

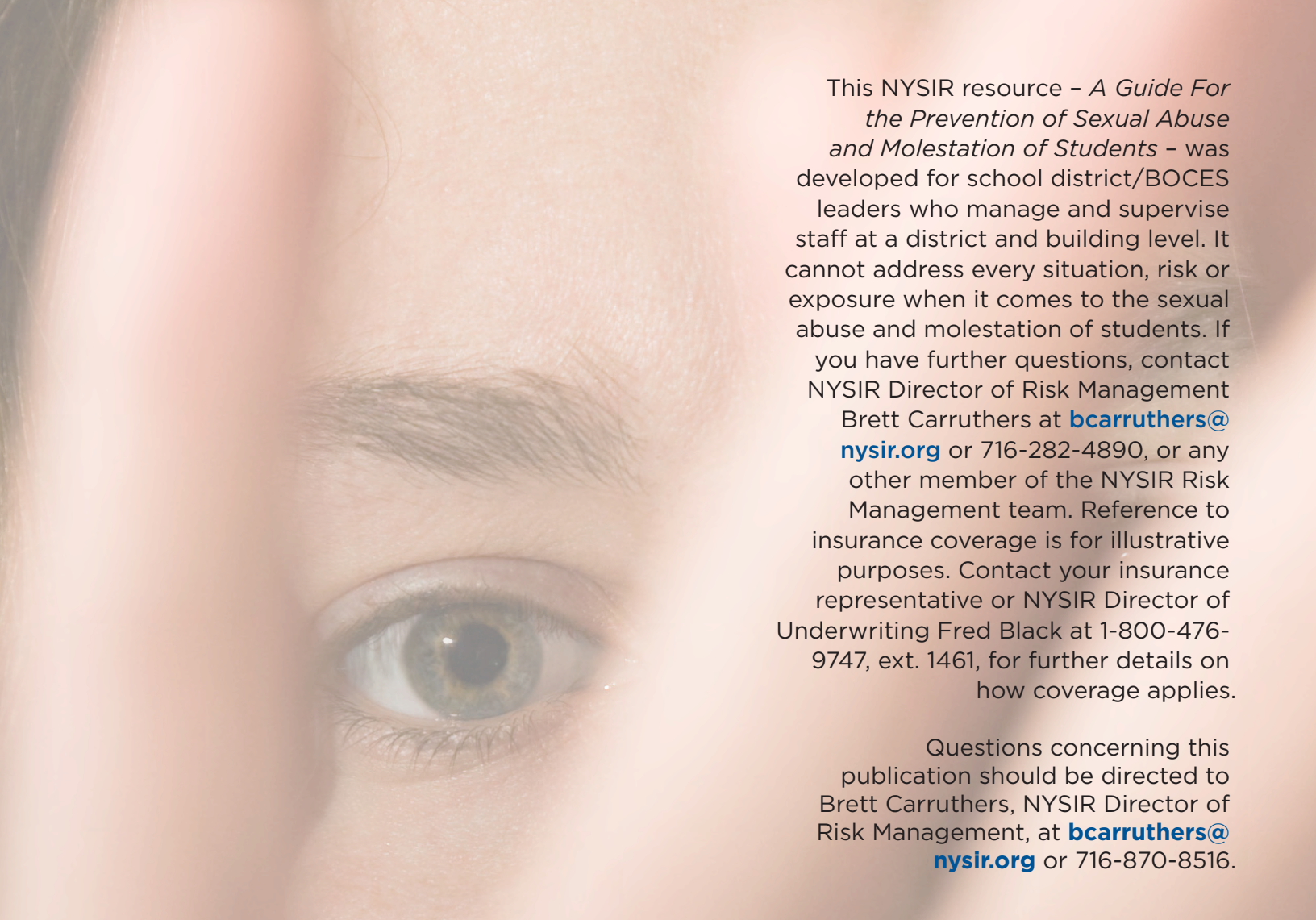


# Guide for the Prevention of Sexual Abuse and Molestation of Students

A publication of



[nysir.org](http://nysir.org)



This NYSIR resource – *A Guide For the Prevention of Sexual Abuse and Molestation of Students* – was developed for school district/BOCES leaders who manage and supervise staff at a district and building level. It cannot address every situation, risk or exposure when it comes to the sexual abuse and molestation of students. If you have further questions, contact NYSIR Director of Risk Management Brett Carruthers at [bcarruthers@nysir.org](mailto:bcarruthers@nysir.org) or 716-282-4890, or any other member of the NYSIR Risk Management team. Reference to insurance coverage is for illustrative purposes. Contact your insurance representative or NYSIR Director of Underwriting Fred Black at 1-800-476-9747, ext. 1461, for further details on how coverage applies.

Questions concerning this publication should be directed to Brett Carruthers, NYSIR Director of Risk Management, at [bcarruthers@nysir.org](mailto:bcarruthers@nysir.org) or 716-870-8516.

# Guide for the Prevention of Sexual Abuse and Molestation of Students

A publication of



[nysir.org](http://nysir.org)

Copyright © 2021, New York Schools Insurance Reciprocal. This material may be reproduced by school personnel for district use only, provided this copyright notice remains intact on each copy. This material may not be otherwise transmitted or reproduced without the consent of the New York Schools Insurance Reciprocal. For more information, contact Robert Lulley, Executive Director, at 516-640-3053.



July 2021

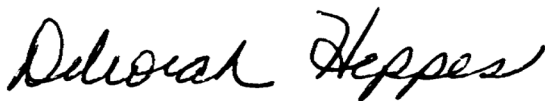
One of NYSIR's ongoing challenges is the protection of school children from emotional, physical or sexual harm. During times of vulnerability such as the recent pandemic – with students learning remotely and parents and guardians struggling to support their children while finding a reasonable work-life balance – there exists the very real possibility for boundaries to be compromised and Internet-based child molesters to prey on susceptible students. Even without the added threat of COVID-induced isolation, studies have shown that one in four girls and one in six boys are likely to be sexually abused before their 18th birthday.

My President's Initiative provides a host of useful resources to aid in the prevention of child sexual abuse and molestation, among them a new NYSIR Guide for the Prevention of Sexual Abuse and Molestation of Students. Designed to assist districts and BOCES in refining their current programs, the publication identifies red flags and describes prescriptive measures that can be implemented to prevent student sexual abuse and molestation.

As a reminder, NYSIR's Online University offers eight training modules related to the prevention of child sexual abuse and molestation, with six additional modules coming this fall. These resources are available at no cost, 24/7, to administrators, teachers and employees of NYSIR member districts and BOCES.

Our new Guide for the Prevention of Sexual Abuse and Molestation of Students would not have been possible without the assistance of Paul Ernenwein from Catania, Mahon & Rider, PLLC; Molly England and Jennifer Hernandez from the Empowerment Collaborative of Long Island, Inc.; Stefanie Szwejbka from the Bivona Child Advocacy Center; and the expertise of Ron Falcone and Kristine Freed from NYSIR Claims and Brett Carruthers and the NYSIR Risk Management team. I hope you find it to be as useful as I do.

Sincerely,



Deborah A. Heppes  
President, NYSIR Board of Governors

# GUIDE FOR THE PREVENTION OF SEXUAL ABUSE AND MOLESTATION OF STUDENTS

## TABLE OF CONTENTS

<b>INTRODUCTION AND OVERVIEW</b> . . . . .	<b>6</b>
<b>SECTION I: BOUNDARIES AND GROOMING</b> . . . . .	<b>7</b>
Boundaries, Privacy and Consent . . . . .	8
Who is More at Risk . . . . .	9
Interactions and Conduct . . . . .	11
Transporting Students . . . . .	14
Student on Student Interactions . . . . .	15
Special Populations – Protecting Students with Disabilities . . . . .	15
Supervision and Monitoring . . . . .	16
Extra-curricular Activities and Field Trips . . . . .	18
Reporting and Responding . . . . .	20
<b>SECTION II: MANDATED REPORTING</b> . . . . .	<b>21</b>
Overview . . . . .	22
Training . . . . .	23
Building Administrator Responsibility . . . . .	24
Superintendent Responsibility . . . . .	25
Immunity for Good Faith Reports . . . . .	25
Penalties for Failure to Comply . . . . .	26
Confidentiality of Records . . . . .	26
Silent Resignations . . . . .	26
Insurance Implications – Failure to Report . . . . .	26
<b>SECTION III: HUMAN TRAFFICKING AND YOUTH</b> . . . . .	<b>27</b>
Overview . . . . .	28
What is Human Trafficking? . . . . .	29
What is Trauma and a Trauma-informed Approach? . . . . .	32
What are Red Flags and Indicators of Human Trafficking? . . . . .	33
Safety Planning . . . . .	35
What Can You Do to Prevent Human Trafficking? . . . . .	37
Additional Information and Resources . . . . .	40
Where Can I Get Help? . . . . .	42
<b>SECTION IV: MEAGAN’S LAW</b> . . . . .	<b>46</b>
Overview . . . . .	47
<b>SECTION V: ERIN’S LAW</b> . . . . .	<b>48</b>
Overview . . . . .	49
Erin’s Law FAQs . . . . .	50

# GUIDE FOR THE PREVENTION OF SEXUAL ABUSE AND MOLESTATION OF STUDENTS

## TABLE OF CONTENTS, CONTINUED

**SECTION VI: NEW YORK STATE CHILD VICTIMS ACT. . . . . 51**  
 Overview . . . . . 52

**SECTION VII: CASE STUDIES . . . . . 54**  
 Case Study 1 – Sexual Misconduct & Contractual Obligations . . . . . 55  
 Case Study 2 – Special Needs Student & IEP . . . . . 58

**SECTION VIII: RECOMMENDED PRACTICES . . . . . 63**  
 Policy Development . . . . . 64  
 Hiring Practices . . . . . 64  
 Applications . . . . . 65  
 Interviews . . . . . 65  
 Background Checks . . . . . 65  
 References . . . . . 66  
 Employee Training . . . . . 67  
 Supervision and Monitoring . . . . . 67  
 Facility Access . . . . . 68  
 “Forgetting” Policy . . . . . 69  
 Restrooms . . . . . 69  
 Rides Home . . . . . 69  
 Students With Disabilities . . . . . 69  
 Student Transportation . . . . . 70  
 Claim Preparedness . . . . . 71  
 Video Evidence . . . . . 71

**SECTION IX: SAMPLE POLICIES & REFERENCE MATERIALS. . . . . 72**  
 Staff-Student Relations (Fraternization) – E1B . . . . . 73  
 Sexual Misconduct – NYSSBA . . . . . 75  
 Child Abuse, Maltreatment or Neglect in a  
 Domestic Setting – NYSSBA . . . . . 76  
 Training Program and Dissemination of Information – NYSSBA . . . . . 78  
 Child Abuse, Maltreatment or Neglect in a Domestic  
 Setting Regulation – NYSSBA . . . . . 79  
 Child Abuse in an Educational Setting . . . . . 83  
 Child Abuse in an Educational Exhibit,  
 Notice/Reporting Requirements – NYSSBA . . . . . 89  
 Erin’s Law – Child Sex Abuse Prevention Education Programs . . . . . 94  
 Erin’s Law – Internet Safety Programs . . . . . 95  
 Erin’s Law – Books for Educators . . . . . 96  
 Erin’s Law – Books for Children’s Education . . . . . 97  
 NYSIR Online University SAM Center Related Courses . . . . . 98  
 Endnotes . . . . . 99

The NYSIR resource, “A Guide for the Prevention of Sexual Abuse and Molestation of Students,” was compiled for discussion and reference. As programs are developed, consult with your district or BOCES counsel as you implement those programs and policies.

# Introduction and Overview

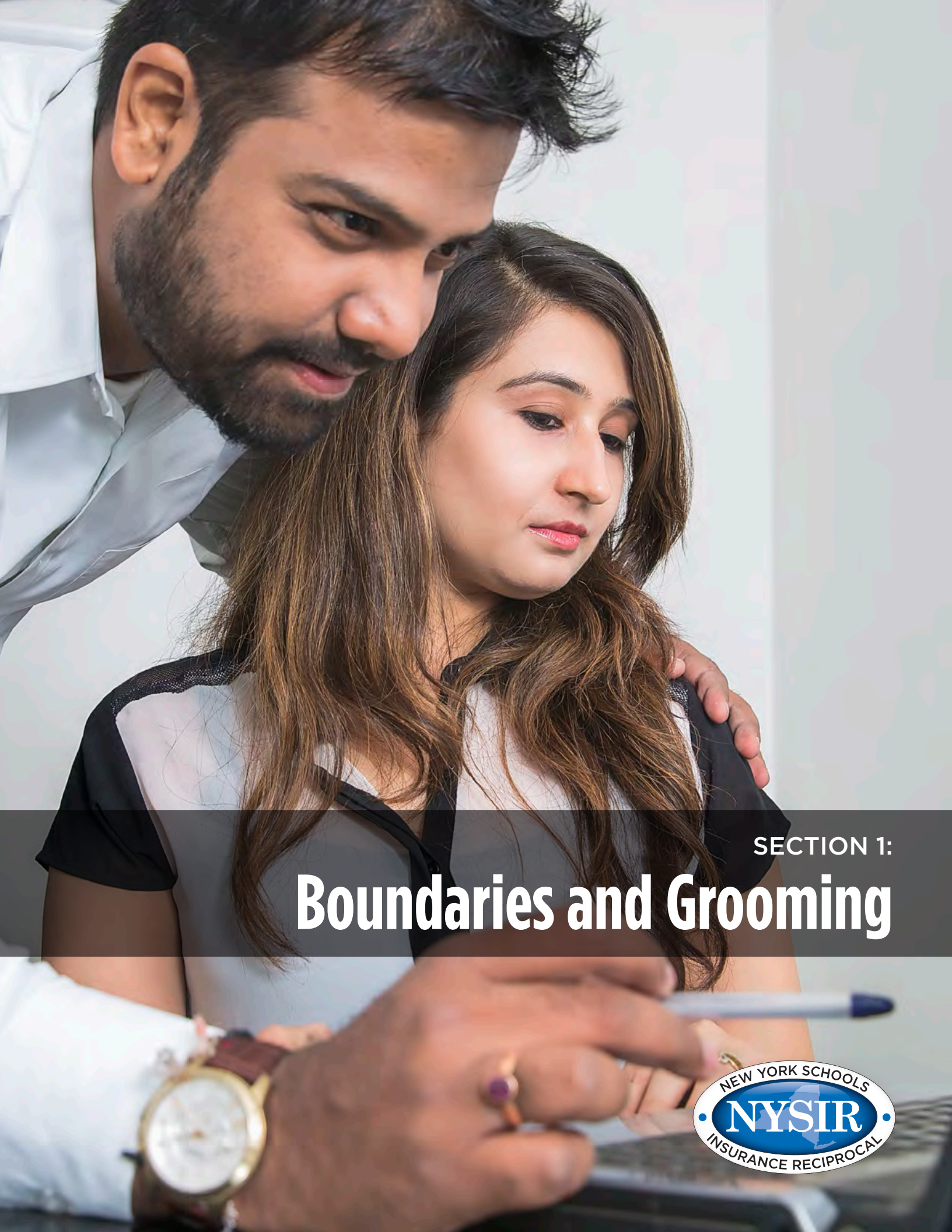
The sexual abuse of children is an epidemic with no end in sight. Preventing child sexual abuse and molestation is a significant priority for NYSIR and our members. A recent study estimated as many as 4.5 million students in the United States would experience sexual misconduct by an educator before they graduate from high school. In another study, almost 800 teachers or school employees were accused or convicted of sexual relationships with students in one school year. They are startling statistics. This guide has been prepared to aid in the development of a Sexual Abuse and Molestation (SAM) prevention program for your district or BOCES. Following the practices detailed in this guide, developing sound policy and procedures, conducting regular employee training and being observant of staff/student interactions and relationships are critical elements in preventing the sexual abuse of students.

Over the past 12 years, NYSIR has experienced over 180 SAM claims. The losses associated run into the tens of millions of dollars in indemnity and defense payments. Fifty-seven percent of those claims involved students between 13 and 17 years old. Those claims accounted for 75 percent of the total loss dollars. Special-education students are a vulnerable group who account for 34 percent of claims and 56 percent of the total loss dollars. The four leading locations where such claims occur include school buses, gym/locker rooms, bathrooms and classrooms (58% of total claims and 60% of total loss dollars). An unusual trend in those losses is that students are the perpetrators in 63 percent of them. That poses unique and significant challenges for districts and BOCES to find better policies and practices for student conduct, education and supervision.

SAM claims have significant costs associated with them, including:

- **Indemnification payments:** Money expended for claims settlements and judgments
- **Cost of defense:** Attorney fees and other costs related to the claim investigation, hearings, federal and state court litigation, and fees for investigators and experts in the defense of litigation
- **Reputation risk:** The negative effect on a district's reputation because of SAM claims covered by the media

This guide is intended to raise subscribers' awareness to SAM exposures and to aid in the development of proactive policy and practice following a "best practices" approach to the prevention of student sexual assault and molestation. Taking action to prevent such conduct is imperative in protecting students and limiting claims.



SECTION 1:

# Boundaries and Grooming



## WHAT IS SEXUAL ABUSE?

Sexual abuse is any sexual activity in which consent cannot be given or is not given. That includes all sexual contact between an adult and a child; sexual contact between two children if there is a significant difference in age, development or size; and sexual contact with a child that is accomplished by force or threat of force, regardless of the perpetrator's age.

Sexual abuse can include physical contact (touching the vagina, penis, breasts or buttocks, oral-genital contact, or penetration) and non-contact behaviors (exposing the child to pornography, talking in sexually explicit ways to children or inappropriately watching a child undress or use the bathroom). Sexual abuse can occur in person, over the phone or online.

## HOW DOES ABUSE HAPPEN?

Abuse most often starts with “grooming,” a series of manipulative behaviors that escalate over time. For example, the perpetrator may begin by giving the child extra attention, such as buying gifts and playing games. Grooming behaviors establish trust between the perpetrator, the child, and the child's parents/guardians. A trusting relationship makes it more likely the abuse will be overlooked, dismissed or kept secret.

## BOUNDARIES, PRIVACY AND CONSENT

There is no “look” to a perpetrator – no two sexual abusers look, talk or act the same. Most cases of child sexual abuse are carried out by someone the child knows and trusts, such as a family member, family friend, coach, babysitter or mentor. That situation exists in nearly 90% of all child sexual assault cases.

Instances wherein children are sexually abused without anyone noticing are, unfortunately, far too common. They often occur because the abuser gained the trust of the child and his or her caregivers and gained access to the child without raising suspicion. An abuser can use a variety of subtle, manipulative techniques and increase the chances that the child will comply. Sexual abusers build rapport with adults around the child so that involvement with the child is welcomed and encouraged.

That's why it is not uncommon to hear adults say, “He was such a nice man,” or “She was such a respected person in our community” when we hear stories of sexual abuse. Sexual abusers often use their status in a community and their “nice” personalities to gain the trust of adults and access to children.

Sometimes sexual abuse begins with subtle behaviors that do not appear to be inappropriate, and that may suggest the individual is very good with children. Review the following examples of inappropriate or concerning behaviors to increase your awareness and observation skills.

To gain access to a child, an abuser:

- Begins by establishing trust with adults around the child.
- Begins by establishing a friendship and gaining the child's trust.
- Tests the child's boundaries and ability to protect themselves through the telling of sexual jokes, horseplay, backrubs or sexual games in an attempt to see if the child will tell someone.
- Moves from non-sexual touching to "accidental" sexual touching that usually occurs during play, so the child may not identify it as purposeful or inappropriate.
- Confuses the child into feeling as if he/she is equally responsible for the contact. Most children do not even realize that the contact has changed; they may not notice or simply become confused as the contact becomes more intimate and sexual. That may then progress to increasingly invasive touching or abuse.
- Creates an emotional dependency in the child.
- Discourages and prevents the child from telling anyone about what is happening through coercion or threats.
- Makes the child feel obligated to, and sometimes protective of, the abuser.

**Remember, about 80 percent of sexual abuse occurs during one-on-one situations. Minimizing such opportunities minimizes risk.**

## WHO IS MORE AT RISK?

Every child is at risk, but certain kids are more vulnerable.

- **Children who live in isolated families:** Sexual abusers often seek out children from families that are more isolated and/or highly stressed because they suspect those children and families are not as able to observe or act upon signs of sexual abuse.
- **Young children:** Kids who still are developing socially and emotionally can be more easily confused, controlled and coerced.
- **Children with physical, intellectual or developmental disabilities:** Such children are more vulnerable to abuse due to limited communication skills, limited understanding about sex and increased exposure to people helping them with activities of daily living, such as dressing, bathing and toileting.
- **Children who do not have a developed understanding of sexuality:** Children are more vulnerable to abuse if they have not been taught by their caregivers about sex and sexuality, including facts about their bodies, appropriate versus inappropriate touching and what to do if someone makes them uncomfortable.
- **Adolescents:** Vulnerability to abuse can increase if adolescent youth do not have age-appropriate information about sex or boundaries.
- **Lesbian, gay, bisexual, transgender, queer, intersex, asexual and youth questioning their sexuality (LGBTQIA+):** Such children are at increased risk of sexual abuse due to higher likelihood of isolation.

To diminish opportunities for “grooming,” it is essential that all employees and volunteers are clear on rules, expectations and boundaries. Each district/BOCES needs to establish clear and healthy boundaries in their buildings and across all school-related programs and activities. Boundaries are especially important because of the unequal power between staff and students. Having and maintaining clear boundaries is the responsibility of each district/BOCES, employee and volunteer. Clear board of education policy must be developed and followed.

**Students have the right to say “no” when it comes to their bodies.** Some see “no” from a child (i.e., hugs) as being disrespectful. However, supporting their “no” respects and reinforces boundaries and consent when it comes to their bodies.

It is critical for district/BOCES employees to be good role models by respecting, teaching and modeling healthy boundaries. Explain parameters to students before “hands-on” activities and show them that boundaries are important and that their “no” will be respected. Teach and reinforce those ideas during everyday interactions.

For example, if a student does not want to hug or shake hands, or if you’re observing students playing together and one says “stop” or “no,” ensure that the action does indeed stop.

**No adult should ever ask a child to keep a secret.** Abusers use secrecy to gain and maintain access to victims, so everyone needs to know how secrets may make kids unsafe. There is a distinction between surprises and secrets. Surprises are fun and are used to plan something that will soon be revealed to the person you want to surprise. Secrets exclude others and can make kids vulnerable to abuse.

Be aware of procedures to report inappropriate and concerning behavior in adults or students. District and building administrators **must be clear on expectations** of staff and volunteers. They must model good boundaries that promote safe, positive interactions. Some employees or volunteers may have difficulty setting boundaries and require increased monitoring and assistance to ensure they are safe to be around students.

## OVERVIEW

Administrators, educators, paraprofessionals, support staff and volunteers play an important role in students’ lives, and serving as a protector is a natural extension of that. Your dedication to the students in your care is essential, and the district/BOCES knows you are committed to protecting them from the devastating effects of sexual abuse. The following are essential policies and procedures to have in place to protect students from “grooming” and to establish boundaries for staff and volunteers.

## EDUCATION AND TRAINING

Staff who are trained in abuse prevention are more likely to understand their role as protector, to recognize the signs of abuse, and to report suspicious or inappropriate behaviors. Trained staff members also are less likely to place themselves in situations where they could be falsely accused.

District/BOCES staff must be educated in how to detect the warning signs of child sexual abuse, and that training must include the following elements:

- Effects of sexual abuse
- Types of child molesters
- Characteristics of abusers
- How child molesters operate access, privacy, control
- Identification and management of high-risk situations such as nap-time, bathroom use, transition time and free time
- Methods to identify and prevent abuse between students
- How a staff member can protect himself/herself from false allegations

## INTERACTIONS AND CONDUCT

Districts and BOCES must establish specific policies and procedures for appropriate interactions with students. With clear policies and procedures in place, everyone knows the rules, violations are more easily detected and false allegations are less likely.

## CODE OF CONDUCT

All district/BOCES staff must sign and acknowledge the district's/BOCES' Code of Conduct.

## PHYSICAL INTERACTIONS

The policy must clearly define appropriate and inappropriate physical interactions between staff and students. That protects all parties involved.

## APPROPRIATE AND INAPPROPRIATE PHYSICAL INTERACTIONS

Examples of appropriate and inappropriate physical interactions are:

### APPROPRIATE PHYSICAL INTERACTIONS

- Side hugs
- Shoulder-to-shoulder or temple hugs
- Pats on the shoulder or back
- Handshakes
- High-fives, fist-bumps, and hand-slapping

- Pats on the head (where and when culturally appropriate)
- Touching hands, shoulders and arms
- Arms around shoulders
- Holding hands (with smaller children in escorting situations)

#### **INAPPROPRIATE PHYSICAL INTERACTIONS**

- Full frontal hugs
- Kisses on the mouth
- Touching bottom, chest or genital areas
- Showing affection in isolated areas of the building
- Staff napping or sleeping in bed with a student
- Touching knees or legs
- Wrestling
- Piggyback rides
- Tickling
- Allowing a child to cling to a staff leg
- Any type of massage given by or to a student
- Any form of affection that is unwanted by the student or staff

### **VERBAL INTERACTIONS**

The policy must clearly define appropriate and inappropriate verbal interactions between staff and students.

### **APPROPRIATE AND INAPPROPRIATE VERBAL INTERACTIONS**

Examples of appropriate and inappropriate verbal interactions are:

#### **APPROPRIATE VERBAL INTERACTIONS**

- Positive reinforcement
- Appropriate jokes
- Encouragement
- Praise

#### **INAPPROPRIATE VERBAL INTERACTIONS**

- Name-calling
- Telling secrets
- Cursing
- Telling off-color, insensitive or sexually oriented jokes
- Shaming and belittling
- Using harsh language that is frightening, threatening or humiliating
- Making derogatory remarks about a student or their family
- Compliments that relate to physique or body development
- Discussing sexual encounters or in any way involving students in the personal problems or issues of staff

## DISCIPLINE PRACTICES

A district's or BOCES' Code of Conduct for Students must clearly define inappropriate discipline practices. The following are some examples:

### INAPPROPRIATE DISCIPLINARY PRACTICES

- Any form of corporal punishment
- Spanking
- Shaking
- Slapping
- Using physical exercise as a consequence
- Withholding food, light or medical care
- Shoving
- Pulling hair or ears
- Biting
- Pinching
- Shaming
- Using derogatory remarks
- Ostracizing
- Using mechanical tape, cable ties or rope restraints
- Punishing for toileting accidents

## ONE-ON-ONE SITUATIONS

Most abuse occurs when an adult is alone with a student. Policies must be developed to eliminate or limit those situations.

However, when they are necessary, staff must:

- Follow district/BOCES guidance to manage the risk of abuse or false allegations of abuse.
- Avoid physical affection that can be misinterpreted. Limit affection to pats on the shoulder, high-fives, fist-bumps and handshakes.
- Document any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries or any interactions that might be misinterpreted.
- Leave the door open with vision into meeting or classrooms unimpeded by a screen or shade.
- Move to an area that can be easily observed by others passing by.
- Inform other staff that you are alone with one child.
- Ask other staff to randomly drop in and check on the situation.

## CONTACT OUTSIDE OF REGULAR SCHOOL ACTIVITIES

Many cases of abuse occur off site and outside of regularly scheduled school activities, when contacts may put students, staff and a district/BOCES at increased risk. Policy should be developed that strongly discourages personnel from contacting students outside of regular school activities.

Under some circumstances, school personnel may find it beneficial to a student to spend time with him/her outside of regularly scheduled school activities. To ensure the safety of all involved, school personnel must adhere to the following practices:

- All contact must be approved in writing by the appropriate school administrator in advance of the contact. School personnel making the request must describe the purpose of the contact, the nature of the activity, when and where the contact will occur and the names of other students and adults who will be present.
- The parent(s)/guardian(s) of students involved also must be notified in writing, with a copy of the notification supplied to the school administrator, and give written permission for the activity.
- School personnel are strongly discouraged from spending time alone with an individual student.
- Under no circumstances may school personnel and students share sleeping quarters.
- Under no circumstances may school personnel disrobe in the presence of students.

From time to time, school administrators must question students who spend time with school personnel outside of regularly scheduled school activities to monitor activities and determine their appropriateness and whether district/BOCES policy has been violated.

## GIFT-GIVING

Child molesters routinely groom students by giving gifts. Sometimes they instruct a student to keep the gifts a secret, teaching the child that secrets between the two are OK. For that reason, staff should only give gifts to children under the following circumstances:

- Administration must know about and approve of the gift.
- Parents/guardians must be notified of the gift.

## TRANSPORTING STUDENTS

Transporting students may increase the risk of abuse or false allegations of abuse because a staff person may be alone with a student or may make unauthorized stops with a student, e.g., to the staff person's home. Policy must be developed for transporting students outside of regular school activities.

Under rare circumstances, a staff member may find it necessary to transport a child. To ensure the safety of all involved, school personnel must adhere to the following practices:

- Staff must use the “rule of three” when transporting students in vehicles. At least two adults are required to transport a single student. At least two students must be present if transported by a single adult.
- Students must never be transported without written permission from a parent/guardian.
- Students must be transported directly to their destination. No unauthorized stops should be made.
- Staff must avoid unnecessary physical contact with children while in vehicles.
- Administrators must be informed when students are being transported by staff.

## STUDENT-ON-STUDENT INTERACTIONS

Remember that other children and youth can exhibit concerning behaviors with other children. It can start as sexual curiosity and experimentation, but children and youth can cross a line to inappropriate or problematic behavior. Approximately 30% of all sexual abuse involves other youths or students.

Responding to such behavior in children can range from simply re-directing children and reminding them of boundaries and rules, to intervening during unsafe behavior and informing your administrator for further investigation, intervention and response.

Most incidents of serious student-to-student abuse are preceded by more subtle incidents like name-calling, taunting or horseplay. Interrupting such interactions early, and following the district's Code of Conduct, can keep the school environment safe. The following interactions create the potential for student abuse and must be prohibited:

- Hazing
- Bullying
- Derogatory name-calling
- Games of truth or dare
- Singling out one adult or child for differential treatment
- Ridicule or humiliation

## SPECIAL POPULATIONS: PROTECTING STUDENTS WITH DISABILITIES

There are special considerations for preventing abuse when it involves students with disabilities. They are three times more likely to be sexually abused than other students and are at significantly increased risk due to challenges with communication and mobility, as well as more dependence on adults for assistance in daily life.

It is important to know how to create and maintain a safe environment for students with disabilities. Every student has different needs related to their disability and the level of assistance needed for daily living. Talk with the student's parents/guardians about what kind of touching staff can engage in and when, as well as the types of touches the students are allowed to refuse and when. Fully understand all aspects of the student's Individual Education Plan (IEP).

If you must touch a student to help with toileting or transferring, always tell the student what you're going to do first, such as "I need to touch your stomach to help you back in your wheelchair." Ideally, ask before you lay hands on a student with a disability. That empowers them and gives them control over their bodies.

## **SUPERVISION AND MONITORING**

Situations where two people are alone pose the highest risk for sexually harmful or abusive behaviors. Minimize opportunities for adults to be alone with students or to interact with them beyond the sight or hearing of others.

Sexual abuse is more likely to occur when expected behavior and boundaries are not clear, and when there is poor or nonexistent supervision. Employees with direct contact with students require ongoing supervision. Administrators must be diligent and check on student supervision, compliance with code of conduct and other safety issues the employee may have with physical boundaries or other behavior. In addition to consistent supervision with each employee and volunteer, administrators must conduct unannounced checks on classes and programs involving students, especially those outside of normal school hours (before and after school programs).

Documenting that monitoring is essential and is a key part of the district's/BOCES' student sexual abuse prevention efforts. Additionally, providing positive reinforcement to staff when good supervision is observed is important.

Recognizing that monitoring and supervision are critical functions of abuse prevention, policy must be developed to ensure adequate controls are in place. When interactions are monitored, allegations of improprieties or wrongful acts are more easily and accurately investigated and resolved. The following must be included in such a policy.

## **ADMINISTRATIVE VISITS**

District and school administrators regularly monitor staff interactions with students in different activities to ensure they are well-managed and that policies are observed.

## RATIOS

Each class or program should follow appropriate ratio requirements to ensure adequate monitoring of students and prevent staff from being too overwhelmed to monitor the activities of other staff members. Personnel should be aware of ratio requirements for all classes or other activities they are responsible for monitoring.

## MIXED-AGE GROUPS

In most incidents involving a child abusing another child, the children are from different age groups. Each district/BOCES is responsible for establishing specific guidelines for additional monitoring and supervision of programs that involve children from different age groups and personnel should be aware of their school's requirements.

## RESTROOMS

Most abuse in schools occurs in the restrooms. Each district/BOCES is responsible for developing restroom procedures that are appropriate based on physical aspects of the school structure and the age of children who attend the school. Personnel should be aware of their school's unique restroom guidelines, which should include these elements:

- Exceptions to the policy should be extended only for emergencies.
- Make note of students who abuse the exception.
- Instruct students on which bathroom to use.
- Do not permit children to linger in the bathroom.
- All staff, including security personnel, should routinely check into bathrooms and announce their presence during passing periods and any time they travel throughout the school.

## UNUSED OR LIMITED USE AREAS

High-risk areas in schools include restrooms, out-of-the-way corridors and stairwells, unlocked or unused rooms, outdoor areas with obstructed visibility, and parking lots. Inadequate monitoring of those areas may increase the risk of abuse.

Each district/BOCES must designate which areas are off limits to students except when supervised. Personnel should be aware of their school's policies regarding monitoring unused or limited-use areas, which should include these elements:

- Unused rooms should be locked.
- Classrooms, meeting rooms and offices should have windows that permit observation.
- Classroom vision panels must remain unobstructed.
- Restroom doors should remain open if privacy can be maintained.
- Students are prohibited from entering staff-only areas.
- Stage curtains must remain open.
- Use video surveillance equipment to monitor high-risk locations and for suspicious behaviors.
- Post signs in high-risk areas stating that the areas are monitored.

## EXTRACURRICULAR ACTIVITIES AND FIELD TRIPS

Extracurricular activities and field trips present unique risks for the safety of students. Large groups are difficult to monitor, and students may be more likely to act out sexually in a less structured environment. An ill-intentioned adult may try to arrange to meet with a student. It is important to be aware of such risks and take measures to minimize them.

All extracurricular activities and field trips must be compliant with district/BOCES policy, which should include these elements:

- All extracurricular activities and field trips must be approved by the school's principal.
- All overnight extracurricular activities must be approved by the superintendent and board of education.
- Administrators are expected to observe school extracurricular activities and field trips regularly.
- Schools are required to provide parents/guardians with written information about extracurricular activities relevant to the detection and prevention of child abuse.
- When transporting children, the following procedures must be observed:
  - Determine the number of staff necessary to adequately supervise children, (e.g., one staff member to 10 students)
  - The bus driver may not be assigned as a supervisor for the children.
  - Staff should be randomly seated throughout the bus for easier supervision.
  - Students should be seated by age or grade.

## PROCEDURES FOR VOLUNTEERS

Volunteers make invaluable contributions to our schools and can be part of the overall risk management effort when they know the rules and expectations of the school and the district/BOCES.

All volunteers are required to:

- Complete a volunteer application form
- Sign a code of conduct
- Sign acknowledgement of policy and procedures
- Remain in the line-of-sight of staff at all times when children are present
- Complete a criminal background check through the Department of Justice (fingerprinting) of all volunteers going on any overnight activity

## CODE OF CONDUCT - VOLUNTEER EXPECTATIONS

Districts and BOCES have a commitment to create an environment for students that is safe, nurturing and empowering, and promotes growth and success. Volunteers are expected to follow these guidelines:

- Students will be treated with respect at all times.
- Students will be treated fairly regardless of race, sex, age or religion.
- Volunteers will not swear or tell off-color jokes.
- Volunteers will not discuss with students their sexual encounters or in any way involve students in their personal problems or issues.
- Volunteers will not use or be under the influence of alcohol or illegal drugs in the presence of students.
- Volunteers will not have sexually oriented materials, including printed or Internet pornography, in the presence of students.
- Volunteers will not have secrets with students.
- Volunteers will dress appropriately and avoid wearing provocative and revealing attire, including midriffs, tank-tops, halter-tops, short-shorts or short skirts.
- Volunteers will not stare at or comment on a student's body.
- Volunteers shall not abuse students in any way, including the following:
  - Physical abuse: hitting, spanking, shaking, slapping, unnecessary restraints
  - Verbal abuse: degrading, threatening, cursing
  - Sexual abuse: inappropriate touching, exposing oneself, having sexually oriented conversations
  - Mental abuse: shaming, humiliation, cruelty
  - Neglect: withholding food, water, shelter

## REPORTING AND RESPONDING

Once a concern has been expressed about the treatment of a student or an allegation of abuse has been made, steps must be taken immediately to reduce any subsequent risk to the student, to the accused staff member, to the school and the district/BOCES.

Each district/BOCES must develop policies and procedures to encourage reporting of suspicious or inappropriate behavior, appropriately manage investigations and standardize sanctioning for inappropriate behaviors.

A district's/BOCES' procedure for responding to allegations of abuse should include these elements:

- Immediately respond to all abuse allegations.
- Ensure confidentiality to the fullest extent possible.
- Place the alleged perpetrator on administrative leave of absence, with pay, until the completion of the investigation.
- Inform the alleged perpetrator that he/she is not allowed to have contact with any student until the completion of the investigation.
- Protect the alleged victim from intimidation, retribution or further abuse.
- Notify the proper authorities and fully cooperate with them.

## REFERENCES

Kilpatrick, Dean G., Benjamin E. Saunders and Daniel W. Smith. "Youth Victimization: Prevalence and Implication," U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2003.

Saul, Janet and Natalie C. Audage. "Preventing Child Sexual Abuse Within Youth- Serving Organizations: Getting Started on Policies and Procedures," U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2007.

Sax, Robin. *Predators and Child Molesters: What Every Parent Needs to Know to Keep Kids Safe: A Sex Crimes DA Answers 100 of the Most Asked Questions*. Amherst: Prometheus Books, 2009.

Sax, Robin. *It Happens Every Day: Inside the World of a Sex Crimes DA*. Amherst: Prometheus Books, 2010.

Shakeshaft, Charol. *Educator Sexual Misconduct: A Synthesis of Existing Literature*. U.S. Department of Education, Office of the Under Secretary, 2004.

Shakeshaft, Charol. "Know the Warning Signs of Educator Sexual Misconduct," *Kappan Magazine*, February 2013.

van Dam, Carla. *Identifying Child Molesters: Preventing Child Sexual Abuse by Recognizing the Patterns of the Offender*. Binghamton: The Haworth Maltreatment and Trauma Press, 2001.

van Dam, Carla. *The Socially Skilled Child Molester: Differentiating the Guilty From the Falsely Accused*. Binghamton: The Haworth Maltreatment and Trauma Press, 2006.



SECTION II:

# Mandated Reporting



## OVERVIEW

School districts are required to report cases of suspected child abuse or maltreatment occurring at home. In addition, districts have an obligation to report cases of suspected child abuse in an educational setting.

School officials – including teachers, guidance counselors, school psychologists and social workers, nurses, administrators or other school personnel required to hold a teaching or administrative license or certificate and employees required to hold a temporary coaching license or professional coaching certificate – are **mandated reporters**. They are required to immediately make a report to child protective services when they have reasonable cause to suspect a student is abused or maltreated.

Mandated reporters must first make the report to the Statewide Central Register of Child Abuse and Maltreatment and then immediately notify their administrator. The report must include the name, title and contact information for each staff member believed to have direct knowledge of the allegation. Upon receiving notice that a mandated report has been made, the building administrator, or designated employee, will become responsible for all subsequent administration required by the report.

The law requires reports regarding only parents or other persons legally responsible for a child who commit, or allow to be committed, an act of abuse against the child. **(Nonetheless, when in doubt, mandated reporters should err on the side of caution and make a report).**

Persons who are not mandated reporters also may make such a report if they have reasonable cause to suspect child abuse or maltreatment. The identity of persons making a report is confidential and may not be disclosed. The law provides immunity from liability for mandated reporters who make such a report in good faith. However, it is a crime to knowingly report a false claim of child abuse or maltreatment to the State Central Register. It also is a crime to knowingly report a false claim to a mandated reporter knowing that person is required to report such cases and intending that such a report be made.

Reports of suspected child abuse or maltreatment must be made by telephone or fax on a form supplied by the commissioner of the New York State (NYS) Office of Children and Family Services (OCFS). Oral reports must be made to the statewide central register of child abuse and maltreatment, unless there is a district/BOCES policy requiring such reports be made to the local child protective service. That service would then make a report to the statewide central register. An oral report must be followed by a written report within 48 hours.

School districts have a responsibility to provide assistance and data to enable local child protective service (CPS) employees to investigate. That includes providing access to records relevant to the investigation and allowing CPS to interview a child without parent consent or court order when CPS encounters circumstances that warrant interviewing the child apart from family or other household members or the home or household where child abuse or maltreatment allegedly occurred.

Schools and school officials may not impose any conditions, including prior approval or prior notification, or take any adverse employment action against employees who are mandated reporters specifically required to report suspected child abuse and maltreatment.

## TRAINING

Every district/BOCES must establish and maintain a training program for all current and new school employees regarding its policies and procedures on mandatory reporting of cases of suspected child abuse or maltreatment, in addition to making available written information about reporting requirements. Failure to provide adequate training would subject a district/BOCES to potential liability. Current and new district/BOCES employees who, in the normal course of their employment, visit children's homes must receive information on recognizing the signs of an unlawful methamphetamine laboratory.

## OVERVIEW - CHILD ABUSE IN AN EDUCATIONAL SETTING

NYS Education Law requires that school districts report to law enforcement allegations of child abuse in an educational setting by a district employee or volunteer.

- The term *child abuse* refers to the intentional or reckless infliction of physical injury, serious physical injury, or death, as well as conduct that creates a substantial risk of such injuries or death. It also includes any child sexual abuse as defined under Sections 130 or 263 of the Penal Law, and the dissemination of, or attempts to disseminate, obscene materials to minors.

Educational settings include:

- The building and grounds of a public-school district/BOCES
- The vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off district grounds
- All co-curricular and extracurricular activity sites
- Any other location where direct contact between an employee or volunteer and a child allegedly has occurred

Examples of district/BOCES employees who are obligated to report suspected child abuse include:

- Teachers
- School Nurses
- Guidance Counselors
- School Psychologists
- School Social Workers
- School Administrators
- Teaching Assistants
- Coaches
- School Board Members
- Other school personnel required to hold a teaching or administrative license or certificate

If a covered employee or board member either personally witnesses or receives a verbal or written allegation of child abuse by an employee or volunteer in an educational setting, he or she must:

- Promptly complete a written report of the allegation on the form prescribed by the commissioner of education
- Promptly *personally* deliver a copy of the report to the administrator of the school in which the child abuse allegedly occurred

## BUILDING ADMINISTRATOR RESPONSIBILITY

Upon receiving such a report, the principal must determine if reasonable suspicion exists. If so, the principal must take different steps depending upon who made the original allegation. Reasonable suspicion is not defined in NYS education law, so districts/BOCES should consult with their school counsels to determine the standard for reasonable suspicion. Determining whether reasonable suspicion exists may involve some minimal investigation. It is not the responsibility of the principal or superintendent to embark upon a full investigation of alleged acts of abuse, but to make a determination and proceed promptly. In such instances, it is the duty of law enforcement to carry out the investigation.

## CHILD MAKES ALLEGATION

If reasonable suspicion exists, the principal must promptly:

- Inform a parent that an allegation has been made
- Provide the parent with written statement of parental rights
- Provide copy of the written report to the superintendent
- Forward the report to law enforcement officials

## PARENT MAKES ALLEGATION

If reasonable suspicion exists, the principal must promptly:

- Provide the parent with a written statement of parental rights
- Provide a copy of the written report to the superintendent
- Forward the report to law enforcement officials

## THIRD PARTY MAKES ALLEGATION

If reasonable suspicion exists, the principal must promptly:

- Provide a parent with a written statement of parental rights
- Ascertain the source and basis upon which the allegation was made
- Provide a copy of the written report to the superintendent
- Forward the report to law enforcement officials

## SUPERINTENDENT RESPONSIBILITY

If a school principal receives an oral allegation of abuse, then the principal must complete the form and the superintendent will determine if reasonable suspicion exists to believe abuse occurred on school grounds.

The superintendent will also determine reasonable suspicion in the following circumstances:

- When the alleged perpetrator is an employee or volunteer of a school outside of the district the child attends
- An allegation of child abuse in an educational setting is received from local law enforcement or child protective services

Superintendents must refer reports to the commissioner when the employee or volunteer alleged to have committed an act of child abuse holds a certificate or license issued by the Education Department.

## IMMUNITY FOR GOOD FAITH REPORTS

Employees, principals, superintendents and volunteers who reasonably make a report of child abuse, in good faith (not maliciously or fraudulently) and in the manner prescribed by law, are immune from civil liability that might otherwise result from such actions.

Principals and superintendents are similarly immune for forwarding reports to law enforcement in good faith.

## PENALTIES FOR FAILURE TO COMPLY

### EMPLOYEES

- Willful failure to prepare and submit a written report is a Class A misdemeanor and could lead to a maximum of one year in jail.

### PRINCIPALS AND SUPERINTENDENTS

- Willful failure to forward a report to law enforcement is a Class A misdemeanor and could lead to a maximum of one year in jail.
- Any civil penalty is not to exceed \$5,000 upon determination by the commissioner of education.

## CONFIDENTIALITY OF RECORDS

All reports, related written materials and any photographs taken concerning a report may be received only by a principal or superintendent and must remain confidential.

- Records can be disclosed only to law enforcement conducting a criminal investigation, as expressly authorized by law or pursuant to a court-ordered subpoena.
- Willful disclosure of records to an unauthorized person is a Class A misdemeanor.

## SILENT RESIGNATIONS

An administrator or superintendent may not agree to withhold a filed report from law enforcement, the superintendent or the commissioner in exchange for an employee's resignation or voluntary suspension of an employee or volunteer. That is punishable as a Class E felony and carries a civil penalty up to \$20,000.

## INSURANCE IMPLICATIONS OF FAILURE TO REPORT

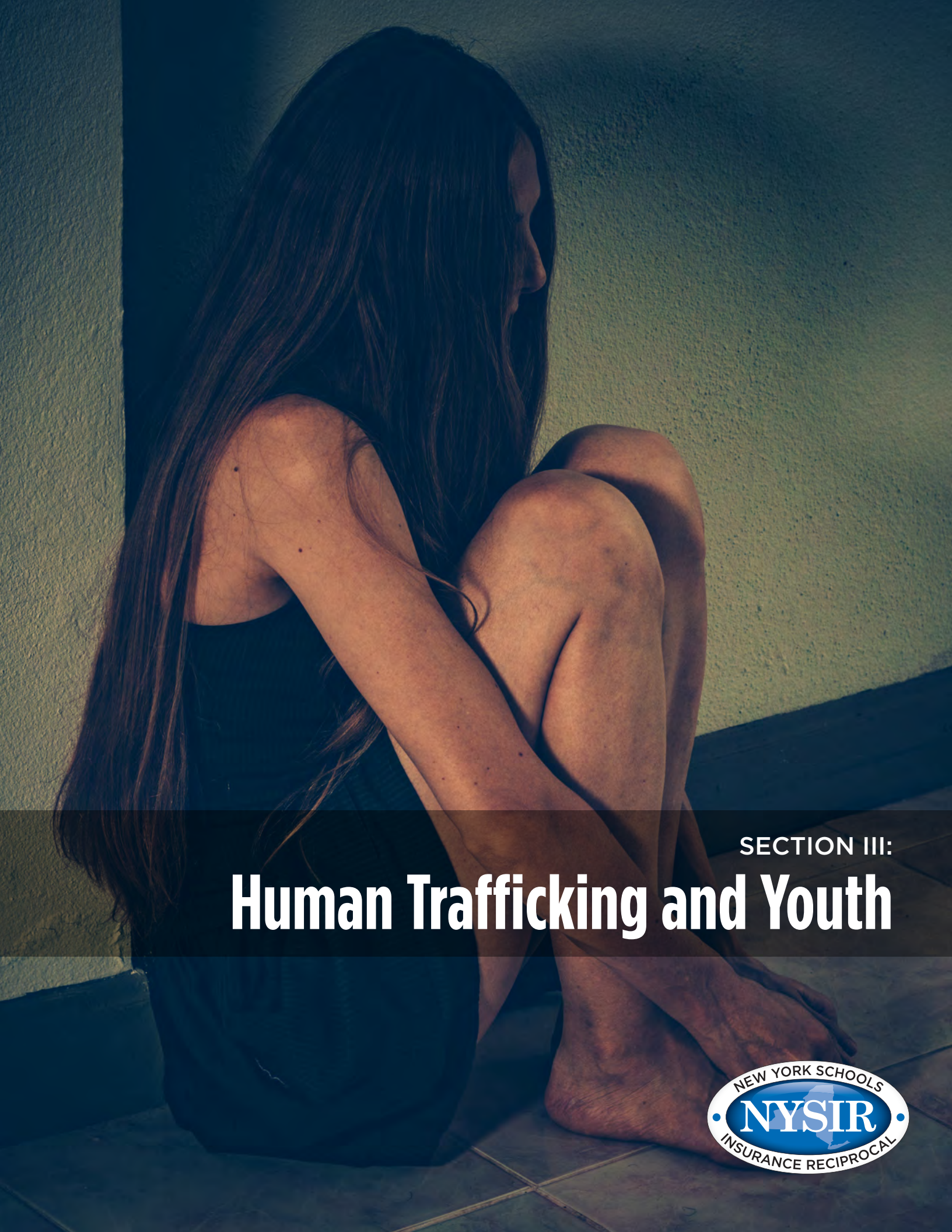
The New York Department of Financial Services (NYDFS) is the regulatory authority for insurance companies in New York. It mandates that any insurance policy form that provides coverage for sexual misconduct must exclude coverage not only for the perpetrator but also for "any person who remained passive upon gaining knowledge of any alleged act." As NYSIR is a regulated insurance company, the NYSIR Commercial General Liability Policy Sexual Misconduct Endorsement contains these exclusions, as follows:

### C. EXCLUSIONS

This insurance does not apply to:

- (a) Any person, entity, or insured who allegedly or actually:
  - (1) committed or attempted to commit; or
  - (2) participated in; or
  - (3) directed or
  - (4) remained passive upon learning of the "sexual misconduct."

It is critical to continually remind all employees of the importance of reporting all incidents in a timely manner.



SECTION III:

# Human Trafficking and Youth



## OVERVIEW: HUMAN TRAFFICKING AND YOUTH

By learning about human trafficking and the commercial sexual exploitation of children (CSEC), school community members can help empower students, provide support, and build on safety and protective factors. Child trafficking is child abuse, and trusted adults play a vital role in students' lives. Human trafficking education is integral to preventing it, and identifying and supporting survivors.

Maintenance personnel, food service staff, counselors, resource officers, teachers, students and the whole school community are part of the supportive network to keep students safe from exploitation. The complexity of human trafficking cannot be addressed alone. Through education, awareness and collaboration with child protective services, social services, community-based providers and law enforcement (if appropriate), as well as with clearly defined policies and procedures, engaged and supportive school community members can make a difference in a child's life.<sup>ii</sup>

*“When it seems like you can't and then you do get out of the life, you realize it didn't last forever. Hopelessness made you believe that it always would.”*

LAURA MULLEN, SURVIVOR

The Office for Victims of Crime states that human trafficking is believed to be one of the fastest growing illicit industries in the world<sup>iii</sup> In 2019, the National Human Trafficking Hotline had contact with 5,359 identified youth who had been trafficked. It identified 22,326 victims and survivors of various ages.<sup>iv</sup> Human trafficking infiltrates school systems and impacts students, schools and communities (rural, suburban and urban) of all socioeconomic levels and demographics.<sup>v</sup>

In 2019, the number of individuals who contacted the National Human Trafficking Hotline directly about their situation increased nearly 20 percent, and text messaging is the growing method to contact the hotline.<sup>vi</sup> For more national and statewide statistics, search the “Polaris Project”.<sup>vii</sup>

Districts/BOCES must be mindful of those statistics and recognize the humanity of survivors; the core issue of human trafficking is to support and empower survivors by addressing the vulnerabilities that pervade society. Survivors are the experts on how trafficking happens. It is important to ensure the implementation of coordinated community responses by local organizations and schools – whatever allows the space for survivors to lead or support the conversation. Survivors are a great resource in preventive strategies. Local organizations are working closely with survivors every day to combat trafficking. Human trafficking needs to be addressed with a holistic approach; it is a criminal justice issue, a public health issue and a violation of human rights.

*“Many people don’t come forward, it takes bravery, it takes power and strength to tell your story, and you’re a superhero for doing that, so don’t ever forget that.”*

SHANNON JONES, SURVIVOR

In August 2019, New York became the 37th state to adopt Erin’s Law. The New York State Education Department explains that this law requires all public schools to teach child sexual abuse and exploitation prevention classes to students in kindergarten through eighth grade. The purpose is to provide awareness and information, as well as to help children, teachers and parents identify sexual abuse.<sup>viii</sup>

As schools develop training programs, it is important to consider how human trafficking plays a role in that awareness.

Human trafficking is a crime that occurs throughout communities. It is in schools, faith-based organizations, homes and neighborhoods. As schools address human trafficking, it is important to develop policy and procedures to address survivors.<sup>ix</sup> This section on human trafficking offers practical information, tips and resources.

In this section, the terms “child,” “youth” and “minor” are used interchangeably to refer to individuals under the age of 18. The terms “victim” and “survivor” will be used interchangeably, as well, but in conversations with youth, it’s best practice to evaluate what language to use; “survivor” or “individual with lived experience” are often the preferred terms to evoke an individual’s empowerment and choice.

## **WHAT IS HUMAN TRAFFICKING?**

Human trafficking involves the use of force, fraud or coercion to obtain some type of labor or commercial sex act and can target any vulnerable child or adult.<sup>x</sup>

There are state and federal laws that define trafficking and make it a crime. According to federal legislation, the Trafficking Victims Protection Act (TVPA) of 2000 defines human trafficking as sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(9))<sup>xi</sup>

The law recognizes that males, females, transgender adults and youth are all trafficked for labor and sex. Labor and sex trafficking may occur together. When supporting minors, be sure to ask about both labor and sex exploitation to ensure that you identify and support the holistic needs of survivors.<sup>xii</sup>

Children who are trafficked are victims of a crime. Traffickers use force, fraud and coercion to induce a child into sexual or labor exploitation for commercial gain. Examples include providing drugs, imposing debt, fraudulent employment opportunities, false promises of love or a better life, psychological coercion, and violence or threats of violence.<sup>xii, xiv</sup>

Human smuggling can lead to human trafficking, but they are two different crimes. Human trafficking does not require transportation; it can occur in the child's home or community.<sup>xv</sup>

## WHO IS IMPACTED BY HUMAN TRAFFICKING?

Human trafficking victims can be any age, race, gender identity, sex, ethnicity, nationality, immigration status or socioeconomic class. It is common for victims not to disclose their trafficking situation or seek help. Victims often will not self-identify as victims; factors include vulnerability, language barriers, fear of law enforcement, not identifying as a victim, feeling shame and lacking an understanding of rights and services available.<sup>xvi</sup>

Human trafficking occurs at the intersection of vulnerabilities. Understanding risk factors helps prevent trafficking and identify survivors. According to the Polaris Project, which operates the U.S. National Human Trafficking Hotline, and the Department of Homeland Security (DHS) Blue Campaign Youth Guide, known vulnerabilities may be recent relocation, substance use, mental health concerns, involvement with the child welfare system (e.g., foster care) or juvenile justice systems, gang involvement, a history of running away or experiencing homelessness.<sup>xvii, xviii</sup>

Additional vulnerabilities include youth who lack support networks, e.g., strong relationships with friends, family and trusted adults; have low self-esteem; are being bullied; experience discrimination due to race, gender identity, sexuality or disability; have a family history of sexual abuse or violence; have a community or familial history of trafficking and commercial sexual exploitation; have cognitive and physical disabilities, and/or have experiences of trauma on an individual, cultural, generational or historical level.<sup>xix</sup>

### *Human trafficking occurs at the intersection of vulnerabilities.*

Following is a list from the state's Office of Children and Family Services describing examples of child trafficking survivors identified in New York:

- Youth living in group homes who were forced into commercial sex
- Youth who ran away from home and exchanged a sex act for a place to sleep or something to eat: "survival sex"
- Youth raised in gangs who were forced to sell drugs or steal to avoid violence or personal danger
- Children who are foreign nationals forced into domestic servitude

- Disabled young people who were forced to peddle and sell trinkets on the street for the benefit of their traffickers
- Youth in detention or immigration facilities who exchanged a sex act for protection from bigger, stronger youth or staff<sup>xx</sup>

The Department of Homeland Security (DHS) explains that traffickers can be any gender, age or race. Their interaction with victims can include the following:

- Romantic partner
- Employers or other professionals
- Community leaders or people of prominence
- Family members
- Friends or peers
- Strangers
- Connections through mutual friends<sup>xxi</sup>

Minors cannot consent to a commercial sex act. In some situations, with youth, there can be no trafficker controlling or benefiting from youth victims, but only the buyer who is committing a crime. Based on federal law, which upholds that minors cannot consent to a commercial sex act, once this occurs, they are considered a crime victim.<sup>xxii</sup>

Grooming is the process that an abuser uses to desensitize their victim. Such coercion makes the victim less likely to reject or report abusive behavior. Traffickers target vulnerable victims, gain their trust, meet their needs, isolate their victims from supportive networks, normalize the abuse, and exploit and maintain control of their victims.<sup>xxiv</sup> Some traffickers force sex trafficking victims to become addicted to drugs and use addiction to keep victims in sex trafficking and forced criminality. Traffickers may force labor trafficking victims to sell drugs; of 641 homeless youth interviewed for a large 2016 study, 7% said they had been forced to sell drugs, often for gangs. Those reports constituted 81% of all instances of forced labor that youth in the study said they experienced.<sup>xxv, xxvi</sup>

## THE SAFE HARBOUR FOR EXPLOITED CHILDREN ACT

In 2008, New York state enacted the Safe Harbour for Exploited Children Act. It became the first state in the nation to recognize that minors who are commercially sexually exploited are victims – not perpetrators – of crimes. The act protects all minor victims of commercial sexual exploitation. Safe Harbour legislation is implemented by the Office of Children and Family Services (OCFS) and Local Departments of Social Services (LDSS) in the state to protect minors from commercial sexual exploitation.<sup>xxvii</sup>

OCFS launched *Safe Harbour: NY* in 2012 to implement a statewide child welfare-based response to victims and survivors of commercial sexual exploitation and child trafficking. The goal is to coordinate the identification of, and the provision of services to, survivors.<sup>xxviii</sup> OCFS's efforts to holistically address human trafficking and the impact of trauma on children include raising awareness, providing training and technical assistance, developing and implementing the *Safe Harbour: NY* program and implementing the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183).<sup>xxix, xxx</sup>

## WHAT IS TRAUMA AND A TRAUMA-INFORMED APPROACH?

Trauma is an experience that overwhelms the ability to cope. SAMHSA (2014) states that individual trauma results from an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or life-threatening and that has lasting adverse effects on the individual's overall well-being.<sup>xxxi</sup>

*Trauma is an experience that overwhelms the ability to cope.*

Severe physical, psychological and emotional trauma is experienced by many human trafficking survivors. Symptoms that may be seen in school settings that impact learning include disruptive behavior, depression, anxiety, difficulty learning, aggression or truancy.<sup>xxxii, xxxiii</sup>

Prolonged and severe threats to physical and emotional safety lead human trafficking survivors' brains to focus on survival. Complex trauma impacts brain processes and response to stimuli are altered.<sup>xxxiv</sup>

### USCRI (2021) EXPLAINS:

The inability to regulate emotions is common in young children, but when present to an extreme degree, it may indicate a history of trauma and/or an emotional or behavioral disorder.

1) Emotional triggers, also known as trauma reminders, are people, words, opinions, situations or environments that provoke an intense and excessive emotional reaction within us. 2) Dissociation is a common defense reaction to stressful or traumatic situations that impairs the normal state of awareness and limits or alters one's sense of identity, memory or consciousness.<sup>xxxv</sup>

Human trafficking often involves psychological coercion in which the victim may have formed a trauma bond with the trafficker. Human traffickers oftentimes know their victims. That can complicate the difficulty some survivors face when it is time to leave the trafficker.<sup>xxxvi</sup>

To facilitate the healing process, organizations working with human trafficking survivor youth should help them regain a sense of physical and emotional safety and build coping strategies for dealing with traumatic triggers.<sup>xxxvii</sup> Promoting and ensuring safety is the basis of a trauma-informed approach.<sup>xxxviii</sup>

## WHAT CAN YOU DO TO IDENTIFY HUMAN TRAFFICKING?

It's important to understand that youth of all genders are vulnerable to human trafficking, including boys, transgender youth, non-binary and non-conforming youth. Survivors of trafficking are victims of a crime, but often experience strong stigma from individuals, institutions and systems.<sup>xxix</sup>

Victims of human trafficking may not identify themselves as victims. Some reasons include that they may not recognize their abuse and exploitation as human trafficking, or their trafficker may be a peer, intimate partner, family member or someone else they trust.<sup>xi</sup>

## WHAT ARE RED FLAGS AND INDICATORS OF HUMAN TRAFFICKING?

Following is a list compiled from DHS,<sup>xli</sup> OCFS<sup>xlii</sup> and Polaris Project<sup>xliii</sup> of common indicators of youth trafficking cases across the state and nationwide. This list is not comprehensive. Trafficking situations are all unique, can be complex and may exhibit none, some or many of these indicators.

### GENERAL INDICATORS OF YOUTH TRAFFICKING (LABOR AND SEX)

- Chronically runs away from home
- Shows signs of mental, physical or sexual abuse
- Uses slang words for sex work
- Has a significantly older partner; spends a lot of time with a controlling person or older adult
- Relies on another person to speak for them, especially during interactions with authority figures
- Indications or reports of domestic violence/intimate partner violence
- Lies about age or carries a fake form of identification
- Describes a stalking situation
- Lives in housing provided by an employer
- Significantly reduced contact with family, friends or other support networks
- Displays a pattern of staying in the homes of friends or a non-legally responsible adult
- Is reluctant to discuss how they make money, where they live, or how or when they came to the United States
- Lacks control over schedule and/or money
- Has a debt they cannot pay off
- Earnings are confiscated or held by others
- Frequently moves or travels to new cities with new acquaintances
- Has large amounts of money or costly items they cannot reasonably afford (phone, clothing)
- Has a pocketful of motel/hotel keys
- Photos of the youth have been placed online for advertising purposes with or without their knowledge
- Has been threatened with harm to self or loved ones, arrest or deportation

- Not in possession of their own documents
- Is involved in systems (Social Services, Persons in Need of Supervision, courts)
- Experiences suicidal ideations and/or depression
- Has unexplained absences from school or displays a sudden drop in school performance, possibly because of excessive work hours<sup>xliv, xlv, xlvi</sup>

### PHYSICAL INDICATORS OF CHILD TRAFFICKING

- Has untreated injuries
- Has old and new injuries and/or is injured frequently
- Explanations for injuries are inconsistent with their severity
- Has had multiple sexually transmitted infections and/or abortions
- Appears to be deprived of food, water, sleep, medical care or other necessities
- Poor hygiene
- Has tattoos or scars that may indicate branding from a trafficker
- Exhibits overt sexualized behavior
- Exhibits evidence of sexual abuse<sup>vii, xviii, xlix</sup>

### PSYCHOLOGICAL/BEHAVIORAL/SOCIAL INDICATORS OF CHILD TRAFFICKING

- Does not identify as a victim
- Displays behaviors aligned with a trauma history or Post-traumatic Stress Disorder (PTSD)
- Has heightened sense of fear or distrust of authority
- Is unwilling to disclose whereabouts or information about parents or caregivers
- Is restricted in movement and/or communication
- Displays anxious, fearful, depressed, submissive, tense and nervous behavior
- Has many inconsistencies in their story
- Multiple youth retell the same story in the same way many times, giving the appearance that the story has been coached
- Hesitant to answer questions, scripted responses, low eye contact
- Shows sudden or dramatic changes in behavior, e.g., a typically mild-mannered youth begins acting out or a typically outgoing youth becomes reclusive and disconnected from peers
- Stops attending the youth activities they normally attend
- References traveling to other cities or towns frequently
- Talks about getting paid very little or not at all for the work they do
- Appears to not have the freedom to quit their job
- Exhibits behaviors that would get them suspended (fighting, class disruptions)
- Talks about or uses language related to performing sex acts for money
- Has a “boyfriend,” “girlfriend” or romantic partner who is noticeably older
- Engages in sexual behavior that puts them at risk of harm or indicates they may be experiencing abuse from their partner<sup>i, li, lii</sup>

## WHERE ARE TRAFFICKERS REACHING VICTIMS?

DHS (n.d.) explains that traffickers target vulnerable individuals at various locations. Some of those include:

- Social media, online, and dating apps: Targeting youth online has become an increasingly common tactic among traffickers. They will look for vulnerable young people who are receptive to their advances.
- Popular meeting places: Locations where youth may frequent such as malls, parks, concerts, community centers, public transit centers, house gatherings
- Schools: To potentially identify and intersect vulnerable students; peer-to-peer recruitment also may take place in schools (when traffickers coerce or force their victims into recruiting their peers with promises of more payment, better status or less abuse).
- Group homes, detention centers, shelters and foster care homes: Traffickers know that individuals at those locations are experiencing hardship and they can play to those challenges by offering financial or emotional support to gain trust. <sup>liii</sup>

## WHAT CAN BE DONE TO SUPPORT SURVIVORS?

Explaining confidentiality and its limits should be an ongoing discussion. Trusted adults should discuss at every interaction with youth and their family what confidentiality is and its limits, an explanation of what mandated reporting is, what informed consent is, and how the process works. <sup>liv</sup> Limitations to confidentiality need to be explained clearly, in an age-appropriate manner, to ensure youth and families understand mandated reporters' obligations and the process to provide safety for the youth. <sup>lv</sup>

A Request for Assistance is an online form that a provider should complete within 24 hours to request help for a minor suspected of having been trafficked. Providers may access the form through the U.S. Department of Health and Human Services (HHS), Office on Trafficking in Persons (OTIP) Shepherd system. <sup>lvi, lvii</sup>

Foreign national minors in the United States who have been subjected to a severe form of trafficking in person are eligible for certain benefits and services under the Trafficking Victims Protection Act (TVPA) of 2000, as amended. <sup>lviii</sup>

## SAFETY PLANNING

### WHAT IS SAFETY PLANNING?

Safety is key when implementing a trauma-informed approach. Assisting survivors to create a safety plan helps identify and discuss options to increase students' safety and decrease exposure to harm. The U.S. Committee for Refugees and Immigrants (USCRI) (2021) explains that a safety assessment standardizes the collection of information of dangerous conditions or threats to a child's safety and helps evaluate factors that may increase harmful situations. <sup>lix</sup>

## **USCRI (2021) SUGGESTS ASKING THE FOLLOWING QUESTIONS: SAFETY ASSESSMENT**

- Does the minor report feeling safe?
- Does the minor report feeling pressured to work or provide income to the household?
- Does the minor have access to a safe and comfortable place to sleep?
- Is the minor provided with food and other basic items?
- Is the minor eating and sleeping well?
- Does the minor report experiencing nightmares?
- Has the minor expressed thoughts of self-harm?
- Does the minor report being disciplined in a way that indicates possible abuse or neglect?
- Does the minor have a network of social support, or safe, trusted adults that they can rely on?
- Is the minor enrolled in school?
- Does the minor feel comfortable attending school?
- Has the minor received any threatening messages or unwanted communications?
- Is the minor engaged in social media in a way that compromises the minor's safety?<sup>lx</sup>

Follow state-mandated reporting guidelines if there is concern about human trafficking, abuse, neglect or risk of harm to self or others. That may include reporting to 911, Child Protective Services, law enforcement, a crisis response team or the National Human Trafficking Hotline.<sup>lxi</sup>

Safety planning and assessment should be conducted away from caregivers or household members and must include screening caregivers and interpreters; those individuals could be tied to the trafficker and could compromise the child's safety.<sup>lxii</sup>

## **USCRI (2021) SUGGESTS: A SUCCESSFUL SAFETY PLAN WILL:**

- Assess current and potential risks and safety concerns
- Adapt safety planning to be age-appropriate and meet the developmental stage of the child
- Create strategies for avoiding or reducing the threat of harm
- Outline steps to stay safe in potentially dangerous situations
- Build in strategies for emotional safety, grounding and regulation<sup>lxiii</sup>

Here are more resources for safety planning and talking to youth about general exploitation:

USCRI (2021) Safety Planning for Every Age on page 17 of "Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking."<sup>lxiv</sup>

DHS (n.d.) Blue Campaign Talking to Youth on page 8 of "How to Talk to Youth About Human Trafficking – A Guide for Youth Caretakers and Individuals Working with Youth."<sup>lxv</sup>

## WHAT CAN BE DONE TO PREVENT HUMAN TRAFFICKING?

Change happens incrementally, and it starts with each individual. Stay informed and educate students, colleagues, friends and the school community about human trafficking. Know the facts to help build community awareness, recognize real-life trafficking situations, and then support victims to get help. Human trafficking is a crime and the needs of survivors are real. DHS (n.d.) highlights these common areas that are often misunderstood about human trafficking and youth:

- Youth at risk of, or experiencing exploitation and/or trafficking, may remain involved in activities and attend school regularly.
- Traffickers may target vulnerable youth who are known to them or known to their mutual connections, friends, family, acquaintances.
- Youth victims of human trafficking (labor or sex) are of every race, gender, socioeconomic status and immigration status. Anyone can be a victim of forced labor or sex.
- Forced labor occurs in both legal and illegal business settings, e.g., restaurants; the hospitality industry; door-to-door sales; domestic, agriculture or factory work; illicit massage businesses; and construction.<sup>lxvi</sup>

### PREVENTION IS THE KEY

The Centers for Disease Control and Prevention (CDC) (2020) says “Adverse Childhood Experiences (ACEs) are potentially traumatic events that occur in childhood.”<sup>lxvii</sup> They have profound effects on physical and mental health in adulthood. Human trafficking must be addressed from a trauma-informed approach because many survivors often experience trauma as children and as victims of human trafficking.<sup>lxviii</sup>

ACEs include all types of abuse and neglect as well as parental mental illness, substance use, divorce, incarceration and domestic violence. A landmark study in the 1990s found a significant relationship between the number of ACEs a person experienced and a variety of negative outcomes in adulthood, including poor physical and mental health, substance abuse and risky behaviors. The more ACEs experienced, the greater the risk for those outcomes. Surgeon General of California Dr. Nadine Burke Harris has given an important TED Talk on the topic: “How Childhood Trauma Affects Health Across a Lifetime.”<sup>lxix</sup>

*“My past does not define me. What I choose to do with the experiences from my past says more about who I am now rather than who I thought I was or was told to be.”*

A.N., SURVIVOR

The U.S. Department of Health and Human Services provides a three-tiered framework to address youth trafficking: prevention, identification and healing, and the CDC offers guidance on violence prevention for youth.<sup>lxx, lxxi</sup>

Human trafficking prevention can start in the classroom by teaching students about online safety, healthy relationships and building protective factors.

## ONLINE SAFETY

Youth may feel safe online to connect with peers, practice self-exploration, and seek comfort and support, but human traffickers target them and often deceptively build trust and lure victims through online social media sites and chat rooms.<sup>lxxii</sup>

Here is a list from DHS (n.d.) on how youth can interact safely online:

- Keep personal information private and set profile to private.
- Don't accept a friend request from someone you do not know in real life.
- If you share a personal photo and someone uses it to threaten or blackmail you, you have options. Talk to a trusted adult about how to protect yourself or get help.
- If you plan to meet someone in person that you met online, it should be in a public setting, like a restaurant or coffee shop, and let a trusted friend/family member know who, where and when you are meeting.
- Do your research on a job offer that seems too good to be true by reading reviews on company rating websites or reaching out to current and/or past employees to validate information about the job.
- If someone is not who they seem to be, or you think you are being lured into a potentially exploitative situation, tell a trusted adult. Reporting the person could help stop them from potentially exploiting others.
- Trust your instincts! If something feels wrong about a conversation you are having with someone online, stop the conversation and block the profile.<sup>lxxiii</sup>

Visit Net Smartz <https://www.missingkids.org/NetSmartz> and ECPAT-USA <https://www.ecpatusa.org/onlinesafetytips> for more online safety tips.

## HEALTHY RELATIONSHIPS

Many children and youth do not see or experience healthy relationships; that can increase chances of being targeted by traffickers. Without an understanding of the foundation of healthy relationships, youth may have misconceptions about what healthy relationships are from media, peers and family, and may be susceptible to exploitation.

DHS (n.d.) explains that misconceptions youth may have about relationships include:

- Being obsessed with one another is part of being in love.
- Having a controlling partner means that they care.
- It is normal to ask your partner for permission to go somewhere or buy something.
- Violence is an acceptable part of a relationship.
- Sex is an obligation in a relationship. <sup>lxiv</sup>

To challenge those misconceptions and encourage healthy relationships, DHS (n.d.) suggests encouraging these aspects of healthy relationships:

- **Open Communication:** A person never should be scared to talk to their partner about something.
- **Respect for Privacy:** An individual doesn't need to be with their partner 24/7 and they should not have access to personal belongings like a phone or money.
- **Violence Is Never OK:** A partner should never use their hands with the intent to physically harm and nobody should feel unsafe being around a partner.
- **Consent:** It is only OK to engage in any type of sexual behavior if both parties have agreed, are comfortable, and desire to do so. It is also OK for either person to change their mind about wanting to have sex and a safe partner should respect that. <sup>lxv</sup>

## PROTECTIVE FACTORS

As trusted adults, teachers and school staff members are well-equipped to identify and build protective factors for youth at risk of trafficking. Youth gain empowerment when trusted adults create a safe place to build on protective factors and when they help youth to make strong, healthy connections to peers and community. Practice cultural humility, listen to youth, and be genuine and authentic to help build trusting relationships. DHS (n.d.) suggests the following techniques to build protective factors:

- Talk about being taken advantage of and what that can look like.
- Build self-esteem by helping youth recognize their strengths.
- Foster a sense of community and encourage youth to build strong relationships.
- Support and accept youth who identify as lesbian, gay, bisexual, transgender, queer, intersex, asexual and questioning (LGBTQIA+).

*Practice cultural humility, listen to youth and be genuine and authentic to help build trusting relationships.*

- Encourage youth to seek help from a trusted adult or community member.
- Emphasize to youth that there are people who will advocate for them if they find themselves in an exploitive situation and need help. They may feel shame or guilt about what they've been forced to do, often due to the manipulation of their trafficker, and may fear how their family or law enforcement may view them.
- Build pride for their community and awareness of the cultural contributions made by their ancestors.
- Talk about characteristics of healthy relationships and red flags for abuse.
- Talk about online safety.<sup>lxxvi</sup>

Learn more about the Ground, Recognize, Organize, Work (GROW) coaching model here: [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)

Language dos and don'ts when working with trafficking survivors can be found here: <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>

Dos and don'ts of how to talk with youth about human trafficking can be found here: [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)

## ADDITIONAL INFORMATION AND RESOURCES

Focus efforts on listening to and meeting the needs of survivors. Housing and transportation are costly basic needs to which many survivors don't have access.

Support the relocation of victims/survivors to safe havens. Donate emergency care kits: toiletries, clothing, food and other basic necessities. Gift cards are an empowering way to support survivors. Support organizations that work to empower survivors through counseling, advocacy, crisis intervention and case management like *Empowerment Collaborative of Long Island* (ECLI). In Suffolk County, ECLI works in collaboration with the *Suffolk County Police Department* (SCPD) Human Trafficking Investigations Unit, which is dedicated to providing victims with support and services to remove them from human trafficking situations and bring traffickers to justice. Seek out organizations that work together to meet all the needs of survivors and better address human trafficking in communities.

Visit the OCFS YouTube Channel here to watch a Human Trafficking Playlist: [https://www.youtube.com/playlist?list=PLQ3EWm0H6j\\_qWNSsPh9beV5RsMPLA2-Vh](https://www.youtube.com/playlist?list=PLQ3EWm0H6j_qWNSsPh9beV5RsMPLA2-Vh)

For additional resources such as pamphlets, information sheets and wallet cards, visit the DHS Blue Campaign's resource web page: <https://www.dhs.gov/blue-campaign/share-resources>

Seek out advocacy organizations like *ATEST* Alliance to End Slavery & Trafficking and *Freedom Network USA* and learn more about efforts to end human trafficking.

Become involved in awareness campaigns. January is National Human Trafficking Awareness Month/National Slavery and Human Trafficking Prevention Month. Participate in #WearBlueDay on Jan. 11 to support the Department of Homeland Security's efforts to raise awareness. April is National Child Abuse Prevention Month and April includes National Crime Victims' Rights Week. May 25 is International Missing Children's Day. June 12 is World Day Against Child Labor. July 30 recognizes World Day Against Trafficking in Persons. October is Children's Health Awareness Month.

## HOW HAS COVID-19 IMPACTED HUMAN TRAFFICKING?

Human trafficking impacts vulnerable children and adults and the onslaught of the global pandemic has brought new challenges and has exacerbated existing issues. Here are resources on human trafficking and COVID-19:

NY Statewide COVID-19 Resources:

<https://scaany.org/covid-19/covid-19-resources/?eType=EmailBlastContent&eId=e2b29f4b-66ac-477a-8e42-5ade0d839c79>

Helping Children with Traumatic Separation or Traumatic Grief Related to COVID-19:

[https://www.nctsn.org/resources/helping-children-with-traumatic-separation-or-traumatic-grief-related-to-covid-19?utm\\_source=spotlight&utm\\_medium=email&utm\\_campaign=nctsn-spotlight](https://www.nctsn.org/resources/helping-children-with-traumatic-separation-or-traumatic-grief-related-to-covid-19?utm_source=spotlight&utm_medium=email&utm_campaign=nctsn-spotlight)

Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic:

[HTTPS://WWW.UNWOMEN.ORG/EN/DIGITAL-LIBRARY/PUBLICATIONS/2020/07/GUIDANCE-ADDRESSING-EMERGING-HUMAN-TRAFFICKING-TRENDS-AND-CONSEQUENCES-OF-THE-COVID-19-PANDEMIC](https://www.unwomen.org/en/digital-library/publications/2020/07/guidance-addressing-emerging-human-trafficking-trends-and-consequences-of-the-covid-19-pandemic)

Are the Kids Alright? COVID + Youth:

<https://www.albany.edu/yji/covid-19-and-youth-forum>

NY Gives Child Abuse Survivors More Time to File Suits Due to COVID Crisis:

[https://www.nbcnewyork.com/news/local/crime-and-courts/ny-gives-child-abuse-survivors-more-time-to-file-suits-due-to-covid-crisis/2548060/?utm\\_source=News+Clip+Subscribers&utm\\_campaign=bbd624e4cd-EMAIL\\_CAMPAIGN\\_2020\\_08\\_04\\_08\\_01&utm\\_medium=email&utm\\_term=0\\_9e19710dfa-bbd624e4cd-150793641](https://www.nbcnewyork.com/news/local/crime-and-courts/ny-gives-child-abuse-survivors-more-time-to-file-suits-due-to-covid-crisis/2548060/?utm_source=News+Clip+Subscribers&utm_campaign=bbd624e4cd-EMAIL_CAMPAIGN_2020_08_04_08_01&utm_medium=email&utm_term=0_9e19710dfa-bbd624e4cd-150793641)

## WHERE CAN I GET HELP?

Call 911 or local law enforcement if you or someone else is in immediate danger.

Call 1-800-THE-LOST (1-800-843-5678) or visit [www.cybertipline.org](http://www.cybertipline.org) to report suspected child sex trafficking, sextortion, online enticement and sexual abuse material to the National Center for Missing and Exploited Children (NCMEC). NCMEC is a non-profit organization, available 24/7 to work with families, victims, private industry, law enforcement and the public to support the identification, location and recovery of child sex trafficking and child sexual exploitation victims.

Call 1-888-373-7888 or text HELP or INFO to BeFree (233733). The National Human Trafficking Hotline takes calls from victims and survivors of human trafficking and those who may know them. It can help connect victims with service providers in the area and assist in reporting their situation to trusted law enforcement contacts. The Trafficking Hotline is a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, seven days a week, in English, Spanish and more than 200 other languages. The hotline is not a law enforcement or immigration authority and is operated by a nongovernmental organization.

- New York State Central Register for Child Abuse & Maltreatment: Call 1-800-342-3720 if a child's parent or guardian is suspected of trafficking or is aware and failing to protect the child.
- Suffolk County, NY: Empowerment Collaborative of Long Island (ECLI): Call 631-913-8655, Email [info@empowerli.org](mailto:info@empowerli.org), Visit [www.empowerli.org](http://www.empowerli.org)
- Suffolk County, NY: EAC Network Safe Harbour: Call (631) 439-0480, Visit <https://eac-network.org/safe-harbour>
- Suffolk County, NY: Victims Information Bureau of Suffolk (VIBS): Crisis Hotline Available 24/7 at (631) 360-3606
- National Suicide Prevention Hotline - 1-800-273-8255
- National Runaway Safeline - 1-800-RUNAWAY
- National Alliance on Mental Health (NAMI) Helpline - 1-800-950-6254
- National Domestic Violence Hotline 1-800-799-SAFE (7233) TTY Service 1-800-787-3224
- Office of Refugee Resettlement National Call Center Helpline - 1-800-203-7001
- U.S. Immigration Court Hotline - 1-800-898-7180
- Homeland Security Investigations (HSI) - 1-866-347-2423

Department of Homeland Security (n.d.) states that if a youth may be experiencing a human trafficking situation, follow school protocols for reporting a child in danger. Do not at any time attempt to confront a suspected trafficker directly or alert the youth to your suspicions. The safety of the youth and staff are important. Contact local child services or local law enforcement directly or call the tip lines indicated. <sup>lxvii</sup>

## REFERENCES

- “Child Labor Trafficking: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/child-labor-trafficking#n9>
- “Child Protective Services FAQ.” OCFS, n.d. <https://ocfs.ny.gov/programs/cps/FAQ.php>
- “Erin’s Law Frequently Asked Questions.” New York State Education Department, February 18, 2021. <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/erins-law-faqs.pdf>
- “Grooming.” Survivors UK, n.d. <https://www.survivorsuk.org/question/grooming>
- Harris, Nadine Burke. How Childhood Trauma Affects Health across a Lifetime. TED, 2014. [https://www.ted.com/talks/nadine\\_burke\\_harris\\_how\\_childhood\\_trauma\\_affects\\_health\\_across\\_a\\_lifetime?language=en](https://www.ted.com/talks/nadine_burke_harris_how_childhood_trauma_affects_health_across_a_lifetime?language=en)
- Houry, Debra E, and James A Mercy. “Preventing Adverse Childhood Experiences (ACEs): Leveraging the Best Available Evidence.” Center for Disease control and Prevention, 2019. <https://www.cdc.gov/violenceprevention/pdf/preventingACES.pdf>
- “How to Request Assistance.” The Administration for Children and Families. Office on Trafficking in Persons, August 14, 2018. <https://www.acf.hhs.gov/otip/form/resource/rfa-0>
- “How to Talk to Youth About Human Trafficking – A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- “Human Trafficking.” The United States Department of Justice, November 9, 2018. <https://www.justice.gov/humantrafficking>
- “Human Trafficking Task Force e-Guide.” Office for Victims of Crime Training and Technical Assistance Center. Office of Justice Programs, n.d. <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/>
- “Impact on the Students and the Learning Environment: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/impact-on-students-and-learning-environment#n37>
- “Love and Trafficking.” Polaris, February 19, 2021. <https://polarisproject.org/love-and-trafficking>

“More Trafficking Survivors Reaching Out for Help” Polaris, July 30, 2020. <https://polarisproject.org/press-releases/more-trafficking-survivors-reaching-out-for-help/>

Murphy, Laura. “Labor and Sex Trafficking Among Homeless Youth.” Covenant House. Loyola University New Orleans, 2016. <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>

Myths, Facts, and Statistics.” Polaris Project, n.d. [www.polarisproject.org](http://www.polarisproject.org)

National Center on Safe Supportive Learning Environments. “Human Trafficking in America’s Schools: Safe Supportive Learning,” 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools>

Palines, Patrick A., Angela L. Rabbitt, Amy Y. Pan, Melodee L. Nugent, and Wendi G. Ehrman. “Comparing Mental Health Disorders among Sex Trafficked Children and Three Groups of Youth at High-Risk for Trafficking: A Dual Retrospective Cohort and Scoping Review.” *Child Abuse & Neglect*. Pergamon, September 29, 2019. <https://www.sciencedirect.com/science/article/abs/pii/S0145213419303734?via%3Dihub>

“Preventing Adverse Childhood Experiences | Violence Prevention | Injury Center | CDC.” Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, April 3, 2020. <https://www.cdc.gov/violenceprevention/aces/fastfact.html>

“Preventing Child Trafficking at the School Level: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/preventing-child-trafficking-at-school-level>

“Recognizing Human Trafficking: Vulnerabilities and Signs of Recruitment.” Polaris Project, n.d. <https://polarisproject.org/recognizing-human-trafficking-vulnerabilities-recruitment>

“Responding to Commercially Sexually Exploited and Trafficked Youth: A Blueprint for Systems of Care in New York State.” Office of Children and Family Services. New York State, 2016. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/Blueprint-Responding-to-Commercially-Sexually-Exploited-and-Trafficked-Youth.pdf>

“Responding to Commercially Sexually Exploited and Trafficked Youth: A Handbook for Child Serving Professionals.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>

“SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach.” Substance Abuse and Mental Health Services Administration, July 2014. [https://ncsacw.samhsa.gov/userfiles/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf)

"School Policies and Protocols to Combat Trafficking: Safe Supportive Learning." National Center on Safe Supportive Learning Environments. Accessed April 2, 2021. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/school-policies-protocols-to-combat-trafficking>

"Sex Trafficking and LGBTQ Youth." Polaris Project, n.d. <https://polarisproject.org/wp-content/uploads/2019/09/LGBTQ-Sex-Trafficking.pdf>

"Supporting Brain Development in Traumatized Children and Youth." Child Welfare Information Gateway. Children's Bureau, September 2017. <https://www.childwelfare.gov/pubPDFs/braindevtrauma.pdf>

"Terms and Definitions: Safe Supportive Learning." National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/terms-and-definitions>

"Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking." Refugees. U.S. Committee for Refugees and Immigrants, February 2021. <https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL.pdf>

"Trafficking in Persons Report 20th Edition." State.gov. US Department of State, June 2020. <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

"2019 data report: The US National Human Trafficking Hotline." Polaris Project, 2020. <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>

Walker, Alice. *The World Has Changed: Conversations with Alice Walker*. New Press, 2011.



SECTION IV:

# Meagan's Law



## OVERVIEW: MEAGAN'S LAW

The Sex Offender Registration Act (commonly referred to as “Megan’s Law,” named after Megan Kanka) requires convicted sex offenders to register with the Division of Criminal Justice Services (CJS) upon discharge, parole or release. Based on the recommendations of a Board of Examiners of Sex Offenders, convicted sex offenders will be designated either as “sex predators,” “sexually violent offenders” or “predicate sex offenders” and assigned to one of three risk classifications, depending on the level of repeat offense risk. A level one designation means the risk of repeat offense is deemed low; level two is a moderate risk, and level three is a high risk. The risk level designation determines the extent to which the public is notified of an offender’s return to the community.

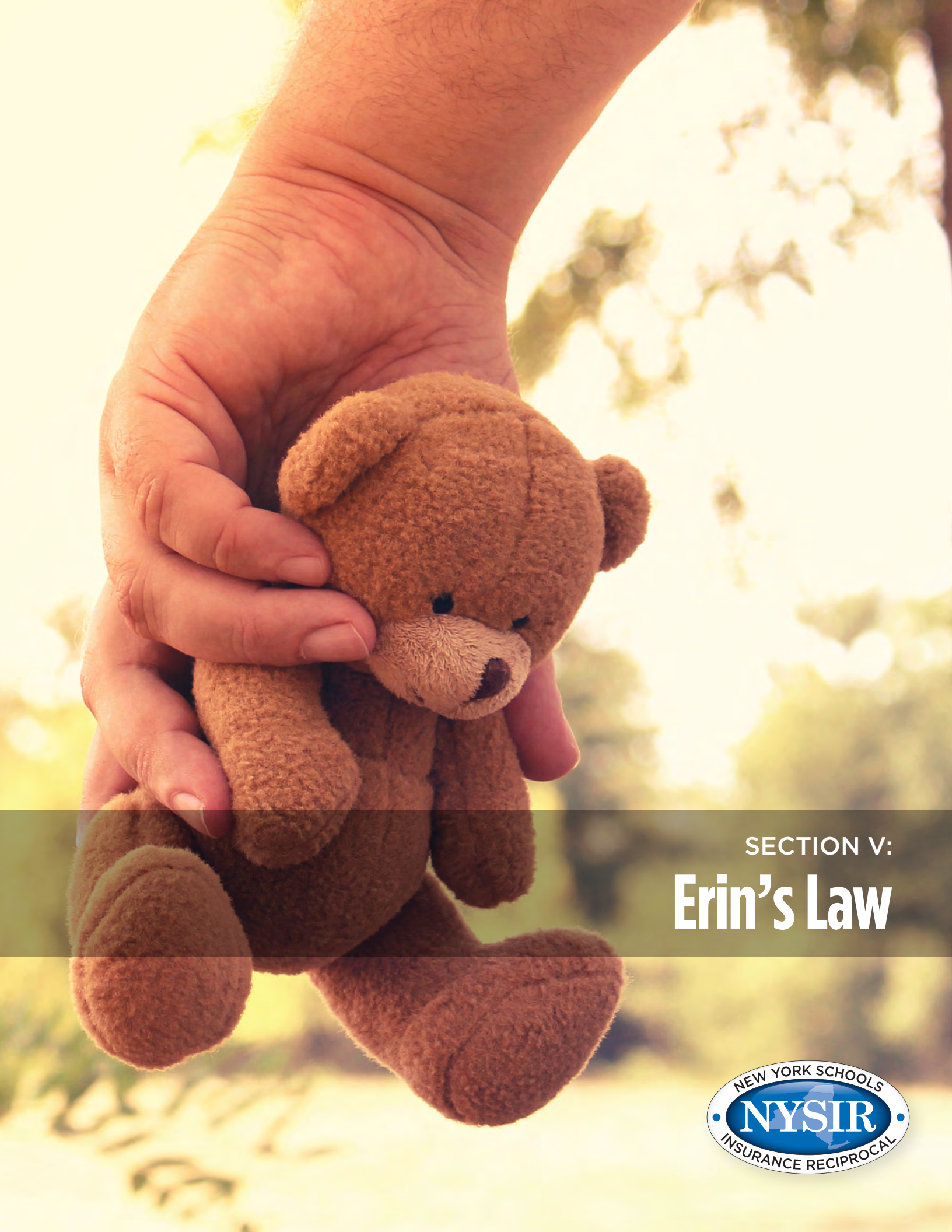
School districts are not automatically notified of the release of an offender into their community. However, local law enforcement agencies are, and they may release relevant information about a level one, two or three sex offender to any entity, including a school district, that has vulnerable populations related to the nature of the offense committed.

Information on level two and three offenders also is available to school districts on the website of the Division of Criminal Justice Services at: <http://criminaljustice.ny.gov/>.

Law enforcement agencies may disseminate to the public and school districts the following information about level two and three sex offenders:

- a photograph and description of the offender, including the exact name and any aliases used
- address
- background information including the offender’s crime of conviction, modus of operation and type of victim targeted
- the name and address of any institution of higher education where the sex offender is enrolled, attends, maintains employment or resides
- a description of any special conditions imposed on the offender

Under the law, any entity, including a school district, that receives information on a sex offender may disclose or further disseminate such information at its discretion. In addition, any agency, agency officials and employees have immunity from civil or criminal liability for any decision to release what they believe to be relevant and necessary information about sex offenders, unless they act with gross negligence or in bad faith. They also enjoy immunity for any failure to release such information unless they acted with gross negligence or in bad faith. However, knowingly disseminating a fake notice constitutes a Class A misdemeanor.



SECTION V:  
**Erin's Law**



## OVERVIEW: ERIN'S LAW

Erin's Law is named for Erin Merryn, an abuse survivor and activist against child sexual abuse who has advocated for similar laws nationwide for over a decade. Erin's Law is intended to help children, teachers and parents in New York state schools identify sexual abuse, and to provide awareness, assistance, referral or resource information for children and families who are victims of child sexual abuse.

After Erin introduced the legislation in her home state of Illinois, the bill was named "Erin's Law" after her by legislators and it has caught on nationwide. Illinois was the first state to mandate child sexual abuse prevention. The Vermont State Board of Education has required such education in schools since 2009. As of July 2019, Erin's Law has been passed in 37 states.

This legislation requires that prevention classes include practical and age-appropriate instruction on how to recognize the warning signs of child sexual abuse and exploitation, with resources on how to find help. Erin's Law addresses the need to prevent sexual abuse of students in grades K-8, which requires defining and addressing the wide range of behaviors and experiences related to sexual violence, such as child sexual abuse, sexual assault and child sexual exploitation.

Curriculum resources are now available to help schools and educators implement Erin's law. The State Education Department launched an Erin's Law website <http://www.nysed.gov/curriculum-instruction/erins-law> with materials to help educate students on awareness, skills, self-confidence and support to prevent child sexual exploitation and child sexual abuse.

"It's imperative that teachers and parents are able to talk to children about this important and difficult topic – what sexual abuse is and how to prevent and stop it," Board of Regents Vice Chancellor T. Andrew Brown said. "The Board of Regents and I believe that protecting the safety of our students is paramount and these resources can help schools adopt and create strong programs to prevent child sexual abuse."

"Protecting children is part of our responsibility as educators, and education is critical for prevention efforts and a driving force for change," Commissioner of Education Dr. Betty Rosa said. "These curriculum resources provide schools with caring, grade-appropriate materials to help empower children by letting them know it's safe to speak up to someone they can trust."

## **ERIN'S LAW FAQs (NYSED)**

### **WHICH TEACHERS ARE SUGGESTED OR REQUIRED TO TEACH ABOUT SEXUAL ABUSE AND EXPLOITATION?**

For students who are in K-6, elementary classroom teachers, guidance and school counselors, social workers or other trained professionals may teach about sexual abuse and exploitation. For seventh- and eighth-grade students, it is recommended that it be embedded within health instruction. A health teacher, social worker, school counselor or another trained professional can teach about the subjects in middle school.

### **ARE THE ERIN'S LAW OBJECTIVES (GRADES K-8) REQUIRED TO BE TAUGHT EACH YEAR?**

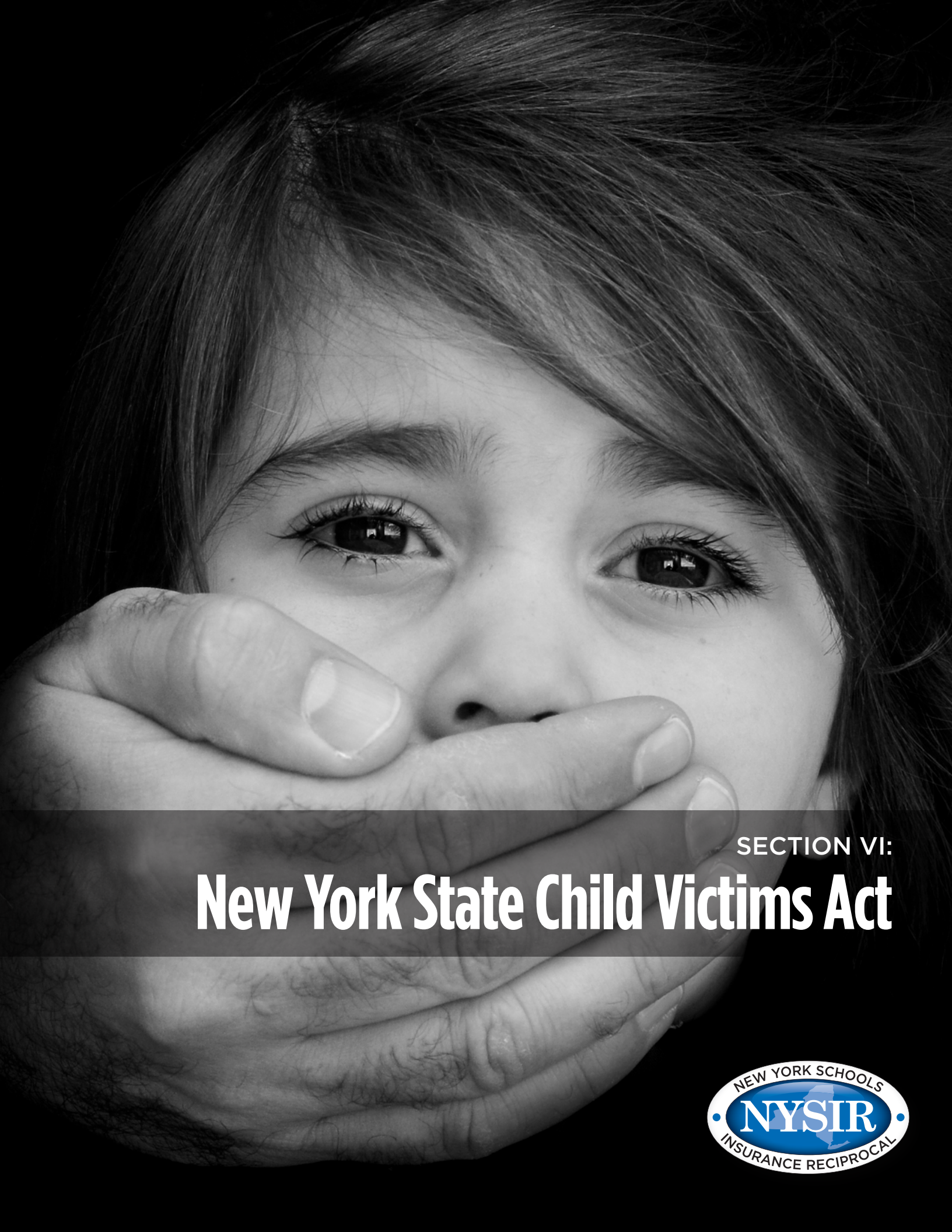
Erin's Law objectives are grade-banded, allowing districts flexibility in covering the curricular benchmarks. Districts must address the benchmarks indicated by the end of the grade band.

### **ARE CURRICULAR RESOURCES IN THE ERIN'S LAW RESOURCE GRID MANDATED MATERIALS?**

Curriculum decisions are made at the local school district level in New York state. There is a tradition of local (school/district) choice in New York that empowers educators to select texts, identify products and use a rich array of instructional strategies and activities to meet student learning needs. The New York State Education Department designed the Resources for Schools and Districts resource grid to support districts and educators as they create new curricula or align existing curricula.

### **DO YOU RECOMMEND THAT SCHOOLS NOTIFY FAMILIES/PARENTS/CAREGIVERS ABOUT TEACHING THIS TOPIC?**

It is recommended and encouraged that schools provide general information to families/parents/caregivers about the teaching of Erin's Law to make them aware and prepare them to answer questions children may have at home.



SECTION VI:

# New York State Child Victims Act



## OVERVIEW: THE NEW YORK CHILD VICTIMS ACT (CVA)

The CVA was signed into law by New York Governor Andrew Cuomo on Feb. 14, 2019. It established a “look-back period” to provide survivors seeking to file actions against private and public institutions for previously time-barred sexual abuse claims a new opportunity to commence civil action. The revival window for these previously time-barred claims opened on Aug. 14, 2019. Although it has been extended beyond the original one-year period, it is currently expected to conclude on Aug. 14, 2021. The CVA revival period is open to any victim of child sexual abuse, regardless of how long ago it occurred or the age of the victim.

The CVA also changed the statute of limitations for current and/or future victims of child sexual abuse. For those victims who are currently minors, the CVA now allows them to commence a civil lawsuit at any time before they reach age 55. It further eliminates the need to file a Notice of Claim for sexual offenses committed against a minor.

Many school districts/BOCES have asked, “How will the CVA impact districts in the future and what has changed?” Simply stated, the CVA could potentially have a significant impact on public entities in the future, as a lot has changed with respect to sexual abuse claims.

Prior to the CVA, a claimant would be required to file a Notice of Claim within 90 days of an occurrence when their claim involved a municipal entity in New York state such as a public-school district. Some of the benefits afforded to a district as a result of the Notice of Claim requirement include a prompt, pre-litigation investigation and the opportunity to conduct a municipal hearing (50h). The early investigation and pre-suit 50h testimony allow school districts an opportunity to determine if the particular claim was one that should be settled early and without any costly and lengthy litigation, or if the case should be defended. Though there were times that a claimant would file a motion seeking leave from the court to file a late Notice of Claim, there was at least a definitive statute where even if the late Notice of Claim was granted, the claimant would have only one year and 90 days beyond their 18th birthday to pursue litigation.

With the CVA, the Notice of Claim requirement has been eliminated, therefore the municipal hearing no longer will be conducted. Current and future child victims of sexual abuse will now have until age 55 to commence litigation, which is a far greater period of time than one year and 90 days beyond their 18th birthday. A district's or BOCES' first notice of claim might be a summons and complaint that is served decades after the alleged abuse occurred. Therefore, the advantages of an early, pre-suit investigation will be eliminated. Potential witnesses may no longer be available, and records may be destroyed, leaving the district in a very difficult position when it comes to defending allegations contained in the complaint.

What currently remains unclear is whether the CVA was intended to extend the statute of limitations for victims of child sexual abuse committed by an adult, or if the abuse also could include those acts committed by a child. A majority of NYSIR's historical sexual assault claims involve child vs. child abuse. If the CVA was intended to include those claims, the future exposure would be greatly increased. There is case law currently pending to address the intent of the CVA with respect to child vs. child sexual abuse.

So, what should districts/BOCES consider for the future when it comes to potential child sexual abuse claims? They should consider documenting and reporting any allegations of sexual abuse when first revealed or suspected, as well as preserving all statements, records, insurance policies and evidence. Record retention policies also should be reviewed and revised so that any documentation that is gathered early would be available decades from now if a claim is later pursued by the child victim. A child who is currently 5 years old and a victim of sexual abuse will now have until approximately 2070 to present a claim, therefore districts should review their current record retention policies and determine what, if any, changes should be made so that records would be available at a much later date if needed.



SECTION VII:  
**Case Studies**



# Case Study 1

## SEXUAL MISCONDUCT - CONTRACTUAL OBLIGATIONS

The infant plaintiff, while incapable of consent, alleges she was repeatedly and regularly subjected to sexual contact and sexual intercourse through repeated acts of “forcible compulsion as defined by the penal law, and upon information and belief, aggravated sexual contact while the infant plaintiff was on a school bus taking her home from school.”

### LOSS DETAILS

The plaintiff, JC, claims she was abused while in third grade from March 2013 through June 2013, and in fourth grade from September 2013 through November 2013. The abuse is said to have occurred on a contracted school bus. As a result of the numerous and repeated sexual acts, the plaintiff alleges the following injuries; sexual assault, rape, battery, adjustment disorder, PTSD, flashbacks, co-morbid anxiety, nightmares, mental anguish and lost or reduced quality and enjoyment of life.

Plaintiff alleges the district, its agents, servants and employees were negligent in failing to observe, prevent and/or intercede in any of the acts alleged; in failing to fulfill their obligations in loco parentis by failing to properly supervise, observe and control the infant plaintiff and students transported on the same bus as the infant plaintiff; by causing and/or allowing the infant plaintiff and the student that engaged in the sexual conduct to be transported on the same bus together despite having due notice of the conduct alleged herein after conducting an interview of the infant plaintiff and the perpetrator of the sexual conduct alleged; by failing and refusing to contact the police department after being informed of the sexual contact claimed and by failing to contact any hospital or medical facility after being informed of the sexual contact.

The plaintiff JC was born on Oct. 29, 2004. She is an only child. Her mother and father both worked. Either her mother or grandmother would put her on the school bus in the morning and meet her at the bus in the afternoon. She described the school bus she rode in as a full-size yellow bus. She explains that there was a bus driver and a bus “matron” on the bus in the morning and afternoon. The specific acts of sexual assault are both voluminous and of a nature that truly shocks the conscience. Briefly, on the bus ride home in the afternoon, assailant NG would ask her to come to the back of the bus and sit with him. NG told JC to pull her pants down and to pull his pants down. JC complied and also lifted up her shirt. Thereafter NG would touch her breasts and vaginal area and kiss her on the lips. The aide testified that she was unable to see what students were doing in the back of the bus due to the height of the seat backs. On rare occasion she would walk up and down the aisle. She never witnessed any inappropriate contact. JC insists that this inappropriate contact occurred every day for half the school year. She made it clear that she never cried out and never told anyone. She claims the sexual abuse began immediately in September of the following school year during the bus ride home. JC claims the abuse occurred every other day. She describes that in the back of the bus

she would take her pants down, NG would take his pants down and then get on top of her and “partly put his private in her private.” Amazingly, JC claims that no other students, bus driver or bus aide ever saw any of this inappropriate behavior despite its frequency. It is therefore easy to doubt that this ever occurred. However, the infant assailant admitted to these acts during a superintendents hearing.

## LEGAL PRINCIPLES

Historically, school districts have been exceptional in protecting themselves from liability arising from the use of a contracted bus by requiring additional-insured status and a hold-harmless indemnification clause in the transportation contract. The case study bus company complied with that requirement.

The school district took it upon itself to provide additional supervision not required by law. State law requires that some type of bus monitor be on a bus when there is a special-education student on board. Absent that, there is no requirement for an adult other than the driver. The bus that JC rode had no special-education students on board. The district took it upon itself to add an aide on the bus to make sure each child was dropped off at a stop where an adult would take control of them. A bus monitor has the additional duty of overall supervision of the students to make sure they are safe. By providing a bus monitor that was an employee of the school district, the district increased its level of independent liability exposure. The hold-harmless and additional-insured status was limited to liability of the bus contractor, not the independent liability of the school district and its employees. The sole function of the bus monitor was to supervise the students and keep them safe. Although that function is shared with the driver, the driver's primary function is to safely drive the vehicle.

## MOTION FOR SUMMARY JUDGMENT

Defense counsel's motion for summary judgment on the cross claim for indemnification against the bus contractor was denied in its entirety and the bus contractor's cross claim to dismiss the claim for indemnification was granted in its entirety. The contract between the parties included the section entitled “Insurance Requirements,” which states the following; *“The contractor shall indemnify, defend, and hold harmless the Board of Education for any and all claims, loss, costs, expense or liability of any kind resulting from, or arising out of the performance of the contract by the contractor, its officers, agents, servants or employees, and must produce evidence satisfactory to the Board of Education that insurance therefore is secured at the time the contract is executed.”* There was no dispute by the parties that the contractor complied with this bid requirement. The Certificate of Liability Insurance contained the following provision; *“District and the Board of Education is included as an additional insured as respects operations of the named insured, but only for claims or suits arising out of the sole negligence of the named insured, its agents or employees.”*

## CLOSING STATEMENT

Placing an employee monitor on the bus eliminated the potential for a liability finding solely against the contractor. In denying the district's motion for indemnification, the court wrote in part, "*...determination and apportionment of fault, if any, is best left to a jury in this matter. Instead, the foregoing shall be deemed to be a finding that each defendant shall be responsible for its own proportional share and neither party shall be responsible to indemnify the other...*". Absent the district's voluntary act of providing a bus monitor, such a scenario would historically result in complete defense and indemnification of the school district by the contractor. Despite the court decision we were able to negotiate a settlement at mediation prior to trial with a 25% contribution from the bus contractor.

## Case Study 2

### SPECIAL-NEEDS STUDENT AND INDIVIDUAL EDUCATION PLAN (IEP)

This case study involves a 14-year-old female plaintiff who alleges she was sexually assaulted by a young man after leaving school grounds in December of 2011. She further alleges she was the victim of bullying and a physical assault by older, general-education, female students in March of 2012. The school district defendants were formally notified of the claims upon receipt of a timely Notice of Claim served in March of 2012. A summons and complaint was served later in December. The plaintiff set forth seven causes of action in the complaint against the school district and other named defendants, including several district employees (special-education teacher, teaching assistant, director of special education, two social workers and school psychologist), as well as the alleged male assailant and several female students involved in the physical assault. Though the plaintiffs' claims are derived from both an alleged sexual assault and bullying/physical assault, for the purposes of this case study we'll focus on the aspects of the case that surround the sexual assault and the connection to the plaintiff's IEP.

#### LOSS DETAILS

The plaintiff was a ninth-grade special-education high school student and was in a self-contained life skills program with one teacher and a teaching assistant. The program was designed to meet the needs of special education students whose intellectual and developmental levels are not where they would need to be in order to participate in a general education program. The focus of a life skills program is to teach functional academic and daily living skills in an appropriate setting and in accordance to the individual student's IEP requirements.

Though the plaintiff had an IQ of 60, her guardian felt she was more advanced than the other students in her group and wanted her to be moved from the program.

A Committee on Special Education (CSE) meeting was held in late September 2011 to address the concerns of her guardian, who felt the plaintiff's placement in a lower social functioning program was not appropriate for her development. She believed the plaintiff was not placed in accordance with a "least restrictive environment." The guardian expressed concerns over the plaintiff having adults escort her to the restroom and wanted her to have more social interaction with general education students. According to the district, the guardian also expressed her desire for the district to allow the plaintiff increased freedoms with respect to her transportation, which would include allowing her to periodically walk home from school with friends/cousins or take public transportation instead of district-provided transportation. She allegedly advised that the plaintiff was being teased about taking the "special bus" by other students. The district noted that with respect to the transportation discussion, the guardian would have to provide written authorization to allow the plaintiff to take public transportation or walk home, rather than take the district-provided school bus. Unfortunately, that written authorization was never provided by the guardian; the plaintiff's special-education teacher was under the impression that it had been,

and allegedly advised the contracted bus company of the arrangement. The teacher was under the impression that, since the plaintiff had a MetroCard, her family had given her permission to take the city bus as a way of allowing additional freedoms.

Over the next several months, the guardian thought the plaintiff was taking the school bus home when she actually was taking the city bus or walking. The plaintiff used her allowance to purchase the MetroCard and chose to take the city bus home rather than the school bus.

On the date of the sexual assault (December 2011), the plaintiff and the assailant (who she believed was her boyfriend) walked to his home from the high school. It is believed that it was an abbreviated school day due to testing, therefore they left the school earlier in the day than typical dismissal time. While at the assailant's home they engaged in sexual intercourse. Afterwards the plaintiff returned home at a time that would have been around her normal arrival time had school been in session for a full day. Of note, her guardian was not home yet from holiday shopping when the plaintiff arrived.

A few months later (March 2012), the plaintiff's guardian advised the director of Special Education of an alleged bullying incident after school hours outside of a fast-food restaurant. Her guardian advised that it wouldn't have happened if the school hadn't allowed the plaintiff to ride on public transportation. That was the first time the director of Special Education had been advised of any bullying involving the plaintiff, or that she was not taking the school bus home. The guardian was then allegedly advised they would keep a closer eye on the plaintiff moving forward.

A few days later the plaintiff was involved in a physical altercation with older, female general-education students while in the high school locker room during school hours. Prior to the assault, the plaintiff was participating in outdoor physical education class. She did not want to be outside or to participate that day and told the teaching assistant she was going back into the building. The teaching assistant did not follow her back inside and assumed she was going back to the life skills classroom as she has done in the past. While in the locker room, the plaintiff and the other female students engaged in a physical assault, which seems to have been instigated by the plaintiff. The assault was captured on cell phone video and was later posted to social media and eventually the local news. The plaintiff sustained superficial cuts and bruises, her hair was ripped out in several spots, and she reported concussion-like symptoms.

A subsequent CSE meeting was held in late March 2012 after the district learned of the alleged sexual assault and bullying/physical assault. The plaintiff was then transferred to home-bound learning and did not return to in-person learning within the district.

## LEGAL PRINCIPALS

Though the plaintiff's complaint contained seven separate causes of action, only the first four were directed against the school district defendants. The plaintiff's first cause of action was based on general negligence – broadly claiming the district owed the plaintiff a duty of care to keep her safe

from assault, battery, sexual misconduct and other harms. The second cause of action involved negligent security, which was geared more toward aspects of the case relating to the physical assault. The third was similar to the negligence cause of action and claimed the district owed the plaintiff a duty to provide supervision and ensure she safely boarded the school bus at the end of the school day. The fourth and final cause of action that was directed solely toward the district was negligent hiring. The plaintiff alleged the district failed to hire appropriate personnel. After extensive summary judgment motion practice, the court dismissed the plaintiff's negligent hiring cause of action as well as the plaintiff's claim for educational malpractice. All other causes of action remained based on issues of fact raised by the district's contradictory testimony in the record.

## TRIAL

A unified trial of this case began in November 2018. After consideration of over 100 potential jurors, a jury of five women, one man and three alternates consisting of two men and one woman was selected.

Plaintiff's trial counsels' opening statement to the jury portrayed the plaintiff as being a vulnerable, special-education student who was left with inadequate supervision by the district, resulting in statutory rape, bullying and a violent physical assault by a group of older, general-education female students. As a result of those events, the plaintiff now required home schooling and was suffering from emotional and physical injuries, including PTSD, traumatic brain injury, bald spots on her scalp and permanent headaches.

With respect to the sexual assault, defense's opening statement focused on several factors, including the lack of corroborating evidence that the sexual assault even occurred. Even if the sexual assault did occur, it was as a result of the plaintiff's decision to walk home with the assailant, who she believed was her boyfriend at the time, and engage in sexual behavior. The district was not notified of the sexual assault until months later and the plaintiff's family had failed to properly identify the alleged male assailant and also destroyed critical evidence, including the male's phone number and address. Defense also highlighted that the sexual assault could have happened whether she took the school bus home that day or not, as her guardian was not even home when the plaintiff arrived and she could just as easily have taken the school bus home that day and then walked to the male's home.

Throughout the course of trial testimony, district witnesses provided self-defeating testimony relating to the manner in which the plaintiff was to be transported and the process by which those decisions were made. They were unable to support the defense of conformity within their own standards of care and supervision. Multiple district witnesses contradicted each other about what the protocol and procedures were supposed to be and what they believed the appropriate level of freedom for the plaintiff should be in a school setting. The director of Special Education testified that the special-education teacher failed to ensure the plaintiff safely

boarded the school bus on a daily basis, and that even if the IEP did not have a mark on the box for transportation at the time, it was the teacher's duty to catch the "clerical human error" contained within the IEP and correct it as the case manager.

Also testifying in this case was the plaintiff's guardian. She advised the court that she never asked for the school to grant the plaintiff "freedoms" during the CSE meeting or allow her to take the city bus or walk home from school. She learned of the sexual assault involving the plaintiff through other family members and she did not initially report the incident to anyone out of respect for the plaintiff, who was embarrassed. She did not mention the sexual assault to her family doctor during the plaintiff's subsequent visit, as she believed the doctor would let her know if there were any problems. When the plaintiff was seen at the hospital for menstrual problems in January 2012, she then decided to report the sexual assault to the police, who then rejected the case and failed to write a report since she was not reporting it on the date that it allegedly occurred. She did admit on cross examination to discarding the boy's phone number, but it did not appear that there were any ill intentions behind it.

The plaintiff was next to testify and she made for an incredibly sympathetic witness before the jury. She physically expressed extreme sadness, anger and grief by hysterically crying and screaming prior to starting direct and cross examination. With respect to the sexual assault, she testified that she went home with the boy and he asked her to have sex with him. She advised she was confused and frightened and wanted to say no, but she did not know how. Both the individuals took their clothes off and had protected sexual intercourse. She then left, went home, and never spoke with the boy again.

A further witness to testify was a CSE parent representative. Overall, he gave the jury a picture of a disorganized Special Education department that was filled with conflict. He claimed the plaintiff's special-education teacher altered her IEP outside the CSE meetings, however was unable to provide supporting evidence.

The plaintiff's special-education teacher made a credible witness at the time of trial, though she did have trouble answering some questions in an effective manner. She testified that she allowed the plaintiff to take public transportation because she believed it was approved by the CSE, though she ultimately found out that she was wrong and that the plaintiff always was expected to be escorted to the school bus. She testified that she was in frequent communication with the guardian, who advised she wanted the plaintiff to take public transportation or walk if she chose, and that she helped her obtain a MetroCard for that exact reason.

## **CLOSING STATEMENTS**

Both the plaintiff and defense trial attorneys delivered lengthy and extensive closing arguments before the jury. The defense emphasized the absence of negligence, causation and damages (relative to the sexual assault) in the plaintiff's case. It was further emphasized that the sexual assault was speculative, critical evidence was discarded by the plaintiff's guardian, and it was not caused by the issue of whether

or not the plaintiff had been escorted to the school bus, as she would have been unsupervised when she arrived home and would have been free to go anywhere she wanted, including the boy's home. The plaintiff's trial attorney reiterated and expanded upon his opening statement and attacked the credibility of our contradictory witnesses. He explained to the jury that the plaintiff was a victim of statutory rape and as a result will never heal from the pain that she has endured. He highlighted the fact that she was a youth without the mental capacity to fully understand what was going on. He requested the jury consider his request for past and future damages for pain and suffering.

## VERDICT

The verdict sheet would ask for the jury to determine if the sexual assault occurred, and then state whether the district was negligent and if so, was the district's negligence a substantial factor in causing the incident. As for the physical assault, the same questions were asked on the verdict sheet regarding the district, though one of the female assailants was already found liable as a matter of law. The jury was then instructed to state the total amount of damages for both past and future pain and suffering and apportion the total to the incidents that gave rise to this case.

The jury found that only the district witnesses were negligent and that their negligence was a substantial factor in causing the sexual assault. The bus company was not found negligent. The same results were reached for the bullying and physical assault. Liability was apportioned 99% against the district and 1% against the female assailant. Apportionment of damages by incident was 45% for both the sexual assault and physical assault and 10% for the bullying. The verdict was several million dollars in favor of the plaintiff.

## LESSONS LEARNED

The IEP is an essential component of the special-education process for each individual student. It is a guide to document how a particular student's special needs will be met within the specific educational curriculum, environment and the level of care that is required. Any special accommodations must be documented in the IEP and the requirements for the student contained within the IEP must be followed stringently. Though district witnesses contradicted each other at the time of trial, it was the defense's belief that at the time of the alleged sexual assault the IEP did not include a requirement for door-to-door transportation or supervision during transition to and from the school bus. Though there was dispute among the district witnesses, even if the guardian verbally expressed her desire for freedoms involving the plaintiff's transportation, written authorization was not received and the IEP was silent with respect to that request during the September 2011 CSE meeting. It appears likely based on investigative materials that the IEP may have been altered by a district witness after learning of the alleged sexual assault to indicate door-to-door transportation and supervision during the transition to the school bus were required, effective back to the beginning of the 2011-2012 school year. Changes to a student's IEP can be made only by the CSE and are not subject to interpretation.



SECTION VIII:

# Recommended Practices



## RECOMMENDED PRACTICES

Thus far the manual has concentrated on providing significant background to aid in overall awareness on student sexual assault and molestation. This section will focus on prevention strategies districts/BOCES can implement to develop a comprehensive plan for preventing child sexual abuse. The framework includes five key areas:

- Policy Development
- Hiring Practices
- Employee Training
- Supervision and Monitoring
- Claim Preparedness

## POLICY DEVELOPMENT

The foundation to developing a sound program to prevent child sexual abuse is solid policies. Creating or honing those policies is essential to establish a clear vision of the district's/BOCES' expectations for employee conduct to protect both staff and students. The establishment or revision of policies will aid in understanding boundaries and appropriate staff-student relationships; provide a framework for acceptable use of electronic and social media; and clearly communicate the responsibilities of mandated reporting of suspected child abuse.

Districts and BOCES should develop policies around these topics:

- Appropriate Relationships
- Anti-fraternizing
- Electronic and Social Media
- Mandated Reporting

Section 9 of this manual has several sample policies from Erie 1 BOCES and the NYS School Board Association's Policy Writing Services. Those or other similar services for board of education policies are excellent places to start when developing or revising guidelines. As policy is developed, it is essential to have stakeholders review proposed or revised plans to ensure they reflect the district's/BOCES' culture and philosophy. Finally, it is essential to have your school counsel review and provide guidance as policies are revised or developed.

## HIRING PRACTICES

The hiring process is an essential link in the prevention of child sexual abuse. Having a sound hiring process that fully vets job candidates aids districts/BOCES in making wise hires, protecting students and the district or BOCES, and avoiding the inheritance of "someone else's problem." The best place to start is to review Section 5, "Effective Strategies for Hiring, Discipline and Termination" in NYSIR's *Practical Guide for Providing and Managing Employment Practices Liability*. The guide can be found in the Discrimination and Harassment Center in Risk Management Central on the NYSIR website, <https://www.nysir.org> Subscribers must sign in

to the website to access the area. To register, click on the “Join” button in the upper right-hand corner of the NYSIR homepage and complete the information to create a login ID and password.

## APPLICATIONS

Following are some red flags district/BOCES administrators should heed as they progress through the hiring process. In reviewing applications, administrators should pay attention to:

- Employment gaps
- Unanswered questions
- Frequent job changes
- Multiple job changes across different states
- Mid-year job changes
- References who are not direct supervisors

## INTERVIEWS

During interviews, does the candidate exhibit a fixation on working with a specific age group or gender of students? That can sometimes be an indicator of predatory behavior. Do not, however, confuse that with educator candidates whose certification is in specific grade levels (i.e., Birth to 2 or K to 6).

Some other areas to explore during interviews are:

- Is there a sensitivity to boundaries and working with students? Does the candidate have no understanding for the need for boundaries or considers them to be hindrances to building relationships?
- Is there an over-emphasis on building relationships with parents/guardians?
- Ask questions around character versus skill sets – who they are, rather than what they’ve done.

During the interview, do you get a gut feeling that something is amiss or just not right? Compare notes with other interviewers; did they have similar feelings? Gavin de Becker, an international school security expert, states in his book *The Gift of Fear: Survival Signals that Protect Us from Violence*, “Intuition is always right in at least two ways; it is always in response to something; it always has your best interest at heart.”

## BACKGROUND CHECKS

NYSED has requirements for fingerprinting and background checks for individuals seeking certification or employment in public schools with student contact. The following NYSED link provides a chart of who must be fingerprinted: <http://www.nysed.gov/educator-integrity/who-must-be-fingerprinted-charts>

The Fingerprinting Frequently Asked Questions link is a helpful resource in this area:

<http://www.nysed.gov/educator-integrity/fingerprint-frequently-asked-questions-faqs>

Another useful link is the Due Process and Rights link. This aids districts/BOCES in how to handle situations where there are positive findings and clearance for employment is going to be denied: <http://www.nysed.gov/educator-integrity/due-process-procedures-and-rights>

For prospective employees who have worked in multiple states prior to New York or have held multiple positions in multiple states over a short time span (i.e., five years), strong consideration should be given to performing fingerprint checks in those states for criminal activity.

The National Association of State Directors of Teacher Education and Certification (NASDTEC) maintains a database of information that is voluntarily reported by states on educators who have lost teaching certifications due to abuse or misconduct. This information can be accessed at [https://www.nasdtc.net/page/ASSOC\\_CH\\_REG](https://www.nasdtc.net/page/ASSOC_CH_REG)

For out-of-state applicants applying for employment, districts/BOCES should validate the candidate's credentials with the appropriate state licensing agency to ensure they have not been suspended or rescinded.

Each district/BOCES should follow its process for these background checks. Any findings in this area need to be explained fully by the candidate and thoughtfully reviewed.

## REFERENCES

Sound information on a job candidate can be difficult to obtain through references. Many organizations have policies that will provide extremely limited information (verification of dates of employment and little else). In the hiring process, request at least two references who directly supervised the candidate. This may provide a glimpse into prior job performance and potential issues. References that include a former superintendent, while impressive, may not offer much substance. These references tend to provide vague and general comments.

Finally, attempt to get references to speak to you and provide a shred of information. This can be extremely challenging. If you can ask only one question, ask "Would you hire \_\_\_\_\_ again?" The answer or hesitation to answer this question speaks volumes. Be leery of candidates who provide references who are not direct supervisors.

## EMPLOYEE TRAINING

Staff training in child sexual abuse prevention is critical. Sound training leads to increased employee awareness of the “modus operandi” of child sexual abusers. The training should include, at a minimum, the following:

- All Child Sexual Abuse Related Policies
- Mandated Reporting
- Boundaries and Grooming
- Child Sexual Abuse Prevention Basics

Boundary and grooming training are essential. It needs to capture the district or BOCES policy on anti-fraternizing. It must clearly communicate school boundaries, before/after school boundaries, electronic communication boundaries and gift boundaries.

NYSIR's Online University (NYOU) has a host of modules to support such training, available at no cost to NYSIR subscribers. For a full listing of courses, refer to Section 9 of this manual. For additional assistance with NYOU, please contact Brett Carruthers at (716)282-4890 or [bcarruthers@nysir.org](mailto:bcarruthers@nysir.org), or Connie Wallis at (315) 317-2631 or [cwallis@nysir.org](mailto:cwallis@nysir.org).

New York state passed Erin's Law in 2019, which requires districts/BOCES to provide prevention classes, including practical and age-appropriate instruction on how to recognize the warning signs of child sexual abuse and exploitation, with resources on how to find help. For further information on Erin's Law, refer to Section 5 of this manual. Further reference materials related to Erin's Law are in Section 9.

## SUPERVISION AND MONITORING

Too many instances of child sexual abuse occur during one-on-one situations. The school community gets too comfortable with such occurrences because of trust of the individual. Trust is exactly what a child predator is working toward in the grooming process. Administrators must be attuned and closely monitor one-on-one situations to protect the employee, student and district/BOCES. Today's society and family situations drive some students to seek relationships that may not exist in their families. School staff in many instances are acting in a caring manner, not overstepping their bounds, but are right on the line. Monitoring also can avoid false accusations that can destroy the creditability of individuals involved and create reputational risk for districts and BOCES.

Administrators must actively supervise and monitor the following situations that take place in their buildings:

- Before- and after-school clubs and activities (emphasis on art and drama clubs)
- Mentoring programs or other one-on-one instruction/tutoring
- Special meetings
- Meetings in private offices

Administrators must pay attention to rooms with covered or restricted vision panels. Vision panels must be clear at all times, except during emergencies as directed in building emergency response plans. Covered or restricted vision panels create opportunity. Additionally, inappropriate ordinary furniture (couches, love seats, overstuffed chairs) in classrooms or other areas must be removed. In most instances the furniture doesn't meet fire code for public buildings, creates a haven for head lice and bed bugs, and can encourage undesirable activities.

Cafeteria and playground monitors should receive training in expectations and proper supervision to successfully monitor students in their charge. It is essential for them to move around the cafeteria or playground and not stay in one area conversing with other monitors. Additionally, they must watch for students leaving the cafeteria without permission or students in hidden or visually restricted areas on playgrounds. Such situations could allow for student-on-student abuse. Administrators must monitor individuals and take action as warranted for observed shortcomings.

Coaches and physical education (PE) teachers have supervision challenges as well. They, too, must actively supervise students and student-athletes in their charge. Locker rooms present unique challenges. Coaches and PE educators must monitor those areas to ensure bullying or other inappropriate activities are not taking place, an especially challenging task for cross-gender coaches (i.e., female coach of a boys' volleyball team). In such instances, coaches must rely on team leaders to assist in monitoring locker rooms. Coaches and PE educators must never change or shower while students or student-athletes are present in the locker room. They must also avoid meeting in offices that are inside locker rooms or other restricted-vision areas. Building administrators and Athletic Department administration must monitor coaches and PE staff regularly.

## OTHER SITUATIONS

### FACILITY ACCESS

Building administrators should carefully review requests for early or after-school facility access.

- Why does \_\_\_\_\_ require access?
- Is this an approved activity?
- Will this be a one-on-one situation?
- Is this appropriate?

Districts/BOCES also must monitor “denied swipes” routinely. Each time an employee swipes their ID, there is a record. Inquiries must be made into employees attempting to gain facility access outside of their programmed times; that can provide a glimpse into other issues the employee may be experiencing, which may need referral to the district or BOCES Employee Assistance Program or other resources. It may also be a red flag for suspicious activity.

### **'FORGETTING' POLICY**

Building administrators should carefully review situations where a staff member consistently “forgets” district/BOCES policy centered on boundaries or inappropriate student contact. The “forgetting” is an easy play for groomers as they test how boundaries will be enforced. Appropriate action or further investigation may be necessary.

### **RESTROOMS**

Restrooms present many challenges for districts/BOCES. There is a certain expectation of privacy for students, but the areas are a prime location where student sexual assaults occur. Having monitors outside restrooms watching student traffic and regularly monitoring the restroom can reduce the potential for assaults in restrooms.

Another effective but time-delayed tool for restrooms are cameras monitoring the corridor or area outside the restroom. Such cameras can capture video of individuals entering and leaving the restroom, which can be useful for districts/BOCES that do not have staff present to monitor restroom activity.

### **RIDES HOME**

Staff providing a ride home to students/student-athletes must be an extremely rare and extenuating circumstance. In those instances, the building administrator or athletic administrator must be notified beforehand. A second adult must be present in the vehicle as a witness to ensure nothing inappropriate occurs. Situations involving individuals of differing genders pose special challenges and must be avoided as much as possible. Administrators must be aware of them, especially if they become routine or are “forgotten” by the staff member (no notice). It's another example of how groomers will test boundaries and their enforcement. Appropriate action or further investigation may be necessary.

### **STUDENTS WITH DISABILITIES**

Students with disabilities can be extremely vulnerable. Too often they are the victims of sexual assaults, especially by other students. Administrators and staff must pay particular attention to them and work diligently to provide adequate protections from the time they are picked up to the time they are dropped off at their home at the end of the school day.

State education law provides for bus monitors on buses that transport special-needs students. Those monitors must be extremely diligent and observe all activities that occur. Some districts/BOCES will transport special-needs students on a smaller bus with fewer other students, which can aid in controlling behaviors and other student challenges. In other circumstances, special-needs students are transported with general-education students. Districts/BOCES must ensure student transportation is clearly delineated on affected individuals' Individual Education Plans (IEP).

Special-education educators must clearly understand transportation requirements for their students and follow the IEP precisely. Additionally, during Committee on Special Education meetings, student transportation must be clearly discussed, understood and agreed to by all parties. In both circumstances, districts/BOCES should assign seating closer to the front of the bus to aid in special-needs student monitoring.

Restrooms present another challenge for special-needs students. Many have an assigned employee to assist them in their toileting needs. The level of assistance varies with each student. Where special-needs students have an assigned employee, that employee must accompany them at all times and follow proper procedures. It is inappropriate for a student to take over that role. If an employee aide must touch a special-needs student to help with toileting or transferring, the student must first be advised, i.e., "I need to touch your stomach to help you back in your wheelchair." Ideally, a student with a disability should be asked prior to any touching. That empowers them and gives them control over their own bodies.

Some districts/BOCES will use the "buddy system" for special-needs students who are more independent. That must be closely monitored; watch for extended time away on restroom breaks in particular. The situation could create the potential for sexual abuse or inappropriate activity with a vulnerable population.

## **STUDENT TRANSPORTATION**

Districts/BOCES must ensure bus monitors are appropriately trained to perform their duties, including student supervision. That entails walking the aisle and looking for suspicious activity. The bus driver is responsible for the safe transportation of students; the bus monitor is responsible for the safety of the students while riding on the bus.

Some districts/BOCES assign bus seats to students. Students with a history of bullying or other disciplinary issues should be assigned seats near the front of the bus, where their activities can be more easily monitored. Students must be prohibited from being called to the back of the bus for any reason. Bus drivers and monitors must be acutely aware of the situation.

Some districts/BOCES have cameras on buses. Video should be reviewed regularly to observe disciplinary or supervisory issues that may require attention. As buses are upgraded, districts/BOCES should review new options offered to increase bus monitoring of the back of the bus or other visually challenging areas.

## CLAIM PREPAREDNESS

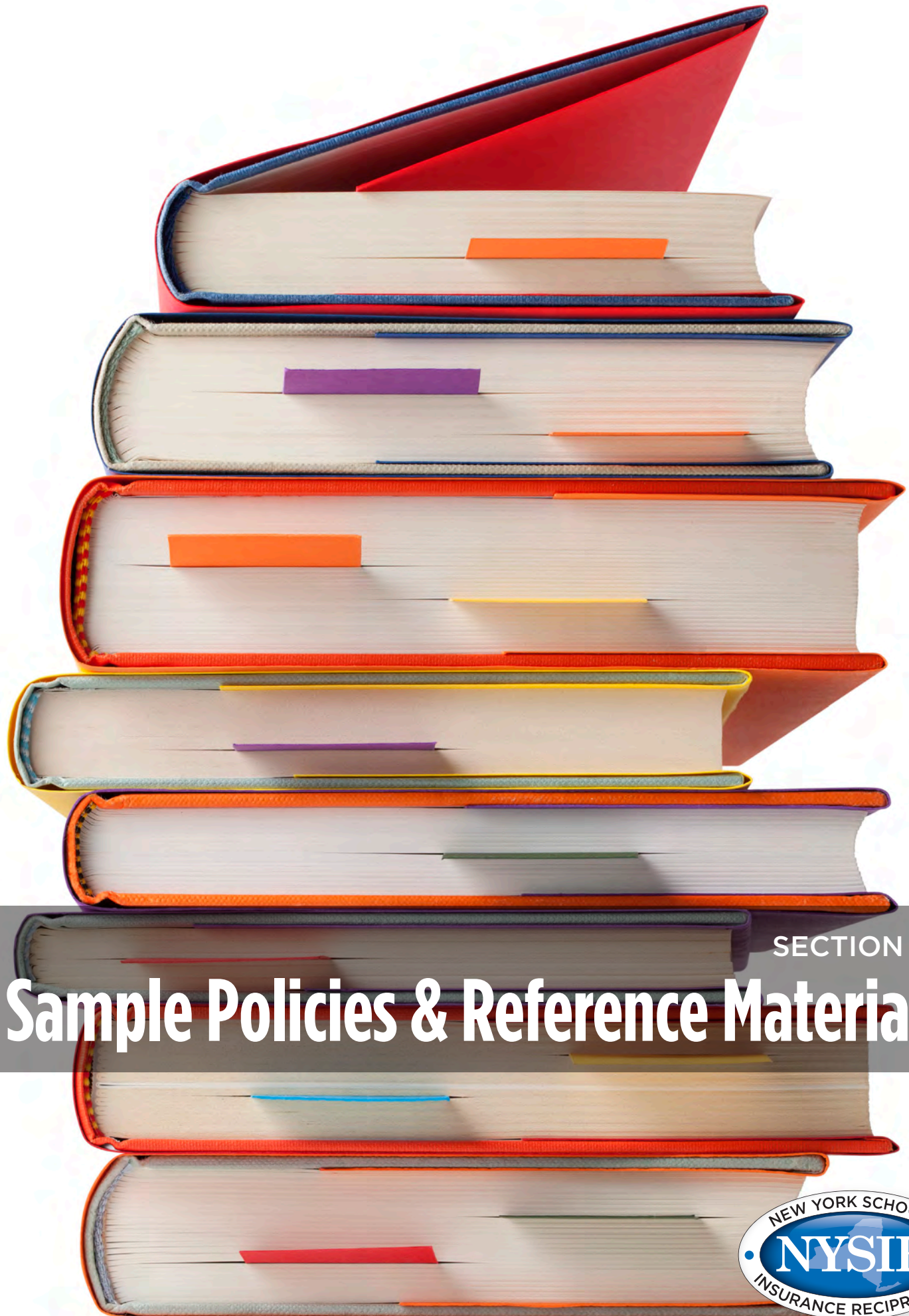
For districts/BOCES to prepare for potential SAM-related claims, the maintenance of training records is essential. They are an important defense tool.

Other documentation related to allegations is useful, as well. Important information to collect that can aid in an investigation includes:

- School enrollment status at the time of alleged abuse
- Location of the alleged incident
- A copy of the most current IEP if a claimant is a student with disabilities
- Any internal investigation reports or action plans
- Any police reports
- Description of the alleged abuse, type of abuse and frequency
- Age of the alleged victim
- Any notice provided by the alleged victim to the district/BOCES
- All academic records, grades, attendance and medical information for the alleged victim
- All related district/BOCES policies
- Information on any known mental health, substance abuse, family support, school support or counseling issues
- Personnel file of alleged employee
- Attendance record of alleged employee/assailant
- Relationship between alleged victim and alleged assailant
- Any reported signs of abuse by staff
- Any reports to Child Protective Services or law enforcement
- Any reports to the NYS commissioner of education.
- Copies of district/BOCES Child Sexual Abuse Prevention Programs
- Other prevention steps taken by district/BOCES
- Steps undertaken since notice received
- Field trip records – permission slips, chaperones, attendance records

## VIDEO EVIDENCE

Any video recorded from district/BOCES cameras that captures the alleged victim and assailant together must be preserved in its entirety. Video may be from hallways, stairwells, parking lots, playgrounds or other monitored areas, and it must not be tampered with in any manner (no editing of any sort). Video recordings must be kept in a secure location, with additional copies kept separately in secure locations.



SECTION IX:

# Sample Policies & Reference Materials



## ERIE 1 BOCES SAMPLE POLICY 6180

**Subject: Staff-Student Relations (Fraternization)**

The Board requires that all district employees maintain a professional, ethical relationship with district students that is conducive to an effective, safe learning environment, and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age or express or implied consent to this conduct. Further, employees will not entertain or socialize with students in a manner so as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member that invites romantic or sexual involvement with a student is considered highly unethical, in violation of district policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the district.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. Frequent personal communication with a student unrelated to course work or official school matters means any form in which personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking websites.

Inappropriate fraternization of staff with students, even if the student participated willingly in the activity (regardless of the student's age), is against district policy and may be in violation of professional standards of conduct and New York state law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for the conduct to be in violation of district rules and subject to appropriate disciplinary sanctions.

Any student who believes that he or she has been subjected to inappropriate staff behavior as described in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, must report the incident to any staff member or the employee's supervisor, the student's principal, or the district's designated compliance officer. In all circumstances, these reports will be forwarded to the designated compliance officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students also will be investigated by the district. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the district. Allegations

of inappropriate staff-student behavior will be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. If there is a finding upon completion of the investigation that inappropriate conduct occurred, district administration will take prompt corrective action.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse in an educational setting also must follow the district's reporting procedures for these allegations. This information also will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department (SED), and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee will document the incident and report it to his or her building principal or supervisor immediately, or as soon as is practicable.

## **PROHIBITION OF RETALIATORY BEHAVIOR (COMMONLY KNOWN AS “WHISTLE-BLOWER” PROTECTION)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring will be made to ensure that the alleged conduct has not resumed and that all involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the district.

## **DISTRICT RESPONSIBILITY/TRAINING**

The principal of each school and/or program supervisor will be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training will be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students will be provided this training in an age-appropriate manner.

This policy (or a summary) will be disseminated as appropriate to staff, students and parents.

## DISCIPLINARY SANCTIONS

Any staff member who engages in inappropriate conduct with a student will be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, district policy and any applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the SED.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.  
Education Law Article 23-B  
Social Services Law §§ 411-428  
8 NYCRR Part 83

---

### NYSSBA SAMPLE POLICY 9630

## Sexual Misconduct

The Board of Education requires that the relationship between employees, volunteers and students be based upon mutual respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students, in all curricular and extra-curricular activities, both on and off school property.

Any behavior of a sexual nature that may constitute professional misconduct and is a violation of criminal or civil statutes, professional codes of ethics, or board policy is strictly prohibited. Such behavior includes, but is not limited to, the following:

- Any conduct that would amount to sexual harassment, discrimination or retaliation under Title IX of the Education Amendments of 1972. [See policy 0110 for guidance on sexual harassment complaints.]
- Any conduct that would constitute sexual abuse of a minor under the New York State Penal Law (e.g., rape, forcible touching, sexual intercourse, aggravated sexual conduct, etc.). [See policy 9620 for guidance on reporting child abuse in the educational setting.]
- Any sexual relationship by an employee or volunteer with (1) any K-12 student in the district, regardless of the student's age, or (2) a former student under age 18.
- Any activity directed toward establishing a sexual relationship such as dating, sending intimate communications, and/or engaging in sexualized dialogue whether in person, by phone, via the Internet or in writing.

Individuals who are aware of any sexual misconduct by an administrator, employee or volunteer of the district shall report such action to the Title IX officer, the building principal, or the superintendent of schools.

After a thorough investigation and depending on the nature of charges, the district will take appropriate disciplinary action in accordance with district policy, collective bargaining agreements and appropriate criminal and civil statutes. Where appropriate, such disciplinary penalties might involve seeking revocation of certification and/or reporting such activity to appropriate law enforcement officials.

Cross-ref: 0110, Sexual Harassment  
9620, Child Abuse in an Educational Setting

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.  
Education Law §§1125-1133  
Penal Law §§130, 235, 263

---

NYSSBA SAMPLE POLICY 5460

## Child Abuse, Maltreatment Or Neglect In A Domestic Setting

*NOTE: Under the Education Law, boards of education must develop and maintain written policies on child abuse reporting and establish training programs on district procedures for reporting of child abuse cases. This policy and the accompanying administrative regulation reflect the requirements of Education Law §409-l and Commissioner's regulations 100.2(nn) regarding posting the number for the Central Register and how to access the website of the NYS Office of Children and Family Services.*

The board of education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The board further recognizes the specific dictates of law that require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

*NOTE: Athletic coach is defined in the statute as any full- or part-time paid employee required to hold a temporary coaching license or professional coaching certificate.*

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full- or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official also will report the matter to the building principal.

The report shall be made by telephone or by fax on a form supplied by the Commissioner of Social Services. A written report shall be made within 48 hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, are encouraged to report to the Central Register. However, the school employee must report the matter to the building principal. If the matter has not yet been reported to the Central Register, the building principal shall make the report, in accordance with state law. In being required to file such report, the building principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of its child abuse reporting process and procedure.

## SCHOOL DISTRICT RELATIONSHIP WITH LOCAL SOCIAL SERVICE DISTRICT

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

---

### NYSSBA SAMPLE POLICY 5460

## Training Program and Dissemination of Information

*NOTE: Districts must train "school officials," who are mandated reporters under the law, however, the district may choose to offer training to other employees, beyond "school officials." If the district chooses to extend the training opportunity to additional employees, language may be inserted to that effect in the paragraph below (second sentence).*

The school district shall maintain an ongoing training program that will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

*NOTE: The following paragraph reflects the main requirement of Education Law §409-l. The accompanying administrative regulation reflects the more detailed requirements of Commissioner's regulations 100.2(nn).*

As required by state law and regulation, the district shall publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.

Social Services Law §34-a

Family Court Act §1012

Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36

Education Law §§409-l; 3209-a, 3036

Penal Law 240.50

8 NYCRR §100.2(nn)

---

NYSSBA SAMPLE POLICY 5460-R

## Child Abuse, Maltreatment or Neglect in a Domestic Setting Regulation

*NOTE: We have provided the text below to reflect the requirements of state regulations for posting and disseminating information about the Central Register and NYS OCFS website.*

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

### DEFINITIONS

The definition of child abuse and maltreatment is established by law.

An abused child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

A neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
  - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometric or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

- a. Excessive absence from school by the child.
- b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem.
- c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
  - (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
  - (3) who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health or mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, un-governability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian or custodian to exercise a minimum degree of care toward the child.

## REPORTING PROCEDURES AND RELATED INFORMATION:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342-3720). A school official, under state law, is defined as:
  - Teacher
  - Guidance counselor
  - Psychologist
  - Nurse
  - Social worker
  - Full- or Part-time athletic coach
  - Administrator
  - Any school personnel required to hold a teaching or administrative license or certificate

Personnel have the right to request that information identifying the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official also must report the matter to the building principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).
3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the building principal.
4. If the building principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the building principal is required to:
  - (a) inform the New York State Central Register for Child Abuse and Maltreatment (800-342-3720) or
  - (b) contact the above agency by fax on a form supplied by the commissioner of Social Services; and
  - (c) file a written report with the local child protective services agency and the Central Register within 48 hours after the above report; and,
  - (d) determine if additional steps need to be taken by the school district, as outlined in step (b) above.
5. The building principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.

6. The written report that must be filed shall include all information that the commissioner of Social Services may require.
7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.
8. The building principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

*NOTE: The language in item 9 below regarding training offered here meets the statutory requirement to train all school officials. If the district takes a broader approach to training by offering it to additional staff, specify the district's practice here.*

9. The district shall maintain an ongoing training program to address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.
10. Employee handbooks shall include a copy of these regulations and the related board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse is required.
12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
14. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

*NOTE: The following item 16 reflects the detailed requirements of Commissioner's regulations §100.2(nn). The state regulations specifically require providing teachers and administrators with the phone number and directions for accessing the NYS OCFS website. However, the district may wish to provide this information to all mandated reporters. Language is provided below to reflect that option.*

16. The district shall post the phone number for the Central Register (800-342-3720) and directions for accessing the NYS Office of Children and Family Services (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish, on the district website and in highly visible areas of school buildings so it is readily accessible to students and staff. The district also shall make such information available in district and school administrative offices, provide it to parents/persons in parental relation at least once per school year (including electronically and/or sent home with students), and provide it to all teachers and administrators **[optional language: and all other mandated reporters]**.
- 

#### NYSSBA SAMPLE POLICY 9620

## Child Abuse in an Educational Setting

*NOTE: Article 23-B of the Education Law sets forth specific responsibilities for certain district employees and volunteers regarding reporting allegations of child abuse. This policy summarizes those requirements.*

The board of education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel or school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

### REQUIRED REPORTERS

Any person holding any of the following positions shall be required to promptly report, orally or in writing, allegations of child abuse by an employee or volunteer in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech-language pathologist
- teacher aide
- school resource officer
- school board member

- any staff member whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children
- an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the social services law.

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

*NOTE: The Education Law does not use the term “required reporters.” It is a descriptive shorthand term developed by NYSSBA Policy Services to simplify drafting the policy. The list of required reporters comes directly from the law. The Board cannot exempt any person in a required reporter position from the law’s reporting requirements.*

## DEFINITIONS

“Administrator” or “school administrator” shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

“Child” means a person under the age of 21 enrolled in a school.

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

“Educational setting” means the buildings and grounds of the school, the vehicles provided directly by the school, or by contract, for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

“Employee” means any person who is receiving compensation from a school district. Additionally, for the purpose of this policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the social services law, whereby such services performed by such person involve direct student contact.

“Law enforcement authorities” means any officer or office of municipal, sheriffs or state police department division.

“Parent” means either or both of a child’s parents or other persons legally responsible for the child.

“School” generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by section 1125(10) of Education Law.

“Volunteer” means any person, other than an employee, who has direct student contact and provides services to a school or school district that involve direct student contact and who provides services to any person or entity that contracts with a school to provide transportation services to children.

## REPORTING REQUIREMENTS

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the reporter shall:

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the principal of the school in which the child abuse allegedly occurred.

*NOTE: The law does not define the term “promptly.” To implement this law appropriately and be protected, districts must ensure that they act in whatever time period may be deemed a prompt standard. In some cases, for example, one workday may be considered a prompt standard; in other cases perhaps not.*

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the superintendent of the district of attendance and the superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and personally deliver it to the school district superintendent employed by the district where the alleged child abuse occurred.

If an allegation is made that involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified of the allegation.

Upon receiving a written report, the principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the employee against whom the allegation is being made is the superintendent or the administrator, the report shall be made to **[insert alternate administrator trained to handle such reports]**

*NOTE: The State Education Department in its guidance document (see 9620-E.2) has laid out situations in which the Superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as (1) when the principal receives the oral or written allegation is completing the report form; and (2) where it is alleged that a child was abused by an employee or volunteer of a school other than a school in the district where the child attends. In addition, where the superintendent receives an allegation of child abuse in an educational setting from local law enforcement or from child protective services, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.*

If the principal/superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

*NOTE: The law does not state how parental notice must be given except to say that it must be given promptly. In order to properly demonstrate that such notice has been promptly provided, districts are advised to make sure that there is written documentation such as certified express delivery.*

If the person making the allegation of abuse is someone other than the child or the child's parent, the principal/superintendent shall contact the person making the report to learn the source and basis for the allegation.

The principal shall also promptly provide a copy of the written report to the superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the principal delay sending the report to law enforcement because of an inability to contact the superintendent.

The superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

## RIGHTS OF EMPLOYEES AND VOLUNTEERS

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

## CONFIDENTIALITY

All reports, photographs and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The principal and superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

## PENALTIES

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any principal or superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the commissioner of Education may, following an administrative determination, impose a civil penalty of up to \$5,000 on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any principal or superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

## RECORD RETENTION

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

*NOTE: The law requires records of allegations that do not result in a criminal conviction to be expunged after five years or at an earlier time as the district may determine (§1128-a (2)). To the extent to which a district's actions in expunging records may implicate collective bargaining considerations, the board should consult the school attorney on this issue.*

## TRAINING

The superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements as specified in the commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator with documentation showing that he or she completed the required training. In addition, each bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections 3003 and 3004 of this chapter.

*NOTE: Section 100.2(hh)(2) of the Commissioner's Regulations requires that each school district and BOCES establish and implement an ongoing training program for all required reporters, including new teachers. The regulations are specific as to what the training must include.*

Ref: Education Law §§1125-1133  
Penal Law §§130, 235, 263  
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)  
Appeal of S.S., 42 EDR 273 (2003)

## NYSSBA SAMPLE POLICY 9620-E.2

## Child Abuse in an Educational Exhibit Notice/Reporting Requirements

*NOTE: This information, which was developed by the State Education Department, is provided to assist schools and their employees in understanding the various roles and responsibilities required under the law.*

*This written statement also contains information which must be included in a notice to a parent of a child who is the subject of an allegation of child abuse in an educational setting outlining parental rights, responsibilities and procedures under Article 23-B of the Education Law and set out in Commissioner's Regulations.*

### DUTIES OF EMPLOYEES

The law imposes reporting requirements on school administrators, teachers, school nurses, school guidance counselors, school psychologists, school social workers, other school personnel required to hold a teaching or administrative license or certificate, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, school resource officers, school board members, any staff whose duties involve direct student contact and who are paid either by a school district or contracted to provide transportation services to children, or are employees of a contracted service provider or workers placed within the school under a public assistance employment program, pursuant to title 9-B of Article 5 of the social services law.

When these employees of the district, or a school bus driver employed by a person or entity that contracts with a school to provide transportation services, receive an allegation of child abuse by an employee or volunteer in an educational setting, they must take the following steps:

- a. The employee must promptly complete the "Child Abuse in an Educational Setting" report form (attached).
- b. Upon completion of the report form, the employee must personally deliver it to the school building administrator of the school in which the child abuse allegedly occurred.
- c. If the allegation(s) involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the employee must promptly forward the report form to the superintendent in the district of attendance and the district where the abuse allegedly occurred.

### DUTIES OF SCHOOL BUILDING ADMINISTRATORS

In all cases, upon receipt of a report form, the school building administrator must review it and determine if there is reasonable suspicion to believe that an act of child abuse, as defined

by law, has occurred. If so, additional steps must be taken which differ depending upon the individual who has made the allegation.

### **CHILD MAKES THE ALLEGATION**

- a. Promptly notify the parent of the child that an allegation of abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Promptly provide a copy of the completed report form to the superintendent.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

### **PARENT MAKES THE ALLEGATION**

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly provide a copy of the completed report form to the superintendent.
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

### **PERSON OTHER THAN THE PARENT OR CHILD MAKES THE ALLEGATION**

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the report form.
- d. Promptly provide a copy of the completed report form to the superintendent.
- e. Promptly forward a copy of the completed report form to appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

## DUTIES OF SUPERINTENDENTS

In most cases, the school building administrator will receive the completed report form from an employee and make the reasonable suspicion determination. However, there are situations in which the superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as:

- a. Where the school building administrator receives the oral or written allegation and is required to complete the report form.
- b. Where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district where the child attends.

In addition, a superintendent may receive an oral or written allegation of child abuse in an educational setting from local law enforcement officials or from child protective services. In these cases, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

If the superintendent finds reasonable suspicion to believe that an act of child abuse has occurred, as defined by law, additional steps must be taken that differ depending on the individual who has made the allegation.

### CHILD MAKES THE ALLEGATION

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

### PARENT MAKES THE ALLEGATION

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

### PERSON OTHER THAN THE PARENT OR THE CHILD MAKES THE ALLEGATION

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).

- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the form.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

In all cases where a completed report is forwarded to the appropriate law enforcement authorities and the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department, the superintendent also must refer such report to the Commissioner of Education.

### **EXPUNGEMENT**

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record that may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date the report was made or at an earlier time as determined by the school or school district.

### **PENALTY PROVISIONS**

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

### **IMMUNITY PROVISIONS**

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

### **CONFIDENTIALITY OF RECORDS**

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record, is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

## **DUTIES OF DISTRICT ATTORNEYS**

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, the district attorney must notify the superintendent of the school district where the acts of child abuse occurred and the superintendent of the district where the child attends, if different, of the following:

- an indictment
- the filing of an accusatory instrument
- the disposition of the criminal case; or
- the suspension or termination of the investigation

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

## **DUTIES OF THE COMMISSIONER OF EDUCATION**

Upon receiving notification of conviction from a district attorney, the commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner also has issued the attached form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents also promulgated §100.2(hh)(2), which sets forth the training requirements relating to child abuse in an educational setting.

## **UNREPORTED RESIGNATIONS OR VOLUNTARY SUSPENSIONS**

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

## ERIN'S LAW

## Child Abuse Prevention Education Programs

Erin's Law requires NYS public schools to teach personal body safety to students in kindergarten to 8th grade. This is a difficult, but critical subject to address. Erin's Law focuses on the differences between safe and unsafe touches, safe and unsafe secrets and identifying safe adults to whom to report.

The following are Child Sex Abuse Prevention Education Programs which can assist with this training.

- Bailey Bee Believes, The 5 B's (PK – 2)
- Play it Safe (K – 12) <https://www.playitsafe.org/>
- Be Safe at Last (K – 12) [www.besafeatlast.com](http://www.besafeatlast.com)
- Second Step (K – 5) <https://www.cfchildren.org/resources/free-classroom-activities/>
- Child Safety Matters (Monique Burr Foundation – K – 5) <https://www.mbfpreventioneducation.org/why-use-our-programs/mbf-child-safety-matters/>
- Safer, Smarter Kids (K – 12) <https://safersmarterkids.org/>
- Think First & Stay Safe – Child Lures Prevention (PK – 12) <https://childluresprevention.com/product/think-first-stay-safe-school-program/>
- Talking About Touching: Personal Safety for Pre-K to Grade 3 <https://www.chchildren.org>
- New Jersey Child Assault Prevention (K – 12) <https://njcap.org/>
- Speak Up and Be Safe <https://www.childhelp.org/subs/childhelp-speak-up-be-safe/>
- Advocates for Youth Website (K – 12) <https://www.advocatesforyouth.org/>
- radKids <https://www.radkids.org/>

## ERIN'S LAW

## Internet Safety Programs

Erin's Law requires NYS public schools to teach personal body safety to students in kindergarten to 8th grade. This is a difficult, but critical subject to address. Erin's Law focuses on the differences between safe and unsafe touches, safe and unsafe secrets and identifying safe adults to whom to report.

The following are a host of Internet Safety Programs which can assist with this training.

- Netsmartz <https://www.missingkids.org/netsmartz/home>
- Stay Safe Online <https://staysafeonline.org/>
- PBS Webonauts Internet Academy [https://pbskids.fandom.com/wiki/Webonauts\\_Internet\\_Academy](https://pbskids.fandom.com/wiki/Webonauts_Internet_Academy)
- Get Net Wise <https://www.getnetwise.org/>
- FBI – Parents Guide to Internet Safety <https://www2.fbi.gov/publications/pguide/pguidee.htm>
- Enough is Enough – Internet Safety 101 <https://internetsafety101.org/>

## ERIN'S LAW

## Books for Educators

Erin's Law requires NYS public schools to teach personal body safety to students in kindergarten to 8th grade. This is a difficult, but critical subject to address. Erin's Law focuses on the differences between safe and unsafe touches, safe and unsafe secrets and identifying safe adults to whom to report.

The following is a list of books that are excellent resources for educators to aid in providing instruction in this area.

- *Identifying Child Molesters: Preventing Child Sexual Abuse by Recognizing the Patterns of Offenders* by Carla van Dam, Ph.D.
- *The Socially Skilled Child Molester: Differentiating the Guilty from the Falsely Accused* by Carla van Dam, Ph.D.
- *Understanding Children's Sexual Behavior: What's Natural and Healthy* by Toni Cavanaugh Johnson, Ph.D.
- *It's Perfectly Normal* by Robie H. Harris
- *It's So Amazing* by Robie H. Harris
- *Off Limits: A Parent's Guide to Keeping Kids Safe from Sexual Abuse* by Sandy K. Wurtele, Ph.D. and Feather Berkhower, MSW
- *Predators and Child Molesters* by Robin Sax
- *It Happens Every Day* by Robin Sax
- *Protecting the Gift: Keeping Children and Teenagers Safe (and Parents Sane)* by Gavin de Becker

## ERIN'S LAW

## Books for Children's Education

Erin's Law requires NYS public schools to teach personal body safety to students in kindergarten to 8th grade. This is a difficult, but critical subject to address. Erin's Law focuses on the differences between safe and unsafe touches, safe and unsafe secrets and identifying safe adults to whom to report.

The following is a list of books written especially for younger students to aid in this training and these discussions. These books have been recommended by experts for children from PK to 2.

- *The Swimsuit Lesson* by Jon Holsten
- *The Right Touch: A Read-Aloud Story to Help Prevent Child Sexual Abuse* by Sandy Kleven and Jody Bergsma
- *Gorp's Secret* by Sherri Chessen
- *Some Parts are Not For Sharing* by Julie K. Federico
- *My Body Belongs to Me From My Head to My Toes* by Dagmar Geisler
- *Sara Sue Learns to Yell and Tell* by Debi Pearl and Benjamin Aprile
- *Fred the Fox Shouts NO* by Tatiana Y. Kisil Matthews
- *Tootles the Turtle Tells the Truth* by Lenell Levy Melancon
- *No Means No* by Janeen Sanders and Cherie Zamazing
- *My Body Belongs to Me* by Jill Starishevsky
- *Those Are My Private Parts* by Diane Hansen (also available in Spanish)
- *No Trespassing This is MY Body* by Pattie Fitzgerald
- *I Said NO!* by Kimberly King
- *My Body is Private* by Linda Walvoord Girard
- *No Secrets Between Us* by Rose Morrisoe
- *My Body is Special and Belongs to Me* by Sally Berenzweig

For children 6 to 12.

- *Some Secrets Should Never be Kept* by Janeen Sanders and Craig Smith

Resources for teens.

- *The Gift of Freedom: A Stronger Safer You* by Stuart Haskins
- *Gift of Fear: Survival Signals That Protect Us From Violence* by Gavin de Becker

## NYSIR ONLINE UNIVERSITY

## SAM Center Courses

### OVERVIEW

Currently, eight courses are available in NYSIR's Online University (NYOU) that support the proactive methods and objectives of NYSIR's SAM Center. They include:

- Less is More – Improving Mandated Reporting Skills
- A Voice for the Voiceless – Erin Meryn
- Symposium Module 1: Childhood Sexual Abuse – Building Resilience Through Mental Health Literacy – John Richter
- Symposium Module 2: From Hysteria to Hope: Bringing Reason to the Prevention of Child Sexual Abuse – Elizabeth LeTourneau
- Symposium Module 3: Monsters Lurking in Plain Sight – Protecting Children from Predators – Clint Van Zandt
- Symposium Module 4: A Superintendent's Perspective on Preventing Child Sexual Abuse – Jason Andrews
- Symposium Module 5: Gangs and Child Sex Trafficking – Moses Robinson
- Symposium Module 6: Board Policies, Legal Implications and Defenses for School Districts – Jay Wrona

### ACCESSING NYOU

From NYSIR's homepage (<https://nysir.org>), click on the third picture from the left. That will reveal the NYOU sign-in/registration page. Those with a user name and password can enter as a **Returning User**. Those using NYOU for the first time must register. It only takes a few minutes.

To register:

- Scroll down and click on New User Registration Button
- Select the letter of your District/BOCES
- Select the name of your District/BOCES
- Select the department
- Complete the registration form. **It is best to use a district/BOCES email address as a username.**
- Once complete, the browser will return to the sign-in page. Enter a user name and password to begin to take courses.
- Courses related to the SAM Center are located in the Mental Health and SAM College. Click on the picture and the courses appear in the left column.
- After clicking on a course, a description appears in the center column. Click on enroll and the course is placed in the My Training folder.
- Go to the My Training folder (located under the NYSIR logo) in the top banner. When the folder opens, click on the course and it will begin to play.
- Please note: On these courses, if users cannot complete the entire module in one sitting, the course reverts to the beginning when returning.

### CTLE CREDIT COURSES

Each course is eligible for NYS Education Department Continuing Teacher and Leader Education credit. The courses provide 1.5 hours of credit each.

## Endnotes

- i “Terms and Definitions: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-america-schools/terms-and-definitions>
- ii National Center on Safe Supportive Learning Environments. “Human Trafficking in America’s Schools: Safe Supportive Learning,” 2019. <https://safesupportivelearning.ed.gov/human-trafficking-america-schools>
- iii “Human Trafficking Task Force e-Guide.” Office for Victims of Crime Training and Technical Assistance Center. Office of Justice Programs, n.d. <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking>
- iv “2019 data report: The US National Human Trafficking Hotline.” Polaris Project, 2020. <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>
- v National Center on Safe Supportive Learning Environments. “Human Trafficking in America’s Schools: Safe Supportive Learning,” 2019. <https://safesupportivelearning.ed.gov/human-trafficking-america-schools>
- vi “More Trafficking Survivors Reaching Out for Help” Polaris, July 30, 2020. <https://polarisproject.org/press-releases/more-trafficking-survivors-reaching-out-for-help>
- vii [www.polarisproject.org](http://www.polarisproject.org)
- viii “Erin’s Law Frequently Asked Questions.” New York State Education Department, February 18, 2021. <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/erins-law-faqs.pdf>
- ix “School Policies and Protocols to Combat Trafficking: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments. Accessed April 2, 2021. <https://safesupportivelearning.ed.gov/human-trafficking-america-schools/school-policies-protocols-to-combat-trafficking>
- x “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xi “Human Trafficking.” The United States Department of Justice, November 9, 2018. <https://www.justice.gov/humantrafficking>
- xii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xiii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xiv “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)

- xv “Myths, Facts, and Statistics.” Polaris Project, n.d. [www.polarisproject.org](http://www.polarisproject.org)
- xvi “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xvii [www.polarisproject.org](http://www.polarisproject.org)
- xviii “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xix “Recognizing Human Trafficking: Vulnerabilities and Signs of Recruitment.” Polaris Project, n.d. <https://polarisproject.org/recognizing-human-trafficking-vulnerabilities-recruitment>
- xx “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xxi “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xxii “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xxiii “Grooming.” Survivors UK, n.d. <https://www.survivorsuk.org/question/grooming>
- xxiv “Love and Trafficking.” Polaris, February 19, 2021. <https://polarisproject.org/love-and-trafficking>
- xxv “Child Labor Trafficking: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-america-schools/child-labor-trafficking#n9>
- xxvi Murphy, Laura. “Labor and Sex Trafficking Among Homeless Youth.” Covenant House. Loyola University New Orleans, 2016. <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>
- xxvii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xxviii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, 2016. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/Blueprint-Responding-to-Commercially-Sexually-Exploited-and-Trafficked-Youth.pdf>
- xxix *Safe Harbour: NY*
- xxx *Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)*

- xxxvi “SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach.” Substance Abuse and Mental Health Services Administration, July 2014. [https://ncsacw.samhsa.gov/userfiles/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf)
- xxxvii Palines, Patrick A., Angela L. Rabbitt, Amy Y. Pan, Melodee L. Nugent, and Wendi G. Ehrman. “Comparing Mental Health Disorders among Sex Trafficked Children and Three Groups of Youth at High-Risk for Trafficking: A Dual Retrospective Cohort and Scoping Review.” *Child Abuse & Neglect*. Pergamon, September 29, 2019. <https://www.sciencedirect.com/science/article/abs/pii/S0145213419303734?via%3Dihub>
- xxxviii “Impact on the Students and the Learning Environment: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/impact-on-students-and-learning-environment#n37>
- xxxiv “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- xxxv “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- xxxvi “Trafficking in Persons Report 20th Edition.” State.gov. US Department of State, June 2020. <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>
- xxxvii “Supporting Brain Development in Traumatized Children and Youth.” Child Welfare Information Gateway. Children’s Bureau, September 2017. <https://www.childwelfare.gov/pubPDFs/braindevtrauma.pdf>
- xxxviii “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- xxxix “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xl “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xli “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xlii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, 2016. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/Blueprint-Responding-to-Commercially-Sexually-Exploited-and-Trafficked-Youth.pdf>

- xiii [www.polarisproject.org](http://www.polarisproject.org)
- xliv “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xlv “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xlvi [www.polarisproject.org](http://www.polarisproject.org)
- xlvii “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- xlviii “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, n.d. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/OCFS-Handbook-for-Office-print.pdf>
- xlix [www.polarisproject.org](http://www.polarisproject.org)
- 1 “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- li “Responding to Commercially Sexually Exploited and Trafficked Youth.” Office of Children and Family Services. New York State, 2016. <https://ocfs.ny.gov/programs/human-trafficking/assets/docs/Blueprint-Responding-to-Commercially-Sexually-Exploited-and-Trafficked-Youth.pdf>
- lii “Sex Trafficking and LGBTQ Youth.” Polaris Project, n.d. <https://polarisproject.org/wp-content/uploads/2019/09/LGBTQ-Sex-Trafficking.pdf>
- liii “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- liv “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lv “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lvi “How to Request Assistance.” The Administration for Children and Families. Office on Trafficking in Persons, August 14, 2018. <https://www.acf.hhs.gov/otip/form/resource/rfa-0>
- lvii “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)

- lviii “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lix “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lx “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lxi “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lxii “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lxiii “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lxiv “Toolkit- Safety Planning with Foreign National Children and Youth Survivors of Trafficking.” Refugees. U.S. Committee for Refugees and Immigrants, February 2021. [https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL\\_.pdf](https://refugees.org/wp-content/uploads/2021/03/Safety-Planning-with-Foreign-National-Children-and-Youth-Survivors-of-Trafficking.FINAL_.pdf)
- lxv “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- lxvi “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- lxvii “Preventing Adverse Childhood Experiences| Violence Prevention| Injury Center| CDC.” Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, April 3, 2020. <https://www.cdc.gov/violenceprevention/aces/fastfact.html>
- lxviii “SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach.” Substance Abuse and Mental Health Services Administration, July 2014. [https://ncsacw.samhsa.gov/userfiles/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf)
- lxix Harris, Nadine Burke. How Childhood Trauma Affects Health across a Lifetime. TED, 2014. [https://www.ted.com/talks/nadine\\_burke\\_harris\\_how\\_childhood\\_trauma\\_affects\\_health\\_across\\_a\\_lifetime?language=en](https://www.ted.com/talks/nadine_burke_harris_how_childhood_trauma_affects_health_across_a_lifetime?language=en)

- <sup>lxx</sup> “Preventing Child Trafficking at the School Level: Safe Supportive Learning.” National Center on Safe Supportive Learning Environments, 2019. <https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/preventing-child-trafficking-at-school-level>
- <sup>lxxi</sup> Houry, Debra E, and James A Mercy. “Preventing Adverse Childhood Experiences (ACEs): Leveraging the Best Available Evidence.” Center for Disease control and Prevention, 2019. <https://www.cdc.gov/violenceprevention/pdf/preventingACES.pdf>
- <sup>lxxii</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- <sup>lxxiii</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- <sup>lxxiv</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- <sup>lxxv</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- <sup>lxxvi</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)
- <sup>lxxvii</sup> “How to Talk to Youth About Human Trafficking-A Guide for Youth Caretakers and Individuals Working with Youth.” Department of Homeland Security. Blue Campaign, n.d. [https://www.dhs.gov/sites/default/files/publications/blue\\_campaign\\_youth\\_guide\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/blue_campaign_youth_guide_508.pdf)



NEW YORK SCHOOLS INSURANCE RECIPROCAL  
333 EARLE OVINGTON BOULEVARD, SUITE 905 | UNIONDALE, NEW YORK 11553 | PHONE: 516.393.2320 | FAX: 516.227.2352  
WWW.NYSIR.ORG | NYSIR IS ON TWITTER: [HTTP://TWITTER.COM/#!/NYSIRINSURANCE](http://twitter.com/#!/NYSIRINSURANCE)