READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS

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TECHNICAL ASSISTANCE CENTER

A Training Guide for Administrators and Educators on

Addressing Adult Sexual Misconduct in the School Setting

U.S. Department of Education
Office of Safe and Healthy Students
Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center

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Contents

Overview 1
What is ASM? 1
Impetus for this Guidance 2
Chapter 1: Understanding ASM 4
ASM Defined 4
Inappropriate Conduct 4
Illegal Conduct 4
ASM Provisions in Title IX 5
Alternate Terms for ASM Used in this Guidance 5
The Impact of ASM 6
Characteristics and Tactics of ASM Perpetrators 8
Grooming, Trolling, and Exploiting 8
Common Targets of ASM 10
Conclusion 10
Chapter 2: Development of ASM Policies and Procedures 12
Policies and Procedures for Staff Interactions with Students 12
Policies for "Gray Areas" 13
Codes of Conduct 16
Policies and Procedures for Mandated Reporting 17
Title IX Requirements for Reporting ASM 18
False Allegations 19
Policies and Procedures for Hiring Practices 21
Background Checks and Fingerprinting 21
The Employment Application 24
The District and School Emergency Operations Plans 27
Conclusion 28
Chapter 3: Training in ASM Awareness and Prevention 29
Importance of Training 29
Training Considerations 29
All-Staff Training Content 30
Administrator Training Content 30
Title IX Coordinator Content 31
Making Training Mandatory 32

Format and Frequency of Training 32
Addressing Training Challenges 33
Other Training Considerations 33
Providing Parent Awareness Training 33
Tailoring Training to Students 34
Conclusion 35
Chapter 4: The Role of Social Media and Technology in ASM 36
Social Context of ASM 36
Online Behaviors 38
Pervasive Use of Technology: Implications for ASM 38
Overly Restrictive Policies 40
Model School District Policies 40
Conclusion 42
Chapter 5: Resources 43
Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services 43
Childwelfare.Gov, U.S. Department of Health and Human Services 43
Crimes against Children Research Center, Office of Juvenile Justice and Delinquency Prevention 43
Federal Bureau of Investigation (FBI), U.S. Department of Justice 43
Internet Crimes Against Children Task Force (ICAC Task Force), Office of Juvenile Justice and Delinquency Prevention 43
National Center for Missing & Exploited Children, Office of Juvenile Justice and Delinquency Prevention 44
National Child Traumatic Stress Network (NCTSN), U.S. Department of Health and Human Services 44
National Sexual Violence Resource Center*, Center for Disease Control* 44
Office for Civil Rights, U.S. Department of Education 44
Office for Victims of Crime (OVC), U.S. Department of Justice 44
Project Safe Childhood, U.S. Department of Justice 45
Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, U.S. Department of Education 45
References 46

Overview

Schools are entrusted with the paramount responsibility of educating youths, and within this "in loco parentis" role, keeping them safe throughout the school day and while completing school activities (Beyer, 1997). Yet each year, students in elementary and secondary education fall victim to unacceptable behaviors with sexual overtones, ranging from inappropriate touching and online conversations to physical sexual assault. Most schools have policies and procedures for keeping children safe from a range of threats and hazards, such as natural disasters, flu outbreaks, and active shooter situations. However, schools and school districts also must demonstrate a strong commitment to the elimination of behaviors known as adult sexual misconduct (ASM) by school personnel, including teachers, coaches, administrative staff, bus drivers, and others who interact with children before and after school. To safeguard the well-being of the whole school community, school and school district administrators must provide staff members with knowledge of the behaviors that constitute ASM and help them take steps to protect students; prevent ASM; recognize signs of potential ASM; report and investigate possible ASM incidents with their partners (e.g., law enforcement); meaningfully respond to incidents of ASM; and provide immediate, short-, and long-term supports to the victim as the child recovers. Efforts to address ASM are strengthened by policies and procedures that describe appropriate, allowable behaviors, identify inappropriate and illegal actions, and outline methods for addressing allegations of ASM in schools.

What is ASM?

ASM,[1] as defined in this guidance, encompasses a broad set of behaviors that take place ***in school settings***, ranging from those that are inappropriate to those that are illegal. Examples of inappropriate ***verbal*** conduct include sexual comments or questions, jokes, taunting, and teasing (Goorian, 1999). Inappropriate ***physical*** conduct includes kissing, hair stroking, tickling, and frontal hugging (Simpson, 2006). ASM can also come in the form of online predatory behavior, including sextortion, which has been used to define crimes that occur "when someone threatens to distribute your private and sensitive material if you don't provide them images of a sexual nature, sexual favors, or money" (U.S. Department of Justice, n.d.). Although some types of ASM (such as remarks directed to a student) may not be criminal, they often violate other laws, regulations, and professional codes of conduct in the education setting (U.S. Government Accountability Office [GAO], 2014).

The GAO (2014) estimates that nearly one in 10 students are subjected to ASM by school personnel during the course of their academic careers. During the course of a seven-month investigation, Associated Press reporters examined the 2001–05 disciplinary records of educators from all 50 states and the District of Columbia (Irvine & Tanner, 2007). The investigation determined that the teaching credentials of 2,570 educators had been revoked, denied, surrendered, or sanctioned as a result of ASM, and that more than 80 percent of victims in the 1,801 cases were students.

It is important to note that ASM manifests in many ways, and the range of behaviors that may be considered ASM (from inappropriate to illegal) underlines the importance of clear policies and procedures that document the responsibilities of specific staff members for preventing ASM or

[1] Definitions of adult sexual misconduct may vary by state and can include a variety of behaviors (GAO, 2014, p.10).

the appearance of ASM. In many cases, behaviors that are considered ASM are subject to interpretation; therefore, these "gray areas" should be clearly spelled out in school and school district policies. Examples of gray areas that might be addressed by schools and school districts include the following:

- The settings for and frequency of after-school interactions with students
- Boundaries to use when traveling out of town for sports or other competitions
- Contact, touching, and hugging
- Appropriate social media interactions
- Personal cards, notes, and emails

Clear policies on the boundaries for interpersonal contact protects both students and staff members. In addition, policies related to ASM may also apply to policies related to other areas of school emergency management, including sextortion, human trafficking, and other types of child exploitation. Furthermore, policies governing adult behavior must consider all settings and all times, i.e., before, during, and after school, as well as at school, away from school, and in cyber settings.

Throughout this document, the term "ASM" is used in the broad sense described above, unless otherwise noted. Some of the research cited in this guidance examined a specific subset of inappropriate or illegal behaviors, or used terms such as "child exploitation," "child maltreatment" or "child sexual abuse" in their studies. In these instances, the terms used by the researchers will be described and distinguished from ASM. Also, for the purposes of this guidance, ASM does not refer to child sexual abuse in non-school settings or by persons not affiliated with the school, such as family members or friends in the home or community.

Impetus for this Guidance

In 2014, the GAO published a report based on an extensive review of efforts taken by all 50 states and the District of Columbia to address ASM. The report examined

- steps states and school districts had taken to help prevent ASM,
- reporting requirements and approaches for investigating allegations, and
- efforts of federal agencies to address the problem.

GAO (2014) found that most states do not have a requirement for school personnel to receive awareness and prevention training on child sexual abuse or ASM. They learned that many states wanted additional guidance and technical assistance (TA) from the federal government. The report recommended increased efforts to inform federal, state, and local initiatives about how to prevent and respond to ASM in schools. Therefore, the U.S. Department of Education (ED) has developed this guidance to do the following:

- ✓ Help ensure the safety and well-being for every child at school.
- ✓ Help school officials, teachers, and parents understand the behaviors that are considered ASM and the effects of ASM on children.
- ✓ Describe steps that can be taken by school and district administrators to prevent ASM, such as increased scrutiny in hiring practices and widespread training for school personnel.

- ✓ Suggest ASM prevention measures in local codes of conduct.
- ✓ Provide guidelines for reporting at the school, district, state, and/or local levels when ASM is suspected.
- ✓ Create safe mechanisms for reporting and investigating possible cases.
- ✓ Protect educators and other school staff members from false allegations by developing specific policies to prevent and address them.
- ✓ Shed light on the role of social media, gaming applications, and the internet in ASM, and suggest appropriate boundaries related to these technologies.
- ✓ Provide information on additional federal resources that address ASM.

The chapters that follow were developed through a process of research and review by consultant subject matter experts and a working group review process that involved federal and non-federal participants. It is intended as part of an ongoing, systemic effort to provide school districts across the country with the information and tools needed to address the problem of ASM.

Chapter 1: Understanding ASM

This chapter provides the background necessary to recognize and understand adult sexual misconduct (ASM) as it occurs in school settings. It describes the most common behaviors that constitute ASM and provides examples of appropriate and inappropriate communications and conduct. The known detrimental effects of ASM on children (including physical, psychological, behavioral, and academic) are presented. Information is provided on the tactics used by typical perpetrators to target and victimize children. Chapter 1 concludes with demographic and other information on the children most likely to become the targets of ASM.

ASM Defined

A 2014 report by the U.S. Government Accountability Office (GAO) defines ASM as any sexual activity (physical or not) directed to a child with the purpose of developing a romantic or sexual relationship (p. 1–5). The GAO notes that although some types of ASM (such as remarks directed to a student) may not be criminal, these actions often violate other laws, regulations, and professional codes of conduct. These "gray areas" can sometimes be subject to interpretation, which underscores the importance of developing clear policies and procedures on ASM in every school district.

Inappropriate Conduct

Examples of inappropriate verbal conduct include sexual comments and questions, jokes, taunting, and teasing; whether in person, by phone, or using electronic means (GAO, 2014, p. 2–5). Modern technology, including social media platforms, along with features such as image-sharing and video-streaming, which can be used to enhance teaching and learning, also provide readily available and accessible avenues for ASM, such as the exchange of sexually explicit comments and images with minors (National Center for Missing & Exploited Children, 2012). Furthermore, there are numerous platforms which can be hidden; include disappearing media, such as images and text; and require log-ins.

According to the National Education Association, inappropriate physical conduct includes kissing, hair stroking, tickling, and frontal hugging (Simpson, 2006). It is important that school personnel understand what is considered appropriate and inappropriate conduct so that they can protect the children, at school and in its related cyber settings. Furthermore, school personnel will want to take steps to protect themselves while interacting with students before, during, and after school. By modeling appropriate adult behaviors, educators can help teach children protective actions, as well. For examples of these behaviors, see the figure **Examples of Appropriate vs. Inappropriate School Personnel Conduct** later in this chapter.

Illegal Conduct

Illegal conduct is characterized by physical sexual contact between an adult and a child under the age of 18. Specifically, this conduct includes sexual contact, genital contact, groping, fondling, touching, kissing, and sexual hugging (GAO, 2014). Exhibitionism, or showing one's genitals in public, as well as showing children images of sexual activity, are often, although not always, illegal. Child pornography, sextortion, and other examples of child exploitation conducted by adults in an online setting are also illegal according to various state and federal laws (U.S. Department of Justice (DOJ), 2015).

As legal definitions of child sexual abuse vary by state, it is imperative for school administrators and staff members to become acquainted with local laws and their real-life applications. The U.S. Department of Education's Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center lists state guidelines along with sample state polices at http://rems.ed.gov/stateresources.aspx.

ASM Provisions in Title IX

Federal law addresses ASM in schools through *Title IX* of the *U.S. Education Amendments of 1972* (Office for Civil Rights, 2008). *Title IX* prohibits discrimination on the basis of sex in any educational organization that receives federal funds (Department of Justice, 2015). School districts that receive federal funds must designate an employee to oversee *Title IX* requirements, act as a point of contact for sexually related complaints, and coordinate investigations (GAO, 2014).

Although *Title IX* is not a criminal statute, the behaviors it prohibits may be criminal or noncriminal in nature, depending on state or federal laws (GAO, 2014, p.8). ED's Office for Civil Rights (OCR) enforces *Title IX*, and provides guidance, resources, and information to districts and schools to ensure discrimination does not happen, including addressing and responding to possible incidents of sexual harassment of students. In this context, "sexual harassment" is synonymous with the activities that define ASM. If schools ignore the sexual harassment, including harassment conducted in online forums, of students by staff or peers, they can face legal repercussions (ED Office for Civil Rights, 2008).

Chapter 2 of this guidance addresses the need for *Title IX*-compliant policies and procedures on ASM. Chapter 3 describes the role of the local school's *Title IX* coordinator, as well as staff training that can help prevent ASM and identify when it is taking place. This information is provided to answer the questions many local school districts have about *Title IX* requirements.

Alternate Terms for ASM Used in this Guidance

Throughout this document, the term **"**ASM" is used to include all inappropriate and illegal forms of sexual interaction with children in school settings. However, some research cited in this guidance examined a specific subset of inappropriate or illegal behaviors, or used terms such as "child exploitation," "child maltreatment" or "child sexual abuse" in their studies. In these instances, the terms used by the researchers will be described and distinguished from ASM. Also, for the purposes of this guidance, ASM does not refer to child sexual abuse in non-school settings or by persons not affiliated with the school, such as family members or friends in the home or community.

Exhibit 1.
Examples of Appropriate vs. Inappropriate School Personnel Conduct



VERBAL / WRITTEN / ONLINE COMMUNICATIONS

Appropriate:

- ✔ Praise
- ✔ Positive reinforcement for good work or behavior
- ✔ Humor and friendly comments
- ✔ Compliments that are not personal in nature
- ✔ Interactions with students in plain sight of all, with doors open

Inappropriate/Harmful:

- ✘ Sexually provocative or degrading comments
- ✘ Risqué jokes
- ✘ Singled-out student(s) for favors
- ✘ Written greeting card messages, notes, texts, emails, social media posts, or yearbook inscriptions that are highly personal in nature
- ✘ Suggestive teasing that references matters of gender or contains sexual innuendo

PHYSICAL CONDUCT

Appropriate:

- ✔ Personal contact in safe-touch areas (i.e., shoulders, upper back, arms, head, and hands), as long as the behavior is obviously appropriate, such as when giving a handshake or pat on the back
- ✔ Legitimate nonsexual touching, such as a high school athletic coach hugging a student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee

Inappropriate/Harmful:

- ✘ Patting the buttocks
- ✘ Hugging, if the child is not receptive, if the staff member is hugging too often or for too long, or if the contact is romanticized or sexually intimate
- ✘ Touching that is intimate, romantic, or sexual in nature
- ✘ Meeting students away from school grounds during out-of-school hours or taking them away from school grounds before and after school hours
- ✘ Using corporal punishment
- ✘ Showing printed or web-based pornography and/or engaging students in pornographic activities
- ✘ Being alone in a locked room with a student
- ✘ Using cyberspace to interact privately with a student, without others' knowledge, consent, and supervision

The Impact of ASM

Child sexual abuse, including ASM in schools, is detrimental to children's physical, psychological, and academic well-being, as well as to their behavioral development (Lalor and McElvaney (2010); Hornor, 2009; Shoop, 2004). This victimization, whether through a single event or chronic exposure, can result in either short-term or lifelong effects that include maladaptive behaviors, mental disorders, developmental delays, social difficulties, and a shorter life expectancy ("Linking Childhood," 2015).

The Division of Violence Prevention at the U.S. Centers for Disease Control and Prevention (CDC) views child maltreatment as a serious public health concern ("Child Abuse Prevention," 2015). The CDC defines child maltreatment as

> any act or series of acts of commission or omission by a parent or other caregiver (e.g., clergy, coach, teacher) that results in harm, potential for harm, or threat of harm to a child (CDC, 2015).

This definition of child maltreatment is broader than ASM, as it addresses any type of harm or potential for harm to a child, whether or not it is sexual in nature and regardless of where it takes place. ASM is therefore one type of child maltreatment. The following consequences of child maltreatment have been noted by the CDC and researchers in this area:

- Martin, Bergen, & Richardson (2004) found that the rate of psychiatric diagnoses was 56 percent in women and 47 percent in men who had suffered childhood sexual abuse.
- The stress of abuse can result in anxiety and make victims more vulnerable to problems, such as post-traumatic stress disorder; conduct disorder; and learning, attention, and memory difficulties (Cantón-Cortés and Cantón, 2010; Dallam, 2001; Perry, 2001).
- Early child maltreatment can have a negative effect on the ability of both men and women to establish and maintain healthy, intimate relationships in adulthood (Colman et al., 2004).
- Children who experience maltreatment are at increased risk for smoking, alcoholism, and drug abuse as adults, as well as engaging in high-risk sexual behaviors (Nichols and Harlow, 2004; Sapp & Vandeven, 2005; Dube et al., 2003).

According to the American Association of University Women ("Hostile Hallways," 2001), the developmental effects of maltreatment can include

- improper brain development;
- impaired learning ability and social and emotional skills;
- lower language development; and
- higher risk for heart, lung, and liver diseases; obesity; cancer; high blood pressure; and high cholesterol.

At least a third of victimized students surveyed by AAUW ("Hostile Hallways," 2001) reported behaviors that would negatively affect academic achievement, stating that they

- avoid the teacher or other educator (43 percent);
- do not want to go to school (36 percent);
- do not talk much in class (34 percent);
- have trouble paying attention (31 percent);
- stay home from school or cut a class (29 percent); and
- find it hard to study (29 percent).

Characteristics and Tactics of ASM Perpetrators

ASM can be perpetrated by adults in all job categories within schools (Shakeshaft, 2004b[2]). For the 2001 *Hostile Hallways: Bullying, Teasing, and Sexual Harassment at School* survey, AAUW representatives interviewed a nationally representative sample of 2,064 public school students in grades eight through 11. They investigated students' experiences of sexual harassment (defined as sexual teasing, bullying, and unwanted touching), including the jobs held by the perpetrators. Students reported that unwanted sexual contact most commonly originated from

- teachers (18 percent);
- coaches (15 percent);
- substitute teachers (13 percent); and
- bus drivers (12 percent).

ASM research suggests that perpetrators who work in schools target students using the same methods as those who target children in other settings: They zero in on those who are vulnerable (Shakeshaft, 2004b). Perpetrators are calculating in their approach; they isolate, manipulate, and lie to children to gain sexual contact and make them feel complicit (Robins, 2000).

Grooming, Trolling, and Exploiting

To keep their conduct secret, perpetrators coerce and "groom." That is, as sexual contact escalates, they methodically increase the attention and rewards they give to their targets (Robins, 2000). Grooming allows perpetrators to test their targets' silence at each step. To nurture the relationship, perpetrators make the target feel "special" by, for example, brandishing gifts and/or spending extra time with the target in nonsexual ways, all in an effort to learn whether the target will keep silent (Robins, 2000).

At the same time, the perpetrator is also testing the adults surrounding the child or school, including those who work at school, individuals in the school community, and the child's family or guardian(s). It is not uncommon for the behaviors to be done publicly so that the perpetrator can gauge reactions; share information (true or false) to manipulate how the behavior is interpreted by the adults; and further control the child victim. For example, a teacher may lead their colleagues to believe the parent has provided consent for them to drive a student home because the parent needs help. In response, the perpetrator receives accolades and gratitude from their colleagues, and has begun the process of grooming peers as well.

As the target is groomed, and as the adults are groomed, the perpetrator gradually progresses to engaging in sexualized behaviors, often using threats and intimidation tactics with the child to keep his or her sexual misconduct secret. Keeping silent implicates the targets, making children believe they have been complicit in their own abuse and are therefore responsible for the abuse (Robins, 2000). Perpetrators will often threaten wavering targets, or those who seem likely to

[2] Please note that concerns have been raised about both the methodology of Charol Shakeshaft's report, "Educator Sexual Misconduct: A Synthesis of Existing Literature (PDF)" and the extremely broad way that sexual abuse and misconduct were defined. In addition, although the subtitle of the report is "a synthesis of existing literature," the report is not a true meta-analysis. However, former Deputy Secretary of Education Eugene W. Hickok noted in the preface of the report that the topic is of critical importance and that releasing it was clearly in the public's interest. Learn more here: http://www.independent.org/newsroom/article.asp?id=1331.

report the misconduct, with a reminder of their powerlessness, such as, “No one will believe you” (Shakeshaft, 2004a). This threat can take form through another grooming tactic perpetrators use to keep their targets silent and to protect themselves—they befriend the victim’s parents to discredit any potential allegations (Shakeshaft, 2004b).

School personnel who engage in sexual jokes without being reprimanded might move on to making physical contact, such as touching a student's hair or body. If the behavior goes unreported and unaddressed, the adult may grow bolder and escalate to increasingly sexualized behaviors (Goorian, 1999).

While ASM often occurs covertly in classrooms (whether empty or not), hallways, private offices, buses and cars, the homes of school personnel, secluded outdoor areas, in online forums and on social media networks, and during school functions and parties, ASM can also occur openly in front of student bystanders (Shakeshaft, 2004a). ASM can take place as a pattern of behavior that stretches over time or as a sudden, impulsive attack (Shakeshaft, 2004b).

ASM perpetration behaviors are often seen in three phases (Shoop, 2004):

- **Trolling and Testing**. The abuser is screening for possible candidates by testing the boundaries of the student, the home environment, and the school environment. The abuser is trying to identify a vulnerable child. A child may be identified as vulnerable because he or she is unsupervised, may not have close parental relationships, may be lonely or needy, may have inappropriate boundaries, or may have low self-esteem. Also, the targeted or vulnerable child may be one that the perpetrator has access to in a private setting. It is difficult to identify the motive during this phase (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- **Grooming**. Some of the warning signs in this grooming phase may be nonsexual and include the offender trying to move the relationship to a personal level, telling the student their personal problems, discouraging the student from talking with other school employees, or asking the student to run personal errands (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- **Exploiting and Lulling.** This phase involves manipulating the student while becoming more aggressive with abusive behaviors. This includes both sexualized behaviors and other activity that is designed to keep the sexual relationship ongoing and undiscovered. Perpetrators persuade students to keep silent, either by intimidation or threats, or by manipulating the child’s affections. Secrecy protects the abuser and isolates the victim (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

The phases of exploitation are directed not only at the targeted student, but at fellow staff members. Socially skilled perpetrators usually work hard at making sure that they are well-liked by staff and that the student will not be believed, even if the sexual relationship is disclosed (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

Exhibit 2.
Three Phases of ASM Perpetration Behaviors

TROLLING AND TESTING

- Schools: Perpetrators may apply for jobs at schools with lax ASM policies or little understanding about the incidence of ASM in schools.
- Parents: Perpetrators look for parents who need help or who are disengaged from their parenting roles.
- Students: Perpetrators look for students who are vulnerable and will be open to someone who wants to fill an emotional void.

GROOMING

Desensitizing the student to inappropriate behaviors and making the child feel special in sexual and nonsexual ways.

EXPLOITING AND LULLING

- Schools: Perpetrators become increasingly aggressive in defending their conduct by indicating they are more caring and engaged with students than other adults.
- Parents: Perpetrators begin to assume a supportive family member role while isolating the student from his or her family.
- Students: Perpetrators bribe, extort, isolate, intimidate, manipulate, and/or coerce the student.

Sources: *Sexual Exploitation in Schools: How to Spot It and Stop It,* Robert Shoop, 2004; Helpful Hints, U.S. Department of Education, Vol. 3, Issue 2, 2007

Common Targets of ASM

While almost all children and youths respond to positive attention from an educator and other adults within the school system, students who are estranged from their parents, who are unsure of themselves, who are engaged in risky behavior, or whose parents are engaged in risky behavior are often targeted, not only because they might be responsive, but also because they are more likely to maintain silence (Robins 2000). These children are easier to control, may welcome attention, and could be perceived as less credible if they make allegations.

Females comprise the overwhelming majority of ASM victims (Sedlak et. al., 2010). African-American children are nearly twice as likely as white children to be targeted, while Hispanic children face a slightly elevated risk as compared to non-Hispanic white children (Sedlak et. al., 2010). Children with disabilities are almost three times more likely than their disability-free peers to become ASM targets, and those with intellectual and mental health disabilities appear to be most at risk (Lund, 2012). This problem is compounded when a disability interferes with a child's ability to report abuse to an adult (Skarbek, Hahn, & Parrish, 2009).

A recent survey of middle school and high school students ages 13 and older conducted by the Gay, Lesbian, & Straight Education Network (GLSEN) (Kosciw, Greytak, Palmer, & Boesen, 2014) found that children who are lesbian, gay, bisexual, transgender, or questioning their sexual identities (LGBTQ) sometimes hesitate to report ASM, believing that the incidence of homophobia among school personnel will prove to be an insurmountable barrier to getting help. In fact, GLSEN indicated that 56.9 percent of LGBTQ student responders were subjected to homophobic remarks from their teachers or other school staff.

Conclusion

This chapter provides the "big picture" of ASM as it occurs in school districts across the country. With this understanding of the behaviors that characterize ASM, its effects on students, and the approaches used by perpetrators to exploit children, the reader is equipped to move on to subsequent chapters. Specific guidance follows to assist school officials in the development of

policies and procedures to prevent ASM through informed hiring practices and staff training. Information is presented on dealing with online technologies in the school setting, including maximizing their usefulness for educational purposes and minimizing their capacity for harm within this context. In addition, federal programs and resources are described that can promote ASM awareness to reduce the incidence of sexual victimization of children.

Chapter 2: Development of ASM Policies and Procedures

Well-documented and widely disseminated school district and school policies and procedures on ASM ensure that school personnel understand the behaviors that constitute ASM, and send the clear message that there is a zero-tolerance policy in place. In addition, through policies and procedures, educators and other school employees and volunteers are made aware and frequently reminded of their responsibilities to prevent, report, and respond to ASM and suspected instances of ASM. This chapter provides information on the development of policies and procedures that address both verbal and physical ASM, including

- guidelines for "gray areas" that are sometimes subject to interpretation (see chapter 1);
- the consequences for violating ASM policies;
- the legal responsibilities for mandatory reporting of possible ASM incidents, which vary by state law;
- mechanisms in place to allow for safe reporting of possible ASM;
- protective measures in place for the student reporter, adult reporter, and adult whose behavior is being investigated;
- suggestions for addressing false allegations of ASM;
- the role of the *Title IX* coordinator when ASM is alleged in school; and
- hiring practices that screen for applicants at risk of posing harm to children.

Policies and Procedures for Staff Interactions with Students

A critical first step in the commitment to the elimination of ASM in schools is the development of clear, written policies and procedures (GAO 2014). This ensures that all school personnel and volunteers

- receive consistent messages;
- understand the conduct that constitutes ASM; and
- are aware of their duty to prevent, report, and respond to ASM (see mandatory reporting discussion below) (Shoop, 2004).

To reinforce the seriousness of ASM and the school district's zero-tolerance policy, Shoop (2004) recommends that policies and procedures be promoted widely by posting them on the district's website and disseminating them to parents. In addition, policies should be shared with all school personnel every school year during orientation and with new school personnel and volunteers as they come on board. It is also important to communicate that the responsibility for protecting students from ASM is shared by the school board, the superintendent, all school personnel, volunteers, parents, state agencies, and law enforcement. And, protections for the victim and the concerned reporter, as well as precautions for the adult if the investigation results in no misconduct, are important. The burden to report should not be on the child.

Clear school policies spell out both appropriate and inappropriate behaviors—as well as the contexts in which they occur. Many schools find it helpful to include specific examples. The U.S. Centers for Disease Control and Prevention (Saul and Audage, 2007) recommends the development of precise definitions, policies, and procedures in the following areas:

- Verbal, written, and physical misconduct—in person and in cyber settings, as well as before, during, and after school—including acceptable and unacceptable behaviors
- Education about ASM prevention strategies for students, teachers, administrators, staff (e.g., custodians), coaches, school bus drivers, and volunteers, as well as parents and guardians
- Guidance for identifying and reporting behaviors that might indicate ASM, including:
    - an established child abuse reporting policy to the district and the authorized investigating agency, as defined by state and federal laws
    - the establishment of channels for reporting suspected ASM
    - clear information about reporting to local law enforcement
    - the school or district's system for ensuring an impartial investigation when abuse is suspected
    - mechanisms for reporting concerns to the state education officials that certify and license educators
- The legal consequences for a violation
- The fact that both illegal and inappropriate conduct will not be tolerated, and can lead to termination of employment
- Disclosure of formal reprimands or dismissals for violating policies on sexual misconduct to other schools seeking references

Shoop (2004) recommends including a written prohibition against false student complaints in school policies, noting that children and youths must understand the damage caused by a false complaint and the punishment for those who make false accusations. Similarly, it is a good idea for schools and school districts to develop a similar prohibition against false complaints made by school personnel against their colleagues.

Policies can also be developed to help shape the school's physical and cyber environments, and decrease the risk of ASM. Examples of precautions taken by other schools include requirements to monitor locked classrooms, storage rooms, and offices (particularly before and after school); conducting after-school tutoring in public and/or supervised locations; and posting cyber security policies that protect students and staff. Some schools have policies for classroom doors with glass windows that are not to be covered (Shakeshaft, 2013). And, some have policies for communications and interactions via computer and smart phones.

Policies for "Gray Areas"

Procedures also can be developed that ensure close supervision of adult-student interactions, especially when interactions with students are highly personal. In some cases, behaviors that are considered ASM are obvious and illegal, but in many cases, actions are legal and subject to interpretation. Since school personnel may have difficulty determining the kinds of behavior that are unacceptable, that is, the "gray areas," they should be clearly spelled out in school district policies and presented in school and district training related to ASM. Examples of situations for which school districts may want to consider for policy development include the following:

- *Traveling with students/transportation issues.* The boundaries for coaches or chaperones when traveling for sports or other competitions should be considered. For example, is it ever appropriate for a teacher to enter a student's hotel room? (Seattle Public Schools

with funding from the U.S. Department of Education, 2013). Is it appropriate for an educator to give a student a ride home from school?

- *After-school guidelines.* When is it appropriate for a teacher to pay particular attention to a student by offering to help with after-hours study sessions? (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- *Attention that may cross boundaries.* Examples include frequent compliments directed toward a particular student, overly personal cards, notes, emails, or teasing that references gender or contains sexual innuendo (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- *Social media boundaries*. What types of interactions are appropriate between school personnel and students on Facebook, Instagram, or Twitter; or when texting or emailing images? (Maxwell, 2007). Chapter 4 closely examines the complex issue of online interactions.
- *Acceptable and unacceptable interactions between students over 18 and young teachers that are recent college graduates.* Administrators may wish to prohibit the following issues in school policies: dating, spending time together outside of school, and sexting, which can be a precursor to sextortion. Some ASM incidents may involve an adult who believes they have fallen in love with a student (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- *Circumstances that require teachers to have close physical contact with students*. For example, if assisting a special education student with using the restroom falls within a teacher's regular job duties, a documented policy and a tailored job description could prevent the investigation of a teacher based on a misunderstanding (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

SCENARIO



The following scenario, which takes place when a teacher is found alone in a bathroom stall with a student, was used in the Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center's Adult Sexual Misconduct in Schools: Prevention and Management training on the topic, which was available prior to this updated guidance. The scenario illustrates the importance of clear policies in matters of close interpersonal contact with students (originally developed by Seattle Public Schools with funding from the U.S. Department of Education, 2013). Even when a mandatory reporter is unsure whether inappropriate conduct is occurring, it is always a good idea to conduct an investigation if a child's well-being is in question. Use the following scenario to prompt discussion among emergency management planning and/or ASM prevention and management teams at your school or school district. Imagine this scenario unfolding and then discuss with your team how they would have responded if they were Ms. Smith and/or Mr. Fiori.

Ms. Smith became concerned when she noticed that Bobby and an instructional assistant, Mr. Fiori, had been gone to the restroom for almost 15 minutes. From her perspective, that was much longer than it normally takes them as Bobby is learning to be more independent now. She went to the restroom to see if something was wrong.

Ms. Smith: "Mr. Fiori, Mr. Fiori, is everything alright in here?"

Mr. Fiori: "Yeah, fine; why do you ask?"

Ms. Smith: "Oh, well you've been gone so long; I was a little worried."

Mr. Fiori: "We're fine; we're going as fast as we can. We had a bit of a problem. Bobby's shirt got caught in his zipper and I was having a hard time getting it unstuck and it was a little wet, too, so we had to deal with that. Is there a problem?"

Ms. Smith: "I don't know. Shouldn't he be getting back to his regular classroom?"

Mr. Fiori: "We're going as fast as we can. Is there anything else? I'd like to get back to my job."

Ms. Smith: "Bobby, are you sure everything's okay?"

Bobby: "Yeah, I'm fine."

Mr. Fiori: "Can we talk about this later please Ms. Smith?"

Ms. Smith: "Fine."

Mr. Fiori confronted Ms. Smith later and expressed that Bobby was already embarrassed and felt that she was just making it worse:

Mr. Fiori: "I'm required to have close, personal contact with my students. That's just how it is. And I can't be worried all the time that someone's going to question me about it or misinterpret what I'm doing. They expect the kids to pick up new skills very quickly. And sometimes they just need more help."

It was probably nothing, and normally Ms. Smith wouldn't be worried, but Mr. Fiori did seem a little defensive when she walked in. She knows that he has to assist the students with hygiene and such, but she responded to Mr. Fiori:

Ms. Smith: "You can't be too careful these days, not with what you read in the papers and hear on the news."

If you were Ms. Smith or Mr. Fiori, how would you have handled this situation?

All school policies should recognize the importance of healthy communication and interaction in learning and instruction while establishing reasonable boundaries for educator-student relationships. Employees can protect themselves from misunderstandings and false accusations by familiarizing themselves with and consistently adhering to documented policies.

The GAO (2014) strongly recommends that school officials work with their state district attorney to ensure that their policies and procedures are in alignment with *all* applicable laws pertaining to ASM in the school setting—including those governing the age of consent and requirements for mandatory reporting.

The Virginia Board of Education policy (2011, p. 2), used here with permission, delineates specific guidelines for communication and interaction and is presented here as an example of one state's approach.

Codes of Conduct

The GAO report (2014) found that professional standards or codes of conduct are tools used by 42 states in their efforts to prevent the perpetration of ASM by school personnel. According to the experts interviewed by GAO, statements that identify acceptable and unacceptable behaviors for school personnel—such as being behind closed doors alone with a student—can help staff, students, and parents determine when violations have occurred. These policies can help identify questionable behaviors that should be

Exhibit 3. In-Person Communication and Interaction

School employees and volunteers should avoid appearances of impropriety when behaviors often associated with inappropriate conduct that can create an appearance of impropriety, including

- conducting ongoing, private, conversations with individual students that are unrelated to school activities or the well-being of the student and that take place in locations inaccessible to others;
- inviting a student or students for home visits without informing parents;
- visiting the homes of students without the knowledge of parents;
- inviting students for social contact off school grounds without the permission or knowledge of parents; and
- transporting students in personal vehicles without the knowledge of parents or supervisors.

Personal contact between adults and students must always be nonsexual, appropriate to the circumstances, and unambiguous in meaning. Employees and volunteers should respect boundaries consistent with their roles as educators, mentors, and caregivers. Violations of these boundaries include

- physical contact with a student that could be reasonably interpreted as constituting sexual harassment;
- showing pornography to a student;
- unnecessarily invading a student's personal privacy;
- singling out a particular student or group of students for personal attention and friendship beyond the bounds of an appropriate educator/mentor-student relationship;
- conversation of a sexual nature with students not related to the employee's professional responsibilities; and
- a flirtatious, romantic or sexual relationship with a student.

reported and make the consequences for their violations clear, e.g., such as termination of employment.

Of these 42 states, 15 address grooming behavior in their codes of conduct, and 22 reported that their codes of conduct help define boundaries between school personnel and students by citing examples of appropriate and inappropriate behavior, including those for engaging in the use of technology (GAO, 2014).

School district and school codes of conduct would be well-served to explicitly prohibit romantic and sexual relationships between students and teachers, regardless of a student's age. Both teachers and students need a clear understanding of what constitutes ASM and the boundaries between acceptable and unacceptable interaction between teachers and students (Shoop, 2000).

Policies and Procedures for Mandated Reporting

Mandated or mandatory reporters (both terms are correct) are individuals required by state law to report abuse ("Mandatory Reporters," 2013). According to GAO (2014), in almost all states, school personnel (including administrators, teachers, psychologists, and nurses, among others) are considered mandatory reporters, but states vary in their designations. Mandatory reporters are generally those who have frequent contact with children. Some states have the freedom to decide who should be designated as mandatory reporters.

In most states, a mandatory reporter is required to report cases of suspected ASM to state or local child protection services; some state laws also require that reports be made to a designated school employee (GAO, 2014). Other states can establish their own standards for reporting child abuse or neglect. Variations in state laws are a primary consideration in the development of policies on mandatory reporting laws. Some school districts have developed formal agreements, such as a memorandum of understanding with local law enforcement agencies. And, some school districts have formally required reporting for ASM crimes that happen in online settings, including sextortion and human trafficking, which are also defined in these documents as mandatory reportable incidents (Newton Public Schools, n.d.).

The differences among state laws highlight the importance of clearly documenting all mandatory reporting requirements. It is the responsibility of school officials to know state laws in areas related to ASM and to develop and enforce clear policies on compliance for all school personnel (GAO, 2014, p. 2).

The CDC (Saul & Audage, 2007) suggests collaborating with lawyers and appropriate agencies to establish policies for employees when making ASM reports. These policies should include a chain of command and indicate whether the reporter should inform his or her supervisor(s). Ideally, only a few people should be notified to minimize the number of times the

ASM reports typically come to the attention of school officials (Shoop, 2004) via one of the following means:

1. Formal complaints (made by the target or a target's parent)
2. Informal complaint (also made by the target or a target's parent)
3. Observed abuse
4. Observed suspicious behavior
5. Rumors or anonymous reports

child has to discuss the alleged abuse and to ensure confidentiality. This will also reduce negative impacts to the child, the concerned reporter, and the adult whose behavior was investigated if the outcome is that misconduct did not occur. Reporting policies also should include state requirements about how soon a report should be made, as well as the consequences for not reporting, which vary by state ("Mandated Reporters," 2013).

A "permissive reporter" ("Mandated Reporters," 2013) is an individual who is not a mandatory reporter and voluntarily reports child abuse or neglect; anyone can be a permissive reporter. In at least 18 states, however, *anyone* who suspects abuse is mandated to report it, regardless of their profession.

According to Darkness to Light, an organization with the mission of ending child sexual abuse, mandatory reporters do not need proof of ASM to make a good faith report ("Mandated Reporters," 2013). If a child discloses abuse, the organization recommends listening attentively and asking "minimal fact," open-ended questions. The goal is for reporters to let children know they are believed and that the abuse is not their fault. Asking leading questions or pushing for information could re-traumatize the child and negatively impact an investigation.

The role of the reporter is therefore not to investigate or evaluate the alleged abuse, but to *report the behavior which raised concern,* to those charged with conducting an investigation. Obtaining the help of a child advocacy center, as well as asking clarifying questions of the child, is acceptable.

Deciding Whether or Not to Make a Report



Most school employees are committed to the safety of their students, but they are often confused about whether they should report suspicious or inappropriate behavior, exactly how they should report it, and to whom.

The Child Abuse Prevention and Treatment Act (CAPTA) establishes minimum standards for state mandatory reporting laws related to known or suspected child abuse, and offers support to states in preventing and responding to child abuse and neglect. However, states primarily define their own requirements for preventing, reporting, and investigating child abuse and neglect, including sexual abuse.

All 50 states and the District of Columbia require that teachers and other school officials report suspected child abuse—including sexual abuse—to law enforcement and/or child protection agencies (GAO, 2014). Teachers and school officials are therefore mandated reporters and, while they must have reasonable suspicion that abuse has occurred, they need not have witnessed the alleged abuse directly.

Also, CAPTA mandates that state laws offer protection to individuals reporting incidents of suspected child abuse in good faith, even if their suspicions turn out to be unfounded. Thus, CAPTA grants reporters immunity from prosecution (GAO, 2014).

Title IX Requirements for Reporting ASM

Title IX regulations require schools to designate a "*responsible employee*" for ASM reporting. This is someone who:

- Has the authority to "take action;" or
- Is assigned reporting duties; or

- Is otherwise deemed an appropriate school designee (OCR, 2001).

In this case, a "responsible employee" may not be the same as a "mandatory reporter." The responsible employee is required to notify the Title IX coordinator of any and all incidents where ASM is suspected, after which the Title IX coordinator conducts or authorizes a Title IX investigation (OCR, 2008). As discussed in the next section, all ASM cases have the potential to violate Title IX regulations and therefore should be investigated under Title IX.

Legal Implications

Title IX has raised the stakes for ASM prevention. Teachers and administrators who do not intervene in ASM could be held personally liable for damages. A deciding factor for imposing monetary damages and holding a district liable for the perpetration of ASM lies in whether or not a district is deemed to have acted with "deliberative indifference" (Shakeshaft, 2004b). It is not clear from legal precedent, however, how deliberate indifference is established. While some states may penalize mandatory reporters who fail to report ASM, those who *do* report it are not deemed liable if it turns out their report is unsubstantiated. Therefore, the best practice is always to report when there is reasonable suspicion ("Mandated Reporters," 2013).

According to ED's OCR (2014), since "the standards for pursuing and completing criminal investigations are different from those used for *Title IX* investigations," the results of a criminal investigation do not affect a school's duty to meet its *Title IX* obligations. Therefore, schools and school districts must report incidents according to *Title IX* guidelines separately and in addition to the requirements of state laws.

False Allegations

ASM, whether alleged and unsubstantiated, or alleged and proven, has a powerful effect on everyone in the school setting. Unfounded allegations can be devastating to the employee, the school, and the students (Seattle Public Schools with funding from the U.S. Department of Education, 2013). Even if the employee is ultimately exonerated, the damage has already been done and the stigma can linger for years (Simpson, 2006). Therefore, it is critical for staff members to understand that adult behaviors in the school are scrutinized in light of today's headlines (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

To avoid the misinterpretation of behaviors and the resulting fall-out, interactions with students must closely adhere to documented policies and procedures. Some behaviors are easily misinterpreted because of factors such as context, frequency, and the observer (Seattle Public Schools with funding from the U.S. Department of Education, 2013). Documented policies that are carefully followed provide a safe environment for both staff and students to work and learn.

Educators and other staff members often have concerns about reporting suspected misconduct by a coworker or volunteer as they fear making a false allegation. The important point to remember is that ASM policies are not about "telling on each other" or creating false allegations; reports are not about being certain or correct. The purpose of reporting is to ensure that everyone is aware of what is going on for the protection of the child as well as the staff member. (Seattle Public Schools with funding from the U.S. Department of Education, 2013, p.7). The legal responsibilities for mandated reporting (described at the start of this section) must be taken

seriously regardless of personal feelings about another staff member or the degree to which reporters are certain abuse is taking place.

Unfortunately, there are students who know the consequences of ASM complaints and are willing to try to have an unpopular teacher fired or to create problems for them by making false allegations (Simpson, 2006). Shoop (2004) recommends a written prohibition against false student complaints in school policies so students understand the damage caused by false complaints and the punishment for those who make false accusations. To be more effective, students can be taught their roles and responsibilities as it relates to adult sexual misconduct and reporting such behavior.

To assist in preventing knowingly false allegations, the National Education Association (NEA) has developed suggestions on avoiding compromising situations (Simpson, 2006). These "common sense pointers for avoiding false allegations" are as follows (p. 2):

- *Whenever possible, do not be alone with a student*, because allegations made when there are no other witnesses hinge on credibility. Authorities often tend to favor the alleged victim in these circumstances.
- *Maintain a professional demeanor and distance*, which means no flirting, teasing, or joking about sex. Do not socialize with students or treat them as "friends." Never give gifts, unless they are given to every student, and do not single out any one student for special attention or flattery. Do not ask students about their social lives or comment on personal appearance. Avoid discussing intimate details of your private life. Do not hire students to babysit or allow them to visit your home.
- *Avoid physical contact with students.* As a general rule, it is best to avoid most forms of physical contact, especially kissing, hair-stroking, tickling, and frontal hugging. Use common sense: A "high five" to acknowledge a job well done is fine; a slap on the bottom is not. Male employees are far more likely to be accused of inappropriate contact with students than female employees.
- *Avoid using physical force to enforce discipline*. When students are misbehaving or out of control, avoid touching or grabbing them to get their attention. Instead, use verbal commands and other disciplinary methods. If you must use physical force in self-defense or to prevent injury to others, use the minimum force necessary to prevent harm and immediately call for help.
- *Never allow a student to obsess over you.* While a crush can be flattering, an unfulfilled fantasy can result in a student acting out to gain attention or retaliating for being ignored. If a student expresses a love interest, respond with an unambiguous "no." Don't equivocate or encourage the student by acting pleased by the attention. It is advisable to share this information with another adult.
- *Be particularly wary of "troubled" students.* A teacher's efforts to help can be misconstrued as something more and may lead to an infatuation or dependence. In addition, you don't have the skills or training needed to assist. Refer the student to the school counselor.
- *Be especially vigilant if you hold certain teaching positions.* Anecdotal evidence suggests that employees who perform certain jobs are at increased risk of false allegations. These include coaches and performing arts teachers—drama, band, chorus, and debate, as well

as publication advisers. This may be the product of the intense nature of such activities, which can weaken teacher/student boundaries, coupled with substantial after-school, weekend, and off-campus contact.

Policies and Procedures for Hiring Practices

The first line of defense in preventing ASM is in the screening and hiring of staff members. While school districts share some common elements, specific approaches to hiring practices vary locally, as well as by state. Some of these variations are due to location (e.g., urban, rural, suburban, or frontier); some are due to budgetary limitations; and many variations result from the differing state laws that govern employees with unsupervised access to children.

Therefore, the action steps presented in this section may not apply in all states and school districts. The overarching goal for schools, however, should be the adoption of hiring practices that effectively screen for applicants at risk of posing harm to children.

The CDC makes available a practical ASM prevention guide school districts can use to ensure hiring practices adequately address ASM (Saul and Audage, 2007). While this excellent resource was specifically developed for *youth-serving organizations*, much of the material is applicable to schools (GAO, 2014). The guide includes valuable advice for the screening of staff and volunteers (Saul & Audage, 2007). Included are the following recommendations:

- Develop criteria that define how screening information will be used to determine an applicant's suitability.
- Define areas of concern related to ASM, such as an applicant's fixation on a particular age or gender, or a history of crimes related to sex or violence.
- Develop *consistent* and *systematic* policies and processes for screening and selection, including a sequence and timeline.
- Consult with the state district attorney to ensure that screening and selection policies do not violate *Title VII* of the *Civil Rights Act* or other federal or state laws prohibiting discrimination in the workplace.

Background Checks and Fingerprinting

Every state in the nation has enacted laws requiring K–12 educators to have criminal background checks (Terrazas, 2012; "Criminal Records," 2014; Vaznis, 2014). In all but 12 states, background checks are also required for other employees (e.g., coaches, classroom aides, and bus drivers) who have unsupervised access to children (Tawa, 2015). This measure helps prevent convicted felons from falsifying their identities to avoid detection. Another group of adults to consider are volunteers.

Background checks should not be a district's only ASM prevention measure. Relying on background checks alone could lead schools to develop a false sense of security about ASM prevention.

Schools depend on both state and federal sources of criminal data—such as state law enforcement databases, and the Interstate Identification Index of the Federal Bureau of Investigation (FBI)—to gather applicant information. In some cases, state legislation defines the particular database(s) that should form part of background check searches ("Criminal Records," 2014).

The FBI's Interstate Identification Index is an automated system used to exchange arrest and conviction information that is voluntarily reported by agencies at the federal, state, and municipal levels. An additional source of federal information is the U.S. Department of Justice's National Sex Offender Public Registry, an online tool that also can be used by the general public to search for sex offenders by name and/or location (see http://www.nsopw.gov/en-US/Home/About). In addition, *all* background checks must comprise a search of state sexual offender database(s) ("Criminal Records," 2014). In some cases, a search of national sex offender registries is required by state law.

Beyond these searches, 25 states recently reported consulting the National Association of State Directors of Teacher Education and Certification (NASDTEC) clearinghouse (GAO, 2014). This database maintains information, voluntarily reported by states, on teachers who have lost their teaching credentials as a result of abuse-related or ASM offenses.

Some states call for background checks to be repeated at specific points (e.g., when re-certification is required), while other states rely on notification systems to learn about subsequent convictions or arrests ("Criminal Records," 2014). Unfortunately, these systems often flag only subsequent convictions or arrests in the *same* state. Schools can therefore miss offenses occurring in states outside their initial search (GAO, 2014). The CDC concurs that records about arrests are not always linked or comprehensive. Thus, methods other than database searches might be needed to effectively screen applicants (Saul and Audage, 2007).

If information gathered during the application process reveals that an applicant has moved frequently, searches across the databases of multiple states are recommended. Case in point: A Pennsylvania legislator spoke recently about loopholes that allow sexual offenders to gain employment outside the state where they committed an offense. This practice, which takes place with the knowledge of some school officials, occurs frequently enough to have been dubbed "Passing the Trash" (Tawa, 2015).

Exhibit 4. Recommended Background Check Measures

The GAO (2014) and the CDC (Saul and Audage, 2007) recommend the following steps (included here with modifications to reflect the need to consult state laws) to those working with youths:



- Plan ahead for the time and financial resources needed to conduct background checks.
- Use background checks only as one part of prevention efforts.
- Delay criminal background checks until the end of the initial screening and selection process. This way, time and resources are expended only on applicants that make it through the prescreening process successfully. (Note here that screening timelines are sometimes mandated by state law.)
- Secure a signed consent from applicants before beginning the background check. Include in this consent an indemnification clause developed by an attorney.
- Decide which offenses will deem a close examination and which will disqualify applicants. (Consult state laws here, as they sometimes include specific disqualifying offenses.) Among absolute disqualifiers are violent behavior and a history of child sexual abuse perpetration. Depending on the position the applicant is seeking and the risk this position presents to children, as well as state law, drug and driving offenses also may be disqualifiers.
- Arrest data cannot be used as grounds for disqualification; only offenses resulting in convictions can be used.
- Develop procedures to keep the information resulting from criminal background checks confidential. Select a secure storage location for files and limit access. (Consult state law, as it may require specific confidentiality procedures.)
- Ensure that your school district's process for conducting criminal background checks is legally sound. Consult municipal, state, and national laws and regulations, as well as the district attorney and insurance company, as needed.

How Fingerprints are Processed and Stored

Methods for collecting fingerprints are determined by state laws and therefore vary ("Criminal Records," 2014). Many states require fingerprints to be collected at state police or other law enforcement offices, with the process witnessed by a law enforcement official. Some school districts delegate background checks and the associated fingerprinting responsibility to state agencies, such as the Department of Public Safety (as is the case in Arizona ["Fingerprint Clearance," n.d.]) or to an office within the state department of education, such as the Office of School Personnel Review and Accountability in New York State ("Fingerprinting FAQs, 2015).

Some states are allowed by law to use vendors trained in fingerprinting techniques; one vendor handles the process for nine states using scanners. These are situated throughout those states and have electronic submission capabilities ("Applicant Fingerprint," n.d.).

In *all* cases, fingerprints are secured and transferred from the point of collection to the FBI database and to all other state and sex offender databases used for the background check. Once the FBI database is checked, the fingerprints are returned to the designated state official, usually within the state education agency (SEA), but sometimes to a law enforcement office or other designated authority ("Criminal Records," 2014).

Methods that maximize confidentiality are used for the transfer and maintenance of fingerprints, and vary by state law. In some cases, the packages used for transport are nontransparent, sealed,

conspicuously marked as confidential, and are not to be opened by anyone other than the intended recipient. It is a misdemeanor in some states to tamper with the packaging or otherwise violate confidentiality, and in all cases, when in storage, fingerprints are not made available for public inspection ("Criminal Records," 2014). The length of time they are maintained varies by state, as are the circumstances under which they are updated (usually at the time of educator re-certification as part of the background check process).

Background Check Caveats

It is important to note that background checks will not identify most sexual offenders, since most may have not yet been caught (Saul and Audage, 2007). The background check is but one aspect of the hiring process, which also should include an initial face-to-face interview, follow-up interviews, reference checks, a public search of the applicant online, and any additional hiring procedures determined by the state or school district.

In 2014, the GAO reported that education and criminal justice officials, among others, have raised concerns about the reliability of data made available through background checks. These concerns include the following:

- Education officials in one state reported that whether a sex offender is included in the state's public sex offender registry depends on the local court system. Therefore, not all offenders will be identified.
- States do not uniformly report information on educators that have been disciplined to the NASDTEC clearinghouse. SEA officials in each of the states visited by GAO when developing the report said they have seen evidence of incomplete and incorrect data in the database.
- Representatives from a risk management company told GAO that few perpetrators are caught the first time they commit an offense; sex offenders often have several victims before they are caught.
- Officials from one SEA reported being confused when conducting searches for common names, since their state's public sex offender registry is searchable by name, but not by social security number.

Employment applications with evidence of the following should be red-flagged:

- A break in the licensure record
- Mid-year or early departure from a school post(s)
- Frequent changes in jobs/positions
- Name change(s)
- Frequent relocations

The Employment Application

Employment applications can be shaped to provide insight about professional boundaries and help determine whether an applicant can consistently demonstrate ethical standards of conduct with students. Open-ended questions, for example, encourage broad responses that can shed unexpected light on potential issues. These responses can also serve to flag items for follow-up questions to be addressed during an interview, as well as throughout the screening and selection process (Saul and Audage, 2007).

Further, disclosure statements serve as an opportunity to question applicants about their criminal histories.

While perpetrators may not disclose past offenses, the inquiry itself will serve to demonstrate the school's seriousness about safeguarding its students (Saul and Audage, 2007). Disclosure statements also may serve to discourage ASM perpetrators from applying altogether.

Face-to-Face Interviews

To further determine a candidate's suitability, interviews can be led by a district administrator, principal, assistant principal, team lead, and/or teacher working in a similar position; *who* leads the interview depends on the nature of the job opening. When feasible, it is best to involve both administrators and educators in the process.

To help screen for potential ASM risk factors, scenarios can be prepared and incorporated into the interview process. These scenarios can require applicants to problem-solve potential issues at the school, and can help

- unveil boundary issues;
- indicate whether an applicant's level of insight and decision-making is in line with the district's and/or school's code of conduct;
- bring to light knowledge about the district's child protection policies; and
- demonstrate an applicant's ability to respond appropriately to any number of issues or situations.

Furthermore, responses can help the interviewer(s) determine whether an applicant has the capacity for mature adult relationships, not just relationships with children or youths (Saul and Audage, 2007), and note any evidence of a potential fixation on age or gender. The latter can be flagged to help establish whether special expertise for working with certain groups may account for this interest, or whether a fixation may be evident.

The recommendations that follow (Saul and Audage, 2007) should be taken into account during the interview process.

Exhibit 5. During the Interview Process

- Let applicants know that your school is serious about safeguarding youths.
- Clarify applicants' responses to employment application questions.
- Inform applicants about the district's and/or school's code of conduct, and policies and procedures for preventing ASM.
- Ask applicants if they have a problem with any of these policies and procedures, and have them sign a statement to this effect.
- Ask open-ended questions that encourage discussion.



SAMPLE SCREENING QUESTIONS

- What makes you a good candidate for working with children and youths?
- What would your friends or colleagues say about how you interact with children and youths?
- Describe a situation in your previous job where you experienced a challenge in working with a student, and explain how you resolved the situation.
- Describe a situation in your previous job where you experienced a challenge in working with a supervisor and/or colleague, and explain how you resolved the situation.
- Have you used social media to communicate with children and youths in previous jobs? If so, how did you use Facebook, Instagram, Twitter, texting, or other forms of electronic communication?
- Why do you want this position?
- What other hobbies or activities do you enjoy?

Reference Checks

Reference checks provide additional information about applicants and help verify previous work and volunteer history. The CDC (Saul and Audage, 2007) makes the following suggestions for conducting reference checks:

- Obtain *verbal* references to supplement those provided in writing. Conversations can elicit much more information. Listen attentively, since individuals may speak "in code" to signal a problem. Ask whether statements should be considered confidential.
- Match references with employment and volunteer history. Is anyone important missing from the references, such as a supervisor from an applicant's most recent job? To provide a complete picture of the applicant, references should come from a variety of sources.
- Be aware that many previous and/or current employers of applicants will only provide basic information, such as dates of employment or rehiring eligibility. If a former employer provides limited information, ask if this is the result of a school, district, or institutional policy.

The following questions can help elicit useful information from former employers (Saul and Audage, 2007):

- How would you describe the personal characteristics of the applicant?
- How does the applicant interact with students?
- Why would this person be a good candidate for working with students? Is there any reason this person should *not* work with students?
- Have you seen the applicant discipline students?

- Would you hire this person again? Would you want the applicant to return to your organization in the future? If not, why?

Online Public Searches

Some schools may choose to conduct an online search for additional relevant information on an applicant. (Note that applicants should be informed of these searches.) Some schools have secured permission to view an applicant's Facebook page or LinkedIn, Twitter, and Instagram accounts. When conducting online public searches, keep in mind that more than one person can share the same name, and that it can be difficult to verify the accuracy of online information.

The District and School Emergency Operations Plans

Schools and school districts are entrusted to have policies, plans, and procedures for keeping children safe from all hazards, threats, and emergencies, ASM included. Providing for ASM in the school emergency operations plan (EOP) via one or more threat- and hazard-specific annexes ensures an effective, coordinated response to ASM incidence. These annexes can delineate the policies, procedures, and courses of action a school will follow to prevent ASM and protect children. They can also help children and schools respond to and recover from an incident, should ASM occur. To learn more about the development of high-quality school emergency operations plans, and threat- and hazard-specific annexes, view the Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center at http://rems.ed.gov.

The following considerations can help inform the development of policies, procedures, goals, objectives, and courses of action a school and district may take in response to an ASM incidence.

School Board/District Considerations

1. Designate a single spokesperson for communicating with the media and the general public.
2. Consider providing training or retraining for all district employees (Saul and Audage, 2007).
3. Ensure that guidance for *Title IX* investigations (Office for Civil Rights, 2014) is followed closely. This includes the following:
    - Having designated and reasonable timeframes for the major stages of the investigation
    - Ensuring that school personnel take steps to end the alleged perpetration. For example, if a teacher is alleged to be the perpetrator, it may be appropriate for the student to transfer to another class.
    - Preventing disclosure of the names of the parties involved
    - Providing written notice to the complainant and alleged perpetrator on the outcome of the investigation
    - Ensuring steps for ASM prevention are taken
    - Ensuring the complainant is not retaliated against (something *Title IX* regulations specifically prohibit).

School Considerations

1. Organize an emergency response team who can provide support to students, school personnel, and parents, if needed.

2. Implement protocols to coordinate the school's response with local law enforcement to ensure no one intervenes with a criminal investigation.
3. Train parents and teachers to implement psychological first aid (PFA), as appropriate.
4. Implement recovery measures for the student, the reporter, and the school community based on their specific needs.

Other measures may be required of the school and the district, depending on the nature of the ASM and its impact on the student and the school community.

Conclusion

The importance of creating policies and procedures that hold all school district and school personnel accountable for the prevention of ASM cannot be overstated. However, the steps recommended in this guidance will, in some cases, require a change in school culture, reinforced by an ongoing education process. Once the commitment is made at the district level to document school ASM policies and enforce them unconditionally, the need for comprehensive training in ASM is a next step. The following chapter provides information on considerations for training that are relevant for all staff, as well as the need to tailor specific information to administrative and non-administrative personnel. These efforts will be most effective if training is mandatory for all personnel and volunteers who come in direct contact with students.

Chapter 3: Training in ASM Awareness and Prevention

Training of school personnel is an integral part of ASM prevention and response and should reinforce the school district's documented policies and procedures. Decisions related to training must include the following considerations:

- Content
  - How is it developed?
  - Are existing training curricula used as resources?
  - Does the training address a comprehensive set of topics (e.g., prevalence, grooming, reporting requirements)?
  - Which training topics are specific to administrators versus educators?
  - What is the format of delivery (e.g., in-person, online, CDs/DVDs, etc.)?
- Frequency
  - Is training presented at the start of every school year or more frequently?
  - Do new employees receive training regardless of their start dates?
- Participants
  - Are volunteers trained as well as staff members?
  - What should students be taught about preventing ASM?
  - Is training available for parents and guardians?

In all cases, the training environment should be one in which trainees feel comfortable actively participating and asking questions, even though the topic of ASM is a sensitive one. Being receptive to questions reduces barriers to coming forward, reporting, and being proactive about preventing and responding to child sexual abuse, including ASM (Saul and Audage, 2007).

Importance of Training

While most states do not require ASM awareness and prevention training, some school districts provide this training to staff, students, and volunteers (GAO, 2014). Because schools play a primary role in the lives of children, comprehensive, high-quality training is needed in all schools to help staff members

- recognize appropriate and inappropriate behaviors in their interactions with students;
- identify the early warning signs of ASM effects in children;
- detect the patterns of ASM behavior in adults;
- respond appropriately when an ASM incident is suspected; and
- follow the school's policies and procedures for reporting ASM, which must be consistent with state laws and general counsel guidance.

Training Considerations

The knowledge and skills imparted through training are critical for ensuring that everyone on staff is accountable for preventing ASM and responding appropriately when it is suspected. In choosing content, schools should take into account the specific training implications for various types of school personnel. The preventive measures a teacher will take might be different from those of an administrator. The examples and illustrations used should reflect these varying roles within the school (GAO, 2014). For this reason, schools may decide to provide training to

administrators and non-administrative staff separately. Specialized training should be provided to the *Title IX* coordinator(s).

All-Staff Training Content

Training content that is necessary for all staff members is listed below. The content should do the following:

- Include a working definition of ASM.
- Explain the school's ASM policies, underscoring the fact that some ASM behaviors (e.g., those meeting the legal definition of child sexual abuse) are criminal acts. Therefore, ASM behaviors may lead to termination of employment and punishment under the law.
- Identify the warning signs of the effects of ASM on children, providing examples, when possible, from reported cases.
- Explain the role and legal responsibilities of mandatory reporters and the school's internal reporting procedures.
- Point out the consequences for failing to report ASM, as well as protections for those who report in good faith when incidents of suspected ASM turn out to be unsubstantiated.
- Describe how school policy prohibits the making of *intentionally* false ASM complaints and the repercussions for doing so. Emphasize that protecting the reputation of innocent educators is a high priority for the school.
- Identify perpetrator patterns of behavior, providing examples from local and national media accounts or case studies that are relevant to the school setting.
- Describe policies and procedures involving transportation, the physical school environment, toileting, and electronic communications, including social media.
- Take time to address questionable, but not criminal behaviors (i.e., the "gray areas") in both in-person and electronic interactions with students.
- Include information about which students are likely to be ASM targets and what school personnel can do to protect these at-risk students.
- Identify a school and/or district *Title IX* coordinator(s) and describe their roles, pointing out the location of their office(s) in the school or district and providing contact information.
- Discuss the steps school personnel are expected to take to reduce the risk of ASM in the physical environment. For example, some schools regularly monitor locked classrooms, storage rooms, and offices.
- Consider distributing a handout during training that describes the school's policies and asking staff members to sign it.
- Conduct a post-training assessment mechanism, such as a survey, to gauge the impact of the training and determine the need for adjustments in content, approach, or format.

Administrator Training Content

As leaders in ASM prevention and response, school administrators are charged with specific mandates and face some issues that are different from those faced by other school personnel (GAO, 2014). Therefore, in addition to addressing the content described for all-staff ASM

training, a separate training for administrators can take into account the following additional topics:

- State laws and mandates specific to ASM prevention and response
- *Title IX* policies and procedures pertaining to ASM
- Oversight of the *Title IX* coordinator
- Strategies for ensuring prevention and response compliance by other school personnel
- Complaint processes and critical communication protocols within the school
- The threat- and hazard-specific annex(es) relating to ASM
- Policies for placing alleged perpetrators on administrative leave, and maintaining confidentiality during internal and external investigations
- Guidelines for working with local law enforcement
- Measures to promote school recovery after an ASM incident
- ASM recordkeeping, data management, and accountability

A Culture of Zero-Tolerance

Administrators set the tone for school conduct and model appropriate adult behavior. Checking off a list of requirements to comply with ASM directives will not bring about the cultural changes necessary to preventing ASM. Rather, the driving force behind cultural changes should be a sense of responsibility for protecting students and providing them with a safe and nurturing learning environment (National Coalition to Prevent Child Sexual Abuse and Exploitation, 2012).

Title IX Coordinator Content

School districts that receive federal funds must designate an employee to oversee *Title IX* requirements, act as a point-of-contact for sexually related complaints, and coordinate investigations (GAO 2014). This individual, known as the *Title IX* coordinator, is critical to the prevention of and appropriate response to ASM. School administrators should carefully consider the selection of these personnel. *Title IX* coordinators should not have other job responsibilities that could create a conflict of interest. Employees whose job responsibilities may conflict with a *Title IX* coordinator's duties include directors of athletics, deans of students, and any employee who serves on the judicial/hearing board or to whom an appeal might be made. The best way to avoid a conflict of interest is to designate a full-time *Title IX* coordinator (GAO, 2014).

The need for specific training in *Title IX* coordinator responsibilities was highlighted by the GAO (2014) when they interviewed experts who worked with school districts to provide training on ASM prevention. These experts noted that some school administrators were not aware of the requirements of *Title IX*, who the *Title IX* coordinator was, or the coordinator's responsibilities. The following list of responsibilities from ED's guidance on *Title IX* should be addressed in the training for this position (Office for Civil Rights, 2014). A *Title IX* coordinator is responsible for the following:

- Overseeing the school's response to *Title IX* reports and complaints
- Identifying and addressing any patterns or systemic problems revealed by the reports and complaints

- Understanding the requirements of *Title IX*, the school's own policies and procedures on ASM, and all complaints that raise *Title IX* issues in the school
- Remaining trained on and informed of all reports and complaints raising *Title IX* issues, even if the report or complaint was initially filed with another individual or office, or if the investigation will be conducted by another individual or office. The school should ensure that the *Title IX* coordinator is given the training, authority, and visibility to fulfill these responsibilities
- Providing training to students, faculty, staff and information to families, and guardians on *Title IX* issues
- Conducting *Title IX* investigations, including analyzing the facts relevant to a complaint, determining appropriate sanctions against the perpetrator, and deciding on interim measures to protect the complainant when an allegation of ASM is made
- Ensuring that policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers

Making Training Mandatory

ASM prevention and response experts advise making training mandatory for all school personnel who have direct contact with students. This ensures that all members of the school community hear the same messages about ASM and are knowledgeable about the school's policy, as well as prevention and response measures (Shakeshaft, 2004b).

Format and Frequency of Training

Most schools require ASM training for at least some of their personnel, often at the beginning of the school year (GAO, 2014). For example, as of 2014, *Texas Education Code* § 38.0041 requires that all district and school employees, including K–grade 5 teachers, campus principals, and bus drivers, receive training on how to prevent and recognize sexual abuse and other forms of child maltreatment (Texas Education Agency, 2014). During the planning process, schools should identify areas that call for ongoing training and identify staff members who will begin employment after the school year is underway so that they can be trained upon arrival.

To create ASM training, school districts should incorporate state mandates and can work with established training models used by other schools or designed by field experts (such as those included in the list of ASM training resources later in this chapter). They may use a single format or approach or combine a number of them—for example, in-person, interactive training, as well as online learning modules.

Interactive, scenario-based training provides participants with opportunities to practice responses and may boost motivation (GAO, 2014). Online training modules offer convenient and self-paced learning opportunities that often include tracking and reporting tools for compliance with district policies and training protocols. When considering online training, experts caution against courses that are simply reading-based, with quizzes that test for reading comprehension and short-term content retention. Training assessments should determine the extent to which a participant is able to apply what he or she has learned to real ASM scenarios (Andrews and Haythornthwaite, 2007).

Addressing Training Challenges

Anticipating and accounting for training challenges will ensure that districts are prepared to manage the challenges that invariably arise. Training challenges vary depending on the size of the school and district, the depth and format of the training, and the school's or district's budget. For schools with high staff turnover, ongoing screening and training can seem daunting. Standardizing new employee training and placing it in the context of the district's commitment to safeguarding children can help allay pressure from those pushing for a quick start date for the training. Some schools face disinterest from staff members who believe their school or district does not have an ASM problem (GAO, 2014). In such cases, presenting ASM statistics for the county or region, along with media accounts of local incidents can help to counter these beliefs.

Regardless of the obstacles to standardized training, it should serve as the foundation of ASM prevention and response. *Requiring that staff members read a handbook of policies and procedures on ASM prevention will not achieve the intended results.*

Other Training Considerations

Providing Parent Awareness Training

As part of their prevention efforts, schools can make parents aware of district policies and procedures on safeguarding children, and consider engaging them as partners by including them in ASM awareness training (GAO, 2014). Additionally, this will help to build trust as parents and guardians learn about the many efforts the school takes to protect their child.

Training for parents may address the following:

- Patterns of ASM behavior, including how they manifest in social media interactions and electronic exchanges
- The district's ASM policies and procedures, including the following:
    - The steps for reporting incidents
    - How complaints will be heard and investigated
    - The role of the Title IX coordinator
    - How parents will be notified of outcomes
- Specific examples of the school's efforts to monitor interactions between adults and students
- Age-appropriate talking points for discussing inappropriate adult behavior, privacy, personal boundaries, and online safety with their children
- Age-appropriate tips parents can share when teaching children about refusing and reporting inappropriate adult behavior
- A mechanism for parents to ask questions after the training
- Tips for online safety, such as those provided in *Keeping Kids Safer on the Internet: Tips for Parents and Guardians* (available at http://www.onguardonline.gov/topics/protect-kids-online)

Administering a survey immediately after the training can help gauge its impact and inform the content and format of future trainings. Periodic reminders of the school's commitment to protecting students, even brief ones (e.g., tweets), can help reinforce the trust, as well as remind parents to be vigilant as they discuss safety with their children.

Tailoring Training to Students

When the training given is age-appropriate and relevant, students can play a critical role in ASM prevention by observing the appropriate boundaries they are taught, by reporting inappropriate behavior, and by reinforcing ASM awareness in their peers (GAO, 2014). Important components of the training will be a working definition of ASM, including criminal repercussions, using an age-appropriate version of the district's ASM policy. Additional components can include the following:

- A working definition of ASM, including criminal repercussions
- An age-appropriate version of the district's ASM policy
- Clear information about how and to whom ASM reports should be made
- Common patterns of behavior of ASM perpetrators, including forms of grooming that may appear in social media and electronic exchanges
- Meaningful examples that will help students understand the gravity of ASM. These examples might describe the consequences of an educator who engaged in a sexual or romantic relationship with a student, or who shared drugs, alcohol, or sexually explicit material.
- Respectful discussion about students who may be especially vulnerable to ASM perpetrators and what their peers can do to support them
- Thoughtful conversation about appropriate and inappropriate adult behaviors that fall into "gray areas" (behavior that is questionable, but not criminal). The training should provide
    - a description of as many of these behaviors as possible;
    - real-life examples (these can come from national and local media incident accounts);
    - an opportunity for students to identify these inappropriate behaviors in scenarios specific to the school setting;
    - a range of realistic scenarios that call on students to determine the appropriate actions, such as refusing inappropriate behavior, reporting suspicious incidents, or ensuring that a peer does not keep a secret about ASM; and
    - incentives for students to create their own information campaigns in the school, the community, or online.
- Tips for online safety, such as those in "Internet Safety Education for Teens: Getting It Right" from the Crimes Against Children Research Center (available at http://www.unh.edu/ccrc/internet-crimes/safety_ed.html) and the Kids Online Safety site (found at http://www.consumer.ftc.gov/topics/kids-online-safety)
- Details about safeguards to protect students from retaliation when reporting incidents
- Discussion of the harms of false allegations and the punishment for making *intentionally* false reports or allegations

The student training should be as interactive as possible and be refreshed each year or as often as possible to include new scenarios, media accounts, and examples of inappropriate and illegal behavior. Students should be allowed to provide feedback on the training content, format, and approach. A survey can capture these opinions and provide information about whether the training had the intended impact.

Conclusion

Training for school personnel, volunteers, parents, and guardians should align with documented policies and procedures to create a strong infrastructure for preventing and responding to ASM. Training materials can be updated with the feedback obtained from trainee surveys and kept current by incorporating new research findings as they become available. In addition, a variety of resources on existing training programs are found in Chapter 5, including information on the REMS TA Center's ASM Training by Request. These resources can assist school districts in developing and implementing training courses and supplementing them with additional content as needed.

Chapter 4: The Role of Social Media and Technology in ASM

Electronic communication technologies are so pervasive that they have shifted the boundaries between public and private life, altering what it means for individuals to have privacy and making many people vulnerable to physical and emotional threats to their safety (Dunkels, 2011). Throughout this document, we have discussed how ASM can occur in online settings in the form of sexting, sextortion, and other forms of child exploitation conducted online. This chapter addresses the appropriate and inappropriate use of online platforms and social media for communication between school personnel and students, and encourages policies and procedures that can reduce the incidence of ASM.

Social Context of ASM

ASM occurs in a broad social context. Sexualization of children in the media and advertising, as well as cultural tolerance of aggression and violence, is pervasive in society (Prevention Institute, 2009). Our technology-driven culture also plays a strong role in the social context where ASM can take place (National Sex Offender Public Website, 2015). Today's elementary and secondary students have never known a world without the internet or mobile electronic communications. Teachers who are still in the first five to 10 years of their careers also are part of a generation whose early life experiences have been influenced by the internet, including various social media technologies. School districts and schools working to prevent ASM may wish to take into account these rapidly changing social forces when developing policies.

Online technologies, including chat rooms, social media, instant messaging, and email, are often used by sexual predators to seduce young people into taking part in sexual interactions (Wolak, Finkelhor, Mitchell, & Ybarra 2008). Sextortion is the term used when someone threatens to distribute private, sensitive material if a victim does not provide images of a sexual nature, sexual favors, or money (DOJ, n.d.). Statistics show that it impacts youths in every stage of the K–12 population, and that perpetrators, who are sometimes called "sextortionists," do not discriminate based on a student's color, ethnicity or socio-economic status. The U.S. Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) have worked with the National Center for Missing and Exploited Children (NCMEC) to investigate how sextortion impacts youths. In 2015, NCMEC conducted an analysis of more than 800 sextortion-related tips received to their CyberTipline between 2013 and 2015. The results showed that the average age of a child at the time of victimization is 15 years old. Female victims, who made up 78 percent of children victimized, experienced their first sextortion incident as young as 8 years old, compared to 11 years old for boys, who make up 12 percent of victims (NCMEC, 2015).

This fact underscores the need for school districts, schools and families to ensure that students know about these threats when they are online. At the federal level, steps are being taken to address this issue via the National Strategy for Child Exploitation, Prevention, and Interdiction (National Strategy, n.d.). In 2010, the National Strategy initiated the National Child Exploitation Threat Assessment, a multi-agency effort to analyze and address the risks posed by child exploitation, which includes sextortion as one of five key areas. Using insight gained from a survey of more than 1,000 investigators, law enforcement managers, prosecutors, analysts, victim service providers, and DOJ grant recipients, the federal government conducted a second assessment in 2016. Results revealed that

- mobile devices have altered the techniques offenders use to abuse children and are used to target, recruit or groom, and coerce children; and
- predators are skilled at tricking and pressuring children who are online and often victimize youths in large numbers.

This information may be alarming, especially in education environments that are increasingly reliant on technology. However, it is not wise or even possible to eliminate the use of social media, image-sharing, video-streaming, and other tools that can be educational, as well as harmful. The key to harnessing technology to enhance teaching and learning is to inform students, staff, and whole school communities of the risks; teach strategies for safer use of technology while taking steps to safeguard the tools and preventing misuse (NCMEC, 2012).

Exhibit 6. Practical Recommendations for the Use of Technology



FACT	RECOMMENDED ACTION
Today's students, even those in college, have never known a world without the internet or mobile electronic communications (Rainie, 2013).	Bans on internet and social media in school are not the solution. Instead, schools should play a critical role in ensuring that students know how to use these valuable tools safely (National Center for Missing & Exploited Children, 2012).
Relatively new teachers may have less traditional concepts of privacy and professional boundaries (Preston, 2011).	Cyber security, cyber safety, and responsible-use training, mentoring, and other professional development activities for early-career teachers can clearly convey expected conduct for online and electronic communications with students (Preston, 2011).
The line between what is private and what is personal can be blurred online; students have fewer opportunities to practice setting healthy boundaries (Prevention Institute, 2009).	Student training can specifically address online and electronic communications safety protocols and how to assert personal boundaries (Wolak, Finkelhor, Mitchell, and Ybarra, 2008).
Texting is a critical mode of communication for teens, and many of them own cell phones or have access to them (Lenhart, 2015).	Student and parent training can address how ASM perpetrators often pursue students using cell phones (both during and after school hours), and stress clear safety protocols for these communications and for sharing telephone numbers (Maxwell, 2007; Decker, 2014).

Online Behaviors

The Pew Research Center, through the Pew Internet and American Life Project, regularly conducts national surveys to determine how online information networks are affecting the lives of Americans (Rainie, 2013). Pew survey responses over time identify trends in how teens communicate, gather information, and present themselves to others. Not surprisingly, data suggest that teens' lives are saturated with technology, that they have networked information at their fingertips, and that they can fully participate in its creation and dissemination (Lenhart, 2015).

A recent Pew Research Center survey (Lenhart, 2015) found the following:

- The overwhelming majority of teens ages 13 to 17 (92 percent) report going online daily; 24 percent say they go online "almost constantly."
- Eighty-eight percent of teens have a mobile phone or access to one; 73 percent have smartphones.
- Most teens (91 percent) go online using mobile devices at least occasionally.
- For 71 percent of these teens, Facebook remains the go-to social media site, although they report using more than one social media site, including Instagram and Snapchat.
- Typically, teens exchange 30 texts per day using various messaging apps (e.g., Kik or WhatsApp) or by texting on their phones.
- There were gender differences in teens' interest in specific types of technology: Girls share on social media sites more than boys; whereas boys are more likely than girls to own gaming consoles and play videogames.

Pervasive Use of Technology: Implications for ASM

How do these online behaviors affect students and their vulnerability to ASM? The Prevention Institute (2009) pointed out that the pervasiveness of technology in social life limits opportunities for children to learn and practice establishing healthy boundaries among their peers and with adults. Technology has shifted the boundaries between public and private, and many people now share what used to be private information (e.g., personal photographs, travel, reactions to daily events, and opinions on a range of topics) publicly on cell phones and the internet. This means that students and educators who have grown up with pervasive technology seem to have different ideas of privacy, which may put them at risk (Prevention Institute, 2009).

Some teachers and other school employees have used communications technologies—texting, email, and social media sites—to foster inappropriate relationships with students and perpetrate ASM (Maxwell, 2007). The round-the-clock nature of digital technology, combined with the fact that most teens have their own cell phones, means that perpetrators can easily pursue students before, during, and after school, and often outside the view of their parents and teachers There have been cases in which teachers have been jailed for sexually abusing or assaulting a student in a relationship that began through electronic communications (Preston, 2011). In addition, three students from Oregon received a financial settlement in 2015 after suing the Clatskanie School District when administrators failed to respond as required by law when the girls reported that they had been victimized by fellow students in the form of sextortion (Washington State House Republican Communications, 2013).

ASM Perpetrators Leave Digital Trails



When school staff members use electronic communications and/or the web to interact inappropriately with students, the digital trail left—e-mail correspondence, cell phone records, and internet communication logs—can provide valuable evidence for investigators of ASM allegations (Maxwell, 2007). For example, the text messages sent by a school counselor to a 15-year-old student to arrange meetings for sexual encounters provided evidence for a New Jersey lawsuit. Electronic evidence is a game changer for ASM investigations, because it may substantiate (or refute) allegations when there are no direct witnesses or students are ambivalent about making a complaint. Whereas many cases in the past were one person's word against another person's, electronic trails may provide solid proof of inappropriate interactions (Maxwell, 2007). Such evidence can help both state education authorities who must weigh whether to revoke an educator's license and law enforcement authorities who may prosecute an offender (Maxwell, 2007).

In a recent case in Alabama, members of the internet community prompted an investigation into an allegedly inappropriate relationship between a high school teacher and student. They were alarmed when a picture of an adult man and young girl—which was not provocative—was posted on an anonymous forum with the caption "photos that shouldn't be posted." Members of the online community took it upon themselves to search online for more information and pictures, quickly discovering that the man was a high school teacher. He had posted more than 700 photographs with the student in an unprotected online album, which had been taken over a long period of time and seemed to indicate an inappropriate relationship. Some individuals called the postings and other relevant information to the attention of local law enforcement for investigation ("Internet Community," 2015).

Communications technologies also present new "gray areas"—that is, behaviors that are questionable but not criminal in nature. Many of these gray areas are related to the behaviors of school personnel on personal social media platforms. For this reason, it is important for everyone in the school community to be aware of how easily today's technology allows for the production and distribution of sexually exploitative images.

Unfortunately, billions of dollars are generated from the distribution of images of child sexual abuse, and the production of child pornography is one component of internet-initiated sex crimes (Wolak, Finkelhor, Mitchell, and Ybarra, 2008). Research suggests that more than half of those arrested for possession of child pornography also have attempted or perpetrated sexual abuse (National Coalition to Prevent Child Sexual Abuse and Exploitation [NCPCSAE], 2012). It is not uncommon for perpetrators to persuade young people to take inappropriate photos of themselves or other minors for the purpose of sextortion and other forms of child exploitation. ASM prevention training with students should stress that students carefully consider any images they send or post. Furthermore, schools and school districts should consider implementing photo consent release form policies that require the school and students to notify their parents and/or school officials if an adult asks them for pictures or videos of any kind, whether appropriate or inappropriate (REMS TA Center, 2016).

Technology Facilitates the Production and Distribution of Sexually Exploitive Images



It is important for everyone in the school community to understand that the internet and digital technologies make access to and production of sexually exploitive images—including those involving children and teens—incredibly easy (National Coalition to Prevent Child Sexual Abuse and Exploitation, 2012). A case involving a sixth-grade teacher who used students as models to make child pornography highlights the need for awareness and addressing this issue in training (Maxwell, 2007). Billions of dollars are generated by images of child sexual abuse, and the production of child pornography is one component of internet-initiated sex crimes (Wolak, Finkelhor, Mitchell, and Ybarra, 2008). Research suggests that more than half of those arrested for possession of child pornography have also attempted or perpetrated sexual abuse (National Coalition to Prevent Child Sexual Abuse and Exploitation, 2012). It is not uncommon for those who perpetrate sex offenses against youths through the internet to persuade young people to create such images of themselves or other minors, which can be deemed as child pornography under current laws (National Coalition to Prevent Child Sexual Abuse and Exploitation, 2012). This is why student education must stress the need for young people to think very carefully about any images they send or post and to notify their parents and school officials if an adult asks them for inappropriate pictures or videos (Wolak, Finkelhor, Mitchell, and Ybarra, 2008).

Overly Restrictive Policies

In response to concerns about school personnel revealing too much information about their private lives on social media, some school districts have banned the use of these technologies, and others have restricted online interactions to school- or district-run networks (Preston, 2011). Although a small number of adults in schools might misuse technology as part of ASM perpetration, eliminating online technologies from schools is not the solution. A recent review of legal cases (Decker, 2014) related to the use of social media by educators (including those involving controversial posts and inappropriate student relationships cultivated on networking sites) argues that restrictive district policies are misguided and unwarranted. Instead, schools should play a critical role in ensuring that students know how to use these valuable tools safely and effectively (National Center for Missing & Exploited Children, 2012). There are many positive educational uses of social media—for example, teachers who use Twitter to answer questions about homework assignments and collaborate with other classes across the country (Preston, 2011).

The key to harnessing the power of online communication tools to enhance learning is for districts/schools to inform the school community about the potential risks of technology and the necessary steps to minimize them (NCMEC, 2012).

Model School District Policies

Understanding that texts, emails, and social media posts are the way most people exchange information today, many school administrators encourage teachers to use these technologies to communicate with students and parents related to academic matters (Starr, 2009). District policies and codes of conduct, however, can include cyber security, cyber safety, and personal use guidelines that outline appropriate and inappropriate online behaviors and interactions—specifying, for example, that teachers should not post on personal sites during school hours or while using school- or district-owned devices.

Beyond working with general counsel and providing guidelines for electronic communications and online interactions, these policies and codes of conduct can address whether or not school personnel should share with students *personal* social media pages (as well as pages on other online platforms), email addresses, and cell phone numbers (Maxwell, 2007). Such policies—along with training, mentoring, and other professional development activities—are particularly important for young teachers, who may have less traditional concepts of privacy and professional boundaries (Preston, 2011).

The Virginia Board of Education (2011), in its efforts to prevent ASM, stresses that district policies in their state should ensure that electronic and online interactions with students be

- transparent;
- accessible to supervisors and parents; and
- professional in content and tone.

(See figure below.) Other states may wish to adopt a similar approach.

Exhibit 7.
T.A.P. Electronic and Online Interactions

Make interactions between students and school personnel...	To this end...
Transparent	• Send messages to groups of students (classes, teams, and clubs); do not send emails to individual students. • Log all communications with students.
Accessible to supervisors and parents	• Make class-related social media and internet sites available to supervisors and parents. • Have teachers explain policies for class-related sites and communications, indicating that inappropriate language, content, and tone will be handled appropriately.
Professional in content and tone	• Consider equating electronic interactions with in-person interactions in communications guidelines. For example, "Don't say or do anything online that you wouldn't say or do in person." • Refer students with problems to the school's counseling team. Do not discuss nonacademic matters or problems (particularly personal relationships, sexual activities, or use of alcohol) with students.

In the spirit of transparency, experts recommend that educators using social media pages, blogs, and other platforms with their classes also share them with administrators, supervisors, and parents (NCMEC, 2012). When explaining the use of such platforms to students, educators should outline acceptable language and content and warn students that online communications are being monitored and saved.

Educators should be encouraged to consider the subject matter, content, purpose, timing, and frequency of their communications with students, and understand that concealing

communications from supervisors and/or parents can result in disciplinary consequences. School policies should be developed and carefully followed related to inappropriate interactions for staff members and students on Facebook, Instagram, and Twitter, and when texting or emailing images. This protects not only the students, but lessens the opportunity for false allegations against educators or the appearance of misconduct. Similarly, schools should have protocols for teachers to follow when students disclose potentially inappropriate content through online platforms and/or electronic communications.

In New Jersey, school districts require that all electronic contact with students be carried out through the district's network and phone system, with employees having no expectation of privacy. The policy also stipulates that employees must not share personal phone numbers, unless permission is received from the school principal. Further, electronic communications must be sent to *all* students, unless the information is confidential or specifically addresses issues pertaining to an individual student (New Jersey School Boards Association, 2014).

Schools may consider encouraging teachers to avoid "friending" students and parents on social media and image-sharing sites, blogs, and other online platforms. The use of privacy settings on social media sites, blogs, image-sharing sites, and other online communication tools, and a policy of not "friending" colleagues, students, and parents may help teachers separate their personal and professional "digital lives" (National Center for Missing and Exploited Children, 2012). This can help teachers separate their personal digital lives from their professional digital lives. Along these lines, schools can consider using only online platforms and learning management systems specifically authorized by the school or school district.

Besides encouraging educators to keep communications with students transparent, schools can consider having administrative, instructional, and technical personnel work in tandem with parents to decide on guidance and best practices for electronic and social media interactions.

Conclusion

School districts need policies that clearly outline appropriate and inappropriate electronic communications and online interactions between school personnel and students (Maxwell, 2007). Since texts, emails, and social media posts are the way most people expect to exchange information in today's world, many school administrators encourage teachers to communicate electronically with students and parents on academic matters. However, this requires the development of clear policies and codes of conduct that address all forms of electronic communications. Appropriate use of these technologies can be reinforced through the training of all school personnel and volunteers, as well as students and parents.

Chapter 5: Resources

Several government agencies promote national ASM awareness and prevention efforts through targeted initiatives and by providing resources on the subject. Descriptions of key agencies that address ASM are found below. Because resources at the state level vary widely, descriptions of state-level programs are not included in this chapter. Please consult your local and state agencies to learn about their programs and initiatives.

Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services

The CDC supports ASM prevention by offering information resources on various forms of child abuse, including child sexual abuse. These resources include guides and fact sheets, which can be found on the CDC's "Child Maltreatment" page at http://www.cdc.gov/violenceprevention/childmaltreatment/.

Childwelfare.Gov, U.S. Department of Health and Human Services

This site serves as a national information clearinghouse, providing such resources as a library and planning and training tools. These can be found at https://www.childwelfare.gov/.

Crimes against Children Research Center, Office of Juvenile Justice and Delinquency Prevention

This Center takes several approaches for raising awareness and improving strategies for reducing the incidence of crimes against children and supporting victims and their families. The Center has spearheaded several studies specific to violence against children, including the National Survey of Sexual Abuse in Day Care, and the Youth Internet Safety Survey. The Center also offers information about several research papers, fact sheets, and articles on child sexual abuse. These can be accessed at http://www.unh.edu/ccrc/index.html.

Federal Bureau of Investigation (FBI), U.S. Department of Justice

The FBI addresses ASM via its Violent Crimes Against Children program, which offers guides, links, and other resources specific to helping keep children from becoming victims of sexual exploitation and other forms of child abuse. More information about the Violent Crimes Against Children program can be found at https://www.fbi.gov/about-us/investigate/vc_majorthefts/cac.

Internet Crimes Against Children Task Force (ICAC Task Force), Office of Juvenile Justice and Delinquency Prevention

This site serves to enhance the capabilities of more than 3,000 federal, state, and local agencies by addressing efforts to sexually exploit children via communications systems and technologies. Resources provided on the ICAC Task Force website may be helpful to parents and youths who want to learn more about online safety. The side can be accessed at https://www.icactaskforce.org/Pages/Home.aspx.

National Center for Missing & Exploited Children, Office of Juvenile Justice and Delinquency Prevention

This site serves as a national clearinghouse of resources (reports, infographics, videos, and training programs) specific to children who are missing or have been sexually exploited. In addition, information on the CyberTipline®, which may be used to report suspected incidents of child sexual exploitation, is provided. Access the Center's website at http://www.missingkids.com/Home.

National Child Traumatic Stress Network (NCTSN), U.S. Department of Health and Human Services

NCTSN offers resources that allow professionals who work with children, researchers, and families to collaborate in order to improve care standards and access to services. NCTSN is composed of three types of centers that work together to form this network: the National Center for Child Traumatic Stress, the Treatment and Services Adaptation Centers, and the Community Treatment and Services (CTS) Centers. Learn more about NCTSN at http://www.nctsn.org/.

National Sexual Violence Resource Center, *Center for Disease Control*

This center serves as a clearinghouse of tools and training courses about sexual violence, including child sexual abuse. Statistical data as well as myths and perceptions about child sexual abuse can be found at http://www.nsvrc.org/projects/child-sexual-abuse-prevention.

Office for Civil Rights, U.S. Department of Education

This office supports schools and school districts by enforcing legislation related to ASM in schools, including Title IX of the Education Amendments of 1972. Information about specific rights under Title IX is available on the Office for Civil Rights' website at http://www2.ed.gov/about/offices/list/ocr/aboutocr.html.

- Title IX and Sex Discrimination Web Page: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- Title IX Resource Guide: http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf
- Title IX Regulations: http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html

Office for Victims of Crime (OVC), U.S. Department of Justice

OVC administers several programs and websites that provide victims with access to multiple resources and services. Some of these include the following:

- CrimeSolutions.gov—Provides information about program efficacy. Users may search multiple topics, including juvenile justice, in order to learn about the findings associated with a review of programs and practices. https://www.crimesolutions.gov/
- CrimeVictims.gov—Offers publications, hotlines, databases, and websites that crime victims, volunteers, and service providers can use to learn more about the rights of victims and the impact of specific crimes. www.crimevictims.gov

- Online Directory of Crime Victim Services—Spans all 50 states and territories, as well as other countries, and provides users with information about services and programs to support victims of "nonemergency crimes." https://ovc.ncjrs.gov/findvictimservices/

Project Safe Childhood, U.S. Department of Justice

Created as a comprehensive strategy to decrease incidents of child sexual exploitation and with the support of the public and law enforcement, this program makes available news articles, trainings, and fact sheets that can be accessed at http://www.justice.gov/psc/about-project-safe-childhood.

Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, U.S. Department of Education

Administered by the U.S. Department of Education's Office of Safe and Healthy Students, the REMS TA Center provides a clearinghouse of guidance, resources, training, and services in school safety, security, emergency management, and preparedness planning. The REMS TA Center offers both virtual and in-person trainings to schools and districts, as well as their community partners, with roles and responsibilities throughout the process. They also offer webinars, fact sheets, downloadable training packages, and other free resources related to adversarial and human-caused threats that schools and school districts may face, including adult sexual misconduct, sextortion, threat assessment in K–12 schools, and using social media to conduct threat assessments. Details about these free resources and other services may be accessed at http://rems.ed.gov/.

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