



# Understanding & Preventing Sexual Abuse at School

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In 2001, an assistant coach at Penn State stopped by the men's locker room to drop off a pair of shoes. While there, he heard strange noises coming from the shower. When he walked into the shower to investigate, he saw another coach, Jerry Sandusky, standing behind a young boy. Both were naked, and the assistant coach later testified that it appeared that Sandusky was raping the child. The assistant coach left the child in the shower with Sandusky and went home. After discussing the incident with family, the assistant coach decided to speak to Joe Paterno, the head coach. A week later, the assistant coach met with Penn State administrators to discuss what he saw in the shower.

Despite this eyewitness account of abuse of a minor, the police were not notified by anyone at Penn State. The abuse continued until 2008, when an administrator at a local high school notified local police that a student accused Sandusky of abuse. During the resulting trials it was discovered that victims and their parents had reported abuse to Paterno as early as 1976. The lack of reporting and insufficient investigation allowed Sandusky to abuse children for decades.

Thousands of miles from Penn State, parents of children at Miramonte Elementary School in Los Angeles faced the same challenge when it was revealed to the public in 2012 that Mark Berndt, a teacher at the school, had been under investigation for over a year. Parents were not notified until Berndt was arrested. The resulting scandal uncovered testimony from a former student who suspected abuse, but was afraid to tell someone, and even worse, evidence that the school district

shredded documents related to the allegations of child abuse. Berndt eventually pled no contest to dozens of counts of abuse, and the LAUSD settled for millions with former students and their families.

Sadly, these are just two of many cases of sexual abuse perpetrated by teachers and school officials across the nation. After representing several clients who suffered abuse while in the foster care system or in schools, we created this guide in the hopes of shining a light on how often sexual abuse at school or at the hands of school employees occurs, and what we can do to protect the most vulnerable members of our population.

In this guide, we'll answer many questions you may have about sexual abuse at school, including, how often this abuse occurs, where it occurs, how parents can prevent it, how teachers and administrators can prevent abuse at their own school, reporting guidelines, red flags to help spot abuse before it occurs, and what happens after abuse is reported. At the very end, we've also included a list of resources for you to continue your research on this subject.

**It is our duty, as adults,  
to ensure schools are  
safe places for all students.**



## How Often Does Sexual Abuse at School Occur?

While we can create a rough estimate of how many children are abused by school personnel, the truth is, we simply do not know because this data is not collectively tracked.

While several agencies track a limited amount of data, these types of incidents are not tracked by any one national agency. What data is collected is not shared between these agencies.<sup>9</sup> The closest we can come to knowing this number is a rough estimate based on a recent survey of a small number of US students. In this survey conducted in 2004, 9.6% of the more than 2,000 surveyed students in grades 8-11 reported unwanted sexual attention by an educator.<sup>6</sup>

There are roughly 55 million students enrolled in primary and secondary schools in the United States. If this amount of abuse is an accurate reflection of the general population, and many researchers believe this to be true, there are 5.5 million students currently attending K-12 who have been abused by a teacher or other school representative.

This statistic is especially troubling when you consider that 60% of abuse cases occur before the age of 14, and abuse in elementary school has not been tracked. In addition, a large number of abuse or harassment incidents are not reported to officials.

To get an idea of the prevalence of sex abuse by teachers, you need to research news reports of abuse. These types of searches return millions and

millions of articles. Narrow the search to teacher sex abuse cases in California, and you'll return more than 1.6 million news articles. The cases happen in Los Angeles, Fresno, Pomona, San Pedro, and everywhere else in California.

## Where Does Sexual Abuse at School Occur?

Abuse of students by a teacher can occur anywhere: in a classroom, locker room, gym, playground, private home or office. We've encountered cases of abuse that occur in a gym locker room between a coach and sports participant, in a hidden nook in a music room, on a school trip by a bus driver, after hours in a classroom, at the teacher's home, and in a utility closet while the rest of the class was outside.

In a recent Pomona case, a teacher took a 14-year-old to his home to have sex. In Los Angeles, a coach used the locker room as a place to abuse children. In both cases, school officials ignored red flags on multiple occasions, as well as not investigating or reporting properly.

In Kansas, a music teacher abused his students during lessons. In San Jose, a student had to transfer schools after she reported sexual text messages sent by her teacher. The school kept him in his position, and the student continued to be harassed and abused.

There is a pattern that emerges when you look at abuse cases as a whole. The vast majority of cases



of sexual abuse by school personnel, roughly 80%, consist of one-on-one encounters, one student with one adult.<sup>2</sup> In addition, 70% of all sexual assaults on children (not just by school personnel) occur in a residence, like the victim's or abuser's home.<sup>7</sup>

By preventing one-on-one encounters, limiting who has access to your child at home, and preventing your child from being alone in a teacher's home or bedroom, you may be able to stop potential abuse.

## What Can School Officials Do To Prevent Abuse at School?

Any adult in any role that requires the supervision and care of children is morally responsible for preventing sexual abuse at school. This includes teachers, administrators, volunteers, and any other person employed in a position where the employee comes into contact with children.

In addition, because of Title IX, any school that receives federal funding is legally responsible for preventing abuse and harassment. If officials do not take the necessary precautions to protect the children in their care, they can be held legally liable in both criminal and civil courts.

When a parent drops a child off at school, there is an understanding that the school will do everything in its power to safely educate that child. Unfortunately, not every school adequately protects their students from abuse by school personnel. Here are a few ways school officials can prevent abuse at school:

### 1. Prevention Programs

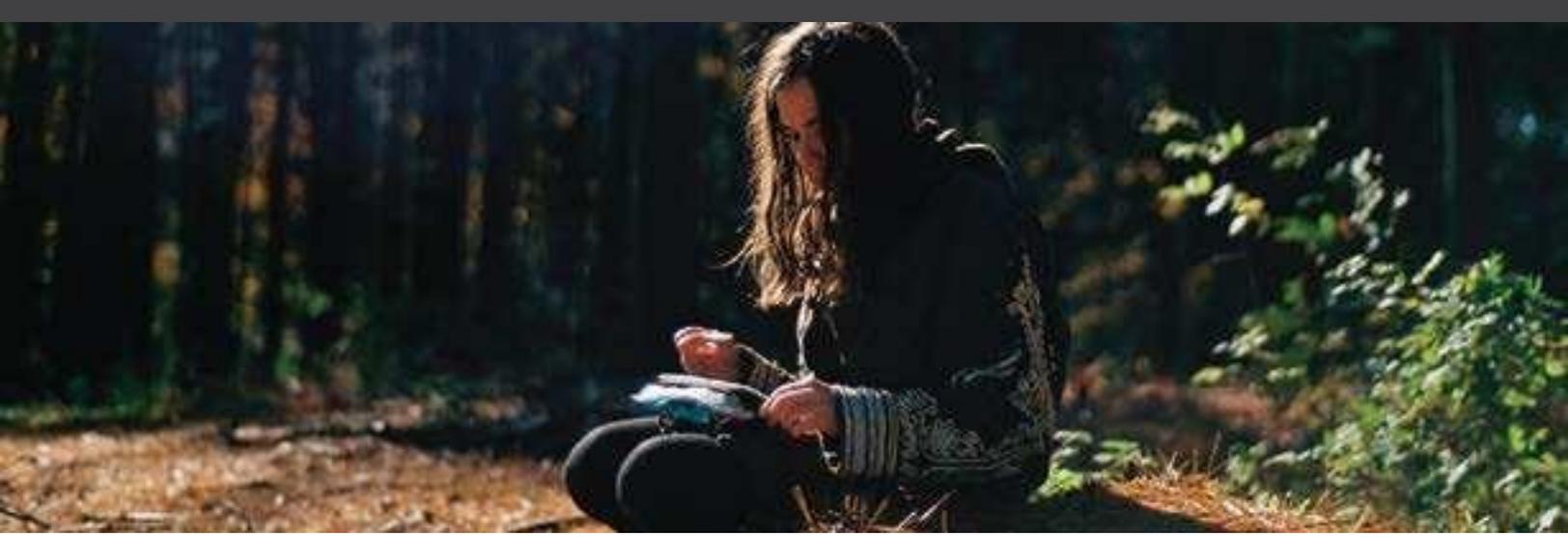
The most important step is to create and implement effective prevention programs that educate teachers, parents, and students. There are a number of established programs to prevent teacher misconduct. Prevention programs are effective at making children more aware of potential sexual abuse and increasing their ability to prevent that abuse, especially if the program consists of multiple sessions, repeats information, and provides exercises where children can apply prevention strategies.<sup>4</sup>

### 2. Background Checks

Another vital step in preventing sexual abuse at school is conducting the appropriate background, reference, and previous employer checks. Often, a sexual predator will have more than one victim and many offenders have left a trail of previous issues and allegations at other schools. This is why it is so important to report suspected abuse or allegations that have merit to the police. The best way to prevent future abuse is to remove access to potential victims.

### 3. Classroom Design

Classroom design also plays a large part in the prevention of abuse. Windows on doors and in the classroom can provide visibility to supervisors and security personnel. Furniture arrangement can be changed to improve visibility and remove any blind spots.



#### 4. Being Aware and Listening

Teachers spend all day with the children in their charge, and they are often the very first to spot and report suspected or witnessed abuse. Teachers can help prevent abuse by reporting any red flags to their administrators, and they are required to report reasonable suspicious of sexual abuse to law enforcement or child protective services. Your school or district should have reporting guidelines and educational programs in place to help you recognize and report abuse.

In addition, clearly explaining the code of conduct and possible ramifications to teachers may prevent abuse as well. Predators thrive in schools where no proper supervision or oversight is provided. But when administrators clearly demonstrate a no tolerance policy for sexual abuse, predators will often back off, and some will even move to different schools or districts with easier prey.

### How Do Parents Prevent Sexual Abuse at School?

There are a variety of steps you can take to protect your child from abuse. The first is to do basic research on the school your child is attending. Have there been previous allegations of abuse? Have background checks been processed on every adult who is employed by or volunteers at the school? Is there a reporting system in place for abuse? Are there abuse prevention programs in place? Are there windows in each classroom? Does the school have surveillance cameras in operation?

For after-school interactions, call your school principal to make sure the administrator knows this contact is occurring and ask for school guidelines for

these types of interactions. If a home visit by a teacher is necessary, make sure the interaction happens in a public area of the home, and you are nearby to make sure everything is safe.

When using the public school system, parents often don't have a choice where their child attends school, or the resources to move their child to a better school. Simply asking these questions may trigger the teachers and administrators at the school to put the necessary safety measures in place. If they don't, use whatever resources are at your disposal to create change: petitions, attending meetings, organizing parent groups, etc. By becoming involved and making yourself present at your child's school, you may prevent abuse. Predators are more likely to choose victims who have difficult relationships with their parents.

The second step is to educate your child. Abuse usually follows grooming, the process where an abuser selects and prepares the child for abuse.<sup>8</sup> This involves gaining the child's trust and isolating the child. By educating your child, you can help stop potential abuse before it starts. This involves teaching your child about healthy boundaries. If you're not sure how to start this conversation with your child, we've included resources that may help in the back of this guide.

The third step is to be aware. Do an internet search of the full legal name of your child's teacher(s). Previous allegations or arrests will often show up online. If someone takes a special interest in your child at school, or is overly complimentary of that child, have a healthy level of skepticism. Listen for subtle hints your child may leave, including any changes in behavior, physical health or sexual knowledge that isn't age appropriate.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.  
(Title IX)



They may also talk about a teacher who gives them hugs or pays special attention. In other cases, they suddenly drop sports or extracurricular activities that they previously liked. Trust your instincts. If something feels “off” or odd about a relationship, investigate further.

By researching your school and its employees, educating your child, and being aware of possible warning signs, you may be able to prevent abuse in your community.

## Signs of Sexual Abuse

If you are looking carefully, it is possible to see red flags long before the abuse starts because it often occurs in a predictable process. The abuser starts by selecting a victim, then builds trust with the victim, starts desensitizing them to sexual actions, and finally, the physical abuse starts.

1. The abuser starts by selecting a victim. They typically choose someone who is easy to manipulate. These are “good girls” or “good boys” who know how to keep secrets. The student may have a difficult relationship with his or her parents (making them less likely to confide in a

parent or other authority figure). They can also be students with low self-esteem, who will quickly respond to attention and flattery. They may also pick children who are already “problem students” with a history of acting out making them less likely to be believed.

2. The abuser then starts to build trust with the victim. This can begin with special attention and frequent complimenting. It escalates as the student proves trustworthy to the abuser, by keeping secrets and responding to the attention. The relationship between the abuser and child builds into private conversations, sometimes via text or social media, and one-on-one sessions. The abuser may issue an invitation for “after hours” help at the school or in the abuser’s home.
3. During this time, the abuser will also desensitize the victim to physical contact. There is usually frequent touching, which may include long hugs, resting hands on shoulders, neck or back rubs, and requests for the student to touch the abuser in the same way. At this point,

the behavior is inappropriate, but not yet criminal in nature. Eventually, if the child keeps the relationship private and the abuser finds or creates the opportunity, the sexual abuse will start. This can be everything from fondling to rape.

## What “Red Flags” Should I Look for?

During these stages, the abuser will do everything in his or her power to silence and control the child. But there are often signs that a relationship isn't quite appropriate. These are called “red flags” and should be reported and investigated.

Here are a few red flags that would need to be reported

- Rumors of past abuse that was not reported to the police
- Inappropriate closeness to a student (both physical and emotional)
- Inappropriate comments on a child's appearance
- Buying elaborate gifts for the child
- Disclosure of abuse by the victim
- Disclosure of suspected abuse by another student
- Forced physical contact (required hugs, sitting on lap, etc.)
- Significant or ongoing one-to-one time
- Any unauthorized contact between teacher and student outside of school hours or outside of school campus

If the red flags do not rise to the level of actual or suspected sexual abuse, then the appropriate step

may be to advise the teacher that the conduct exceeds the acceptable boundary between teacher and student and to instruct the teacher to refrain from such conduct in the future. The teacher may not, in fact, be a sexual abuser, but may be simply unaware that his or her relationship with a particular student has crossed the acceptable boundary. However, if the teacher then continues to violate that boundary, a more severe response would be warranted, such as disciplining or terminating the teacher and/or reporting the conduct to authorities. It is sometimes difficult for an outsider to know when a particular teacher's behavior is truly innocent or not, but it is never acceptable not to advise teachers of what the appropriate boundaries are and insist that they respect them. Sometimes that is all that is needed to prevent abuse because sexual predators look for easy targets and will often back off if their attempts at grooming have been called out.

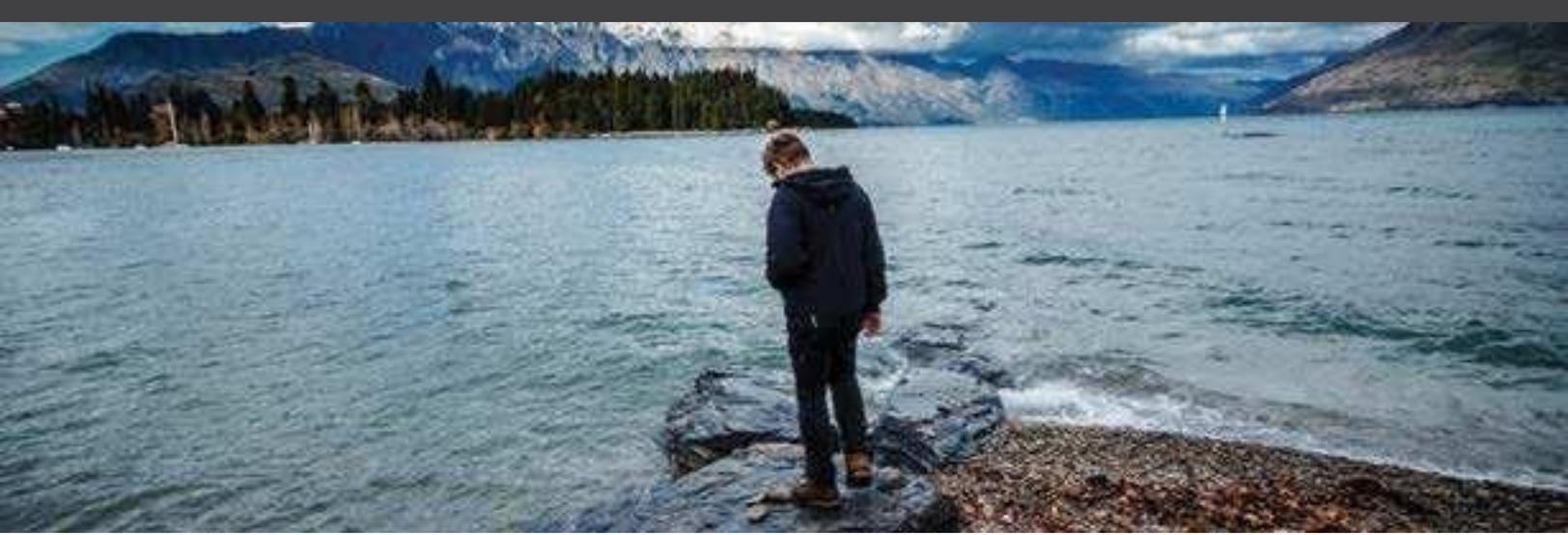
## Who is Responsible for Reporting Sexual Abuse at School?

Adult bystanders have a moral and, in some cases, legal obligation to report any reasonable suspicion of abuse to the appropriate authorities, including police, and child protective services.<sup>1</sup>

In addition, each state has a list of mandated reporters. People employed in these positions are required, by law, to report any reasonable suspicion of abuse.

California's list of mandated reporters includes educators, officers, medical professionals, social workers, clergy, government employees, and other child care providers. Employees like computer technicians and film processors are also required to report suspected abuse.<sup>3</sup>

In California, if you do not report suspected or witness abuse, you can face criminal charges and with up to six months in prison and/or up to a



\$1000 fine. You can also be included as a defendant in any civil lawsuits that are a result of the abuse. If damages are won by the victim, you may be responsible for a percentage of the damages.<sup>3</sup>

## Be a Hero

One of the heroes of the Miramonte Elementary scandal was a photo technician at CVS who reported potential abuse after processing photos taken by Mark Berndt. It's important to remember that you are not responsible for investigating the abuse, only reporting it. It is often difficult for someone who would never hurt a child to understand the motivation, logic, and of an abuser. You may have fears about ruining the reputation of another adult with an unfounded abuse allegation. But protecting the child is more important than protecting the reputation of an adult.

If you are a mandatory reporter in California, simply reporting to your supervisor does not satisfy the law. You must report directly and immediately to your county's child welfare department or the police by phone, and then follow up within 36 hours by written report. You are protected by California law against any legal consequences if the report results in no abuse being found, as long as your report was done in "good faith."<sup>3</sup>

If you are a teacher, and need more information on abuse prevention and reporting, please see this guide, *The Role of Educators in Preventing and Responding to Child Abuse and Neglect* created by HHS (link in resources).

To see a complete list of California employees who are mandated reporters, please visit the *Child AbuseMandated Reporter Training* website (link in resources).

## What Happens After Sexual Abuse at School is Reported?

After abuse is reported, there will be an investigation by the police or social services. If abuse is found, criminal charges will be filed. This will trigger an arrest and either a trial or plea bargain. If found guilty, the abuser will be sentenced, which can include any or all of the following: sex offender registration, jail time, fines, restitution, and community service.

The abuser, and any liable parties, may also be sued in civil court. Civil court is where the survivor of abuse may recover a settlement or award for any damages, including mental suffering, physical impairment, humiliation or emotional distress. The financial costs of these cases to school districts are staggering. LAUSD has paid more than \$300 million to victims since 2012.

If your child is abused at school, they have a legal right to continue to attend school, be protected from the abuser, and be protected from any repercussions or harassment by teachers or fellow students. This law is part of Title IX, and applies to every student attending a school that receives public funding.

Title IX even applies to non-sexual contact by a teacher that makes a student uncomfortable, such as frequent touching or hugging because this could create a hostile environment where the



student finds it difficult to learn. The burden of fulfilling this duty is on the school, not the victim. The school is responsible for reporting the abuse and protecting the student.

Many abuse victims suffer PTSD, substance abuse, anxiety, and other mental health issues after abuse. It's imperative that they receive treatment and counseling to help deal with any issues that arise from the abuse. Some of these issues may not occur until many years after the abuse.

Civil lawsuits may provide monetary rewards that can help pay for these vital services.

If you have been assaulted, help is available at the National Sexual Assault Hotline.

800.656.HOPE (4673)  
or [online.rainn.org](https://online.rainn.org) for chat

“When a school is on notice that a school employee has sexually harassed a student, it is responsible for taking prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects.”

## Title IX

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## Resources

### **Child Welfare Information Gateway**

<https://www.childwelfare.gov/pubs/usermanuals/educator/>

### **Child Abuse Identification & Reporting Guidelines**

<http://www.cde.ca.gov/ls/ss/ap/childabusereportingguide.asp>

### **Child Abuse: Who Must Report?**

<https://www.schoolcounselor.org/magazine/blogs/november-december-2011/child-abuse-who-must-report>

### **Determining Reasonable Suspicion**

<http://ican4kids.org/documents/CANProtocol/ap4.Determining.pdf>

### **The State of Child Abuse in Los Angeles County**

[http://ican4kids.org/documents/Data\\_2015.pdf](http://ican4kids.org/documents/Data_2015.pdf)

### **Suspected Child Abuse Reporting System for Mandated Reporters**

<https://mandreptla.org/index.asp>

### **California County Hotline Number to Report Child Abuse**

[http://www.hwcws.cahwnet.gov/countyinfo/county\\_contacts/hotline\\_numbers.asp](http://www.hwcws.cahwnet.gov/countyinfo/county_contacts/hotline_numbers.asp)

### **S.E.S.A.M.E.**

<http://www.sesamenet.org>

### **Keeping Children Safe from Grooming**

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/grooming/>

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