
LAWMAKER LEADERSHIP	Yes
LOBBYING	Yes
PRESS COVERAGE	Yes
LEGIS. COMMITTEE PRESENTATION	Yes
LETTER OF SUPPORT	No

WISCONSIN³⁴

CURRENT STATUS: Wisconsin does not currently have legislation requiring schools to offer CSAP education. They do have a state statute that briefly addresses sexual abuse as it is lumped in with other general safety issues – this is not a mandate.

CURRENT BILLS: PCA-WI are not pushing any current bills.

LEGISLATIVE APPROACH: Programming over legislation.

EXISTING PROGRAM: Awareness to Action (A2A) is an 8-year CSAP initiative run by PCA-WI.³⁵ A2A coordinates programming and funding for *Stewards of Children*, a training program that educates adults how to prevent child sexual abuse. This program comes from South Carolina’s “Darkness to Light” initiative to educate adults on CSAP.

PCA-WI also hold policy and procedure trainings with YSOs through their own curriculum.

IMPLEMENTATION: A2A provides materials and facilitator trainings in addition to tracking outcomes and evaluations. This is a 6-month process (training for a day, follow-ups over next 6 months).

YSO trainings are run at the desire of the organization. Like A2A, this is a 6-month process.

EFFICACY TRACKING: A2A tracks self-reported changes in behavior of trained adults in 3 phases: pre-training, post-training, and 6-month follow-up.

PCA-WI track the efficacy of their YSO trainings by assessing the changes made in the form and function of the organization as a result of the training.

ERIN’S LAW: PCA-WI are not promoting Erin’s Law in Wisconsin.

LEGISLATIVE TACTICS: PCA-WI are an entity under Children’s Hospital of Wisconsin, which has its own advocacy staff that works on relevant child abuse issues. PCA-WI are also strong partners with Wisconsin Coalition Against Sexual Assault (WICASA).

MANDATORY REPORTING: Dept. of Children and Families has developed a mandatory online training for reporters. In-person training is beginning to be offered again; PCA-WI worry that any hesitancy MRs have about reporting specifics is not being addressed through the online training.

PASS THE TRASH: This issue is not on PCA-WI’s agenda.

PARTISANSHIP: Wisconsin has a conservative Republican governor with Republican-held House and Senate. Advocacy staff has good relationships on both sides of the aisle.

TAKE-AWAY:

STATE CODE SUMMARY

APPROACH	Programming over legislation
CSAP LAW?	No
CURRENT BILL	PCA-WI is not currently pushing any bills
ERIN'S LAW	PCA-WI is opposed
MANDATORY REPORTER	Online and in-person training available
PASS THE TRASH	Not on PCA-WI's agenda

LEGISLATIVE TACTICS

LEGISLATIVE WORK GROUP	N/A
ADVOCACY COALITION	N/A
LAWMAKER LEADERSHIP	N/A
LOBBYING	N/A
PRESS COVERAGE	N/A
SUB/JOINT COMMITTEE PRESENTATION	N/A
LETTER OF SUPPORT	N/A

PT 3: STATE COMPARISON BY LEGISLATIVE CHARACTERISTICS

This table outlines current characteristics of proposed legislation per state as discussed in this report.

	Mandate?	Funded?	Entity affected	School type	Targets	Training type	Tracking	Erin's Law
Colorado (HB 18-1064)	No	No	Childcare	Early childhood	Adults	Training school	No	Passed
Iowa (SF 2066)*	No	No	MRs	N/A	Adults	MR online	No	No
Iowa (SF 2029 and SF 2056)*	No	No	Schools	Public K12	Children	Class curricula	IA Dept. of Ed.	No
Massachusetts (S295)	Yes	No	Schools & YSOs	All K-12 and early childhood	Adults and Children	License prerequisite course	School records	No
New Jersey (A4442)	No	No	Schools	Public K12	Adults	N/A	NJ Dept. of Ed.	No
Vermont (Act One)	No	No	Schools & YSOs	All K-12 and early childhood	Adults and Children	Professional development; classroom	Surveys	No
West Virginia (forthcoming)	Yes	No	Schools	Public K12	Adults and Children	Professional development; classroom	WV Dept. of Ed.	Included
Wisconsin	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

***Iowa has multiple bills regarding CSAP this session; those regarding CSAP education are reflected here**
Legislative Characteristics Key

Below is a helpful key to give further nuance to the chart's expressions.

- “Mandate?” = if the passed/proposed legislation makes CSAP education *mandatory*, not just recommended or offered
- “Funded?” = if the passed/proposed CSAP legislation comes with direct state funding
- “Entity affected” = if the passed/proposed CSAP legislation affects schools, childcare centers, youth-serving organizations (YSOs), or mandatory reporters (MRs)

- “School type” = if the passed/proposed CSAP legislation affects schools, then either early childhood centers, public K-12, all K-12 (including private and charter), or all K-12 *and* early childhood centers
- “Targets” = if the passed/proposed CSAP legislation aims at educating adults, children, or adults *and* children
- “Training type” = if the passed/proposed CSAP legislation offers education *to adults* in teacher/ early childhood training school, as a license prerequisite course, or as professional development for teachers, and if the passed/proposed CSAP education offers education *to children* in a classroom training or through course curricula
- “Tracking” = if the passed/proposed CSAP legislation has set up a efficacy tracking method, and if through surveys, school records, or as decided by the state’s department of education
- “Erin’s Law” = if the proposed CSAP legislation includes Erin’s Law or if Erin’s Law has already passed in that state

Almost every piece of legislation does not mandate education be instructed, but rather that it be made available.

None of the bills/laws were funded with state money through language in the code itself.

Most of this legislation affects/will affect public schools, though some reach further into all schools and YSOs.

The majority of these bills/laws emphasize adult education alone, or adult education in conjunction with child education.

Training types vary in almost every state – most advocates value in-person trainings over online trainings.

None of the bills/laws have tracking provisions written in, though some upcoming bills contain mandates for the state department of education to determine and implement the tracking/compliance mechanism.

Most of the states have not passed Erin’s Law, and every advocate interviewed for this report voiced opposition to Erin’s Law on its own.

PT 4: LEGISLATIVE TACTICS COMPARISON BY STATE

Based on the political climate in their respective states, each PCAA state chapter differently configures their legislative advocacy tactics on CSAP education. The table below illustrates which common tactics (collected from interviews with each state director) have been/are currently utilized by each PCAA state chapter on past or current CSAP legislation.

Advocacy tactics by state

	Legislative work group	Advocacy Coalition	Lawmaker Leadership	Lobbying	Press Coverage	Committee Presentation	Letter of Support
Colorado	No	Yes	Yes	Yes	No	Not yet	No
Iowa	In progress	Yes	In progress	Yes	No	Not yet	No
Massachusetts	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vermont	Yes	Yes	Yes	No	Yes	Yes	No
West Virginia	Yes	Yes	Yes	Yes	Yes	Yes	No
Wisconsin	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Key

“Legislative work group” denotes a work group put together by lawmakers and advocates to officially research an issue

“Advocacy coalition” denotes the coordination and creation of a network of advocate organizations and individuals around a specific issue

“Lawmaker leadership” denotes the championing of a specific issue by a bill sponsor

“Lobbying” denotes communication with a lawmaker to sway their position on a specific issue

“Press coverage” denotes communication through various public media on a specific issue

“Committee presentation” denotes a presentation made by a legislative work group and other stakeholders to a legislative (joint/sub-) committee on a specific bill

“Letter of support” denotes a letter drafted and signed by advocates to publicly support an issue or bill, often urging lawmakers to do the same

The most successful cases of Massachusetts, West Virginia, Vermont, and New Jersey, utilize nearly every tactic.

PT 5: DEBATES

APPROACHES

The approach taken in legislation advocacy is crucial to deciding the direction and attitude with which advocates pursue their legislative agenda. The three main approaches demonstrated by CSAP advocates in this report are incremental, comprehensive, and program-based.

“Incremental” means that CSAP legislation in that state usually deals with one sub-issue at a time, such as one bill that handles mandatory reporter reform in one year, one bill that addresses “pass the trash” reform in the next, and one bill that involves public teacher training on CSAP in the next. “Comprehensive” means that CSAP legislation in that state involves many issues in one bill. Program-based means that the PCAA state chapter in that state works through programs to effect CSAP education rather than pushing legislation. The following chart outlines the general approach from each state studied.

Legislative approaches by state

	Incremental	Comprehensive	Program-based
Colorado	x		
Iowa	x		
Massachusetts		x	
New Jersey	x		
Vermont		x	
West Virginia		x	
Wisconsin			x

As one might discern from the previous state code profiles, it is difficult to lump the efforts of one state into a single, generalized category. Even for states pursuing the same general approach, there are different variables and situations governing the decisions of CSAP advocates, as explored below.

Incremental

The states of Colorado, Iowa, and New Jersey fall into the category of an incremental approach. Based on the experiences of their respective advocates, PCA-CO/-IA/-NJ have found an

incremental approach to be the most manageable. As the Executive Director of PCA-NJ shared, it is a lot harder to push a bill with many aspects than it is to push one with only a single aspect. If a lawmaker takes issue with one aspect of a comprehensive bill, then they can oppose the entire bill, creating more roadblocks for CSAP advocates in achieving their legislative goals.

Iowa is an interesting case here. Iowa has many bills regarding CSAP under consideration this session, but I have classified them as “incremental” because many of those bills have not been orchestrated by PCAI and they are all separate pieces of legislation, not one large omnibus bill.

Comprehensive

The states of Massachusetts, West Virginia, and Vermont can be counted as having “comprehensive” approaches to pursuing CSAP legislation. Massachusetts is a prime example of such an approach, as evidenced through their omnibus bill. West Virginia is at the front end of their CSAP legislative journey spurred on by their recently-released recommendation report – though not every one of their recommendations will be pushed this legislative session, I count them as having a comprehensive approach due to the nature of their report and the support of lawmakers to push through legislation covering both adult and child CSAP education. Vermont’s Act One is obviously a very comprehensive mandate and continues to function as such today. Because this mandate has been in effect for almost a decade, PCA-VT is not currently pushing many CSAP-related bills. They show indication of switching their main focus on CSAP away from legislative endeavors and towards programming efforts, since Act One and other legislation has already dealt with CSAP in Vermont.

Program-based

Wisconsin is the only state in this report where the PCA state office almost exclusively deals with CSAP programming rather than with legislation. Because PCA-WI is housed within Children’s Hospital of Wisconsin, most of what would be their legislative priorities are dealt with by the Hospital’s advocacy staff. This leaves PCA-WI open to focusing heavily on CSAP programming.

Each PCAA state chapter employs a different approach to their legislative priorities. The rationale behind using different approaches seems to be a direct result of the political dynamics and past legislative successes within each state.

ERIN'S LAW

The largest debate surrounding the issue of child sexual abuse prevention is the debate over Erin's Law. As previously defined, Erin's Law emphasizes child body safety education as an effective means to reducing a child's risk for sexual abuse – however, there is a tendency for people to label *any* bill dealing with child education on sexual abuse prevention as “Erin's Law” simply by association. This has created somewhat of a polarizing effect on the CSAP community.

A sample of the national disparity can be seen in the chart on the following page, which outlines if Erin's Law has already been passed in that state, if it is not currently proposed in that state, or if that PCAA state chapter has included aspects of Erin's Law in its current bills.

Status of Erin's Law among states surveyed

	Erin's Law
Colorado	Passed 2015
Iowa	Not proposed
Massachusetts	Included*
New Jersey	Not proposed
Vermont	Not proposed
West Virginia	Included*
Wisconsin	Not proposed

* included but not under that name

Many PCAA state chapters oppose the passage of Erin's Law in their state for two reasons: 1) research points to the inefficacy and limits of child-focused programs, trainings, and approaches, and 2) passing Erin's Law as *the* CSAP legislation in a state stagnates progress towards effective adult-focused CSAP education bills, as passing Erin's Law allows states to “check-off” child sexual abuse prevention as a covered issue not in need of an adult-focused education program. Many advocates argue that by passing Erin's Law, we are telling our children that it is their responsibility not to get abused rather than the responsibility of adults to protect them.

There is nuance to this debate, of course. Some state chapters of PCAA are staunchly against the passage of Erin's law and view it as a “dangerous” step in the wrong direction for CSAP. Other state chapters find value in including both adult *and* child education on sexual abuse prevention. Despite these varied difference, each state chapter executive director has expressed wariness of passing Erin's Law *on its own*.

In Colorado, Erin’s Law has been in effect since 2015 and there are no mandated adult education programs on CSAP. PCA-CO advocates expressed lackluster reviews of Erin’s Law’s efficacy in their state. In addition, these advocates try to stay away from aligning their current early childhood care provider bill with the name “Erin’s Law.” There has been no demonstrated change in the number of abuse reports, which could be due to the fact that Erin’s Law does not put in place a tracking mechanism to chart the efficacy of its implementation.

Contrasting the implementation of Erin’s Law in Colorado with the enactment of Act One in Vermont shows where Erin’s Law falls short of its intended goals. Act One includes CSAP for both adults and children, including adults from almost every part of a child’s life. In addition, PCA-VT tracks the effects of Act One through follow-up surveys every few years with participating schools. Through these surveys, PCA-VT calculates that 80-85% of schools are complying with Act One, whereas that number cannot be calculated for Colorado under Erin’s Law.

As previously noted, Erin’s Law does not require that schools implement this education; rather, the law simply requires that education curricula be *available* to schools. This brings up another debate on the issue of CSAP: some advocates are trying to push legislation that would mandate schools to teach their staff and students about CSAP, but they often run into problems in conservative states where government intervention into school curricula is usually rebuked. This has brought up a process issue faced by the interviewed PCAA state directors. While many of them would ideally like to see CSAP education mandated in entities serving children, quite a few executive directors have emphasized the importance of striking a balance between legislation and administrative policy. Where the state has passed a law mandating that schools, YSOs, and/or the state department of education provide or have access to CSAP education materials, school districts and organizations should implement administrative policies that require each staff member and student to utilize such materials.

As major legislation moves forward in statehouses across the country, we will see where the trend of implementing Erin’s Law points to the best practice. Based on my research, I believe Erin’s Law is best utilized in partnership with adult-focused CSAP education and training. Following the passage of Massachusetts’ S.295 and West Virginia’s upcoming legislation, we will see if that recommendation establishes the best practice.

Erin’s Law has caused tensions between CSAP advocates and lawmakers alike due to its child-focused, non-comprehensive programming.

PCAA state chapters interviewed are opposed to the passage of Erin’s Law by itself.

PT 6: ISSUE THEMES AND RELATED ISSUES

Issue Themes

- Safe-Child Standards ○ [Safe-Child Standards](#) are a framework of six standards intended to help organizations and schools prevent sexual abuse and create a safe environment for children and adults alike. This framework comes from the Enough Abuse Campaign founded by Jetta Bernier, Executive Director of MassKids (PCA-MA), and is also utilized by PCA-NJ (cited previously).
- Boundary-Violating Behaviors ○ [Boundary-Violating Behaviors](#) are a collection of 20 actions and interactions that show signs of grooming and sexually abusive behavior between an adult and a child, particularly in a school setting. This framework was developed by MassKids and its Enough Abuse Campaign in partnership with PCAI and GateKeepers for Kids.

Related Issues by State

The two main sub-issues of CSAP legislation currently on the agenda of Prevent Child Abuse America state offices are **mandatory reporter** reform and “**pass the trash**” practices. The chart below outlines which Prevent Child Abuse America state offices currently have the two issues on their legislative agenda this year.

	Mandatory Reporter	Pass the Trash
Colorado	No	No
Iowa	Yes	No
Massachusetts	Yes	Yes
New Jersey	No	Yes
Vermont	No	No
West Virginia	No*	No*
Wisconsin	No	No

* Included in report of recommendations but not in the two recommendations currently pursued by lawmakers

MANDATORY REPORTER

Colorado – The issue is not currently on PCA-CO’s legislative agenda. Already have a free web-based training available through Child Welfare Training system. There has been a recent uptick in the need for MR training.

Iowa – Addressed in SF 2066. The goal is to form a MR legislative work group. This group must be a cross-sector collaborative group. Legislation requires there be representatives from each sector that involves MRs and departments that deal with children and elderly protections. Additionally, a Senator and a Rep from each party must be on the committee, as well as child abuse prevention advocate. Others can be added but these are required. This group would meet at least two times during the recess and explore recommendation to the legislature before Nov. 15, 2018.

Massachusetts – Addressed in S.295. The bill adds new positions to the list of mandatory reporters. This would be expanded to include athletic coaches, IT personnel, photo processors, service people, etc.

New Jersey – This issue is not on PCA-NJ’s agenda. New Jersey already has a universal mandatory reporting system, meaning that everyone is a mandatory reporter if one has a reasonable cause to suspect abuse or neglect. PCA-NJ believe the system works well.

West Virginia – Included in Recommendation 2 of the task force report. This recommendation endeavors to clean up MR legislation to simplify language, clarify timelines, and tighten up the nuances. Lawmakers have pledged to pursue only Recommendations 1 and 5 of the task force report this legislative session, though this issue remains on PCA-WV’s legislative agenda.

Wisconsin – This issue is not on PCA-WI’s agenda. The Wisconsin Dept. of Children and Families has developed a mandatory online training for reporters. In-person training is beginning to be offered again.

Vermont – This is no longer on PCA-VT’s agenda. A collaboration of agencies and advocacy groups previously pushed for mandatory reporter law and online training.

PASS THE TRASH

Colorado – This issue is not on PCA-CO’s agenda. The Colorado Dept. of Education has [Mandated Reporting Requirements](#) ("pass the trash" statutes). The Dept. of Public Safety is working on a toolkit for schools on when and how to notify their communities/parents about sexual misconduct in schools.

Iowa – This issue is not on PCAI’s agenda this year. PCAI would want any legislation about educating adults, such as Texas’ [Jenna’s Law](#), to include this component to support changing the policies within schools.

Massachusetts – Addressed in Part 2 of bill S.295, using language adopted from Pennsylvania. This section includes mandates on screening of prospective employees, developing routine questions, information-sharing between schools, protecting schools from civil/criminal liability in sharing information with authorities or other schools, and prohibiting schools from creating confidentiality agreements regarding CSA/misconduct.

New Jersey – Included in bill S.414. This bill would prevent schools from signing nondisclosure agreements to quietly pass on teachers who have faced child abuse and sexual misconduct allegations. It also includes new reporting requirements: When a school takes action against an employee, it must be reported to the NJ Dept. of Education. In addition, this bill includes protections against false or unsubstantiated allegations.

Vermont – This issue is not on PCA-VT’s legislative agenda. Act One contains some language about pass the trash insofar as the school hiring process must request a criminal background check for applicants.

West Virginia – Addressed in Recommendation 3 of the report. Called to expand screenings and strengthen non-criminal sanctions against offenders. This recommendation is not as strong as PCA-WV would like – they are trying to keep this issue on the table through this report to address it more fully next legislative session. Lawmakers have pledged to pursue only Recommendations 1 and 5 of the task force report this legislative session, though this issue remains on PCA-WV’s legislative agenda.

Wisconsin – This issue is not on PCA-WI’s agenda.

Neither mandatory reporter nor “pass the trash” legislation is being widely pursued by the studied states. However, those states utilizing a comprehensive approach to CSAP education legislation are more likely to push these related issues.

PT 7: CONCLUDING REMARKS AND RECOMMENDATIONS

This research is a comparative analysis of CSAP in several states across the nation. Conclusions:

1. It is not enough to just educate children.

Comprehensive, successful CSAP education includes education for both adults and children, but places most of the emphasis on adult-focused practices. CSAP education is needed for adults and children around the nation, but states should be wary of programs that only educate children on body protection. Children should not be responsible for preventing their own abuse.

2. Bipartisanship can be a challenge, even on this issue.

CSAP legislation should be a bipartisan issue based in unbiased research on best practices, but that is not the reality in many states. Most of the distinction between Democratic-led states and Republican-led states on this issue comes from the differing partisan ideology on the role of state control over schools and organizations.

3. Ignorance is dangerous.

Ignorance is what makes child sexual abuse the silent epidemic that it truly is and what has led to the national movement against sexual assault and harassment we are experiencing today. Creating and compiling evidence-based curricula for implementation in every community is desperately needed.

Three primary recommendations to effectively enact PCAI's CSAP legislative agenda:

1. Acquiring strong lawmaker leadership

Looking to leading states such as Vermont, West Virginia, and Massachusetts, it's clear that forming strong relationships with champion lawmakers on this issue gives advocates an advantage in passing their bills. Lawmakers have greater access to decision-making power, other lawmakers, and press coverage. For these three states, proactive lawmakers have been integral to the success of their respective CSAP bills.

2. Working with school and organizational administrative bodies to strike a balance between legislative mandates and administrative policy

A common theme across almost all the states covered in this study is that in nearly all legislation passed or proposed on CSAP education, lawmakers have stopped short of mandating the act of education itself and opt instead for the more conservative approach of mandating that education be made *available* to schools and YSOs. The following common issue CSAP advocates run into is that most schools and YSOs, without binding mandates from the state, won't voluntarily integrate these educational programs into their schools or into administrative policy, making the laws ineffective in prevention.

The struggle here is to strike a balance between CSAP legislation and administrative policy. As found through this research, CSAP legislation is only half the battle towards comprehensive CSAP community education. CSAP advocates must convince administrative bodies to change their policies to implement legally-provided CSAP education in their schools and organizations.

3. Rallying a comprehensive legislative approach to tackle the most immediate aspects of CSAP education

The comprehensive legislative approaches demonstrated by Vermont, West Virginia, and Massachusetts have shown that, other elements given, well-rounded CSAP education mandates can be achieved. As shown by those leading in this field, emphasizing adult training that includes a section on child education is the best practice in reducing the risks for child sexual abuse. Pursuing a comprehensive mandate does come with its challenges, but when paired with lawmaker leadership and administrative support, it can also reap the greatest rewards.

Continuing to track the legislative processes and progress in other states related to this issue will help PCAI. Every state has its own political personality, but one truth is universal: child sexual abuse prevention works for everyone. Continuing to pursue these objectives may prove a struggle but keeping this and related reports in mind may help to provide direction going forward on this issue.

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