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Educator Sexual Misconduct: A Synthesis of Existing Literature

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Educator Sexual Misconduct:
A Synthesis of Existing Literature

Prepared for the U.S. Department of Education
Office of the Under Secretary
Policy and Program Studies Service

By Charol Shakeshaft
Hofstra University and Interactive, Inc.
Huntington, N.Y.

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U.S. Department of Education
Rod Paige
Secretary

June 2004

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Preface

Any adult misconduct or sexual abuse in schools is of grave concern to students, parents, educators, and the Department of Education. This literature review of *sexual abuse* and *sexual misconduct* responds to the mandate in Section 5414 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to conduct a study of *sexual abuse* in U.S. schools. To satisfy this mandate, the Department of Education contracted with Dr. Charol Shakeshaft of Hofstra University. Using the limited research that is available in this area, her literature review describes, among other topics: prevalence of educator sexual misconduct, offender characteristics, targets of educator sexual misconduct, and recommendations for prevention of educator sexual misconduct. We note that the author offers several new recommendations that may be worth considering, although some may be at odds with current law.

Although the author's findings are in part broader than the congressional mandate and therefore could be perceived by some as insufficiently focused, we believe that sexual misconduct in whatever form it takes is a serious problem in our nation's schools and one about which parents and taxpayers have a right to be informed. The Department of Education is currently investigating ways to obtain more reliable evidence on the extent of sexual abuse in schools.

It is important to note some of the Department's reservations about the findings in the literature review. Specifically, the author focuses in large measure on a broad set of inappropriate behaviors designated as "sexual misconduct," rather than "sexual abuse," which is the term used in the statute. Specifically, section 5414(a)(3) of the ESEA requires the Secretary of Education to conduct "[a] study regarding the prevalence of *sexual abuse* in schools. . . ." *(emphasis added)* The distinction between "sexual misconduct" and "sexual abuse" is significant in legal and other terms. However, both are of concern to parents and the Department.

The author's use of the two words interchangeably throughout the report is potentially confusing to the reader. Federal law gives separate and specific meaning to the words "sexual abuse," and such words should not be confused with the broader, more general concept of "sexual misconduct." Specifically, "sexual abuse" has been a defined term for over 17 years [18 U.S.C. § 2242]. It involves an act where one knowingly "causes another person to engage in a sexual act by threatening or placing that other person in fear. . ." or "engages in a sexual act with another person if that other person is—(A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act. . . ." *Id.* "Sexual abuse" carries a penalty of a fine or imprisonment for not more than 20 years, or both. *Id.*

Finally, despite some of the above reservations about this study, the Department believes that this topic is of critical importance and that releasing the report is clearly in the public's interest. The overwhelming majority of America's educators are true professionals doing what might be called the "essential" work of democracy. The vast majority of schools in America are safe places.

Nevertheless, we must be willing to confront the issues that are explored in this study. We must all expand our efforts to ensure that children have safe and secure learning communities that engender public confidence.

Eugene W. Hickok
Deputy Secretary

Educator Sexual Misconduct:
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1.0 PURPOSE AND METHODS OF SYNTHESIS

Section 5414 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, requires "a national study of sexual abuse in schools." This synthesis reviews existing data which relate to educator sexual misconduct including the methods used to collect those data. This report documents research on educator sexual misconduct, *not* advice or practice recommendations unless supported by data.[1] Using data related to sexual misconduct, the synthesis examines:

Incidence and prevalence.
Offender descriptions.
Target/victim descriptions.
Patterns of misconduct.
School district responses.
Legal remedies.
Effects on targets and others.
Consequences to offenders of allegations.
Union and professional organization roles.
Prevention.

1.1 Definitions. The phenomena examined in this synthesis include behavior by an educator that is directed at a student and intended to sexually arouse or titillate the educator or the child. In this review, "educator" includes any person older than 18 who works with or for a school or other educational or learning organization. This service may be paid or unpaid, professional, classified or volunteer. Adults covered by this review might be teachers, counselors, school administrators, secretaries, bus drivers, coaches, parent volunteers for student activities, lunchroom attendants, tutors, music teachers, special education aides, or any other adult in contact in a school-related relationship with a student.

"Students" include any person, whatever age, in an educational institution up through 12th grade. This review does not examine the literature on postsecondary or higher education educator-to-student sexual misconduct.

The behaviors included in the review are physical, verbal, or visual. Examples include touching breasts or genitals of students; oral, anal, and vaginal penetration; showing students pictures of a sexual nature; and sexually-related conversations, jokes, or questions directed at students.

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[1] Practice guidelines can be found in Bithell, 1991; Hendrie, 1998 and 2003; Jennings and Tharp, 2003; Olson and Lawler, 2003; Robins, 1998; Ross and Marlowe, 1985; Seryak, 1997; Shakeshaft and Cohan, 1994 and 1995; Shakeshaft, 1994, 2002, 2003; Shoop, 2004; Willmsen and O'Hagan, 2003; Zemel and Twedt, 1999.

“Molestation,” “rape,” “sexual exploitation,” “sexual abuse,” “sexual harassment”—these words and phrases are often used to describe adult-to-student sexual abuse in schools. Shoop (2004) defines these behaviors as educator sexual exploitation. There is considerable discussion concerning the appropriate label for these actions. While “*educator sexual abuse*” is a common reference, “*educator sexual misconduct*” is a more appropriate term for the purposes of this review.

In naming the focus of this inquiry, I use as a guide the policy of the Ontario (Canada) College of Teachers that recommends the term *educator sexual misconduct* because the phrase “educator sexual abuse” fails to include the larger set of inappropriate, unacceptable and unprofessional behaviors.

> By referring to “sexual abuse” the emphasis is placed on the victim, and the question of whether the victim did or did not suffer abuse or harm. This is not the appropriate focus. The proper emphasis must not be on the student, but on the teacher, who is solely responsible for his or her professional conduct” (Ontario College of Teachers, 2001, p. 3).

Using the Ontario College of Teachers “Professional Advisory on Professional Misconduct Related to Sexual Abuse and Sexual Misconduct” (2002, p. 2) as a guide, educator sexual misconduct in this review is defined as any “behavior of a sexual nature which may constitute professional misconduct.” (p. 1). Included in this broad listing are several types of conduct including overt and covert actions:

> Any conduct that would amount to sexual harassment under Title IX of the (U.S.) Education Amendments of 1972.
> Any conduct that would amount to sexual abuse of a minor person under state criminal codes.
> Any sexual relationship by an educator with a student, regardless of the student’s age; with a former student under 18; with a former student (regardless of age) who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the educator holds a position of trust and responsibility are included.
> Any activity directed toward establishing a sexual relationship such as sending intimate letters; engaging in sexualized dialogue in person, via the Internet, in writing or by phone; making suggestive comments; dating a student.

This definition includes criminal, civil, and professional codes of conduct and responds to the missing elements in much of the literature on child sexual abuse. This definition covers what is also commonly referred to as sexual abuse and/or sexual harassment of children. This definition is central to the development of future studies on educator sexual misconduct.

1.2 Scope of synthesis search. Using the general descriptor “educator sexual misconduct” (and its subsidiary or component behaviors), I have identified nearly

900 relevant citations including *sui generis* original studies, secondary analyses of existing data, journalistic articles, reports for professional and governmental organizations, and other related scholarship. I searched reference databases in education, juvenile and criminal justice, social sciences, law and public policy.

I augmented those searches by contacts through Listservs and Web site destinations. More than 1,000 researchers, educators and policymakers were contacted to identify current studies of educator sexual misconduct. In particular, I examined sources identified for data on educator sexual misconduct that:

Document frequency.
Describe offenders/predators.
Describe student targets/victims.
Identify patterns of misconduct.
Detail school district responses.
Examine legal solutions.
Describe effects on targets.
Document consequences for offenders.
Detail union and professional organization involvement.
Document prevention interventions.

1.3 Methods of synthesis. Appropriate synthesis techniques depend on the design of studies and the types of data in the research literature. Normally, a research synthesis includes search, review, categorization, frequency analysis, comparative analysis and weighting or evaluating the results. A researcher synthesizing data usually will follow these steps:

Assign studies to topical areas.
Screen for studies based upon empirical data.
Categorize by research method.
Assess research quality and design.
Assign confidence intervals by research design type and quality.
Synthesize results using lists of findings, counts of expert judgments, and/or meta-analysis.

Unfortunately, there are few empirical studies on educator sexual misconduct. As a result, there are insufficient studies to undertake even the simple synthesis method of counting the votes, let alone to merit the more formal and rigorous methods of synthesis such as meta-analysis. Thus, this synthesis is confined to a review of existing empirical literature and identification of issues which need initial or further study. This report does not review discussions of best practice that are not based upon data.

2.0 DESCRIPTION OF EXISTING RESEARCH, LITERATURE, OR OTHER VERIFIABLE SOURCES

2.1 Categories of discourse. The citations identified can be categorized as:
Books, government reports, and journal articles that describe systematic studies that can be replicated or verified.
Books, government reports, and journal articles that include first or third person accounts of cases or incidents of educator sexual misconduct within a context of practice-based knowledge.
Newspaper or popular magazine reports of cases or descriptions of educator sexual misconduct.

2.2 Systematic studies. Although I identified nearly 900 citations in the literature[2] that discussed educator sexual misconduct in some format, there were only 14 U.S. [3] and five Canadian or UK[4] empirical studies on educator sexual misconduct. Of the U.S. studies, only one (Shakeshaft, 1994, 1995) received federal funding (U.S. Department of Education). None of these studies—either singly or as a group—answers all of the reasonable questions that parents, students, educators, and the public ask about educator sexual misconduct, and they certainly do not provide information at a level of reliability and validity appropriate to the gravity of these offenses. Nevertheless, the purpose and approach of these studies, which are briefly described in Table 1, are the best currently available**.**

2.2.1 U.S. nationwide studies. Four studies include survey data from national samples, but only the American Association of University Women (AAUW) studies are based upon data from a representative national sample (AAUW, 1993; 2001; Cameron et al., 1986; Stein, Marshall, and Tropp, 1993; SESAME, 1997). There are three studies which examine national samples of cases or regulations (Hendrie, 1987, 2003; Zemel and Twedt, 1999).

The AAUW *Hostile Hallways* surveys, administered to a nationwide sample of 8th- to 11th-grade students in 1993 and again in 2000, are the only studies that provide reliable nationwide U.S. data on educator misconduct. The purpose of these two studies was not specifically to document educator sexual misconduct. Peer sexual harassment is the primary focus of the surveys and the reports. However, the data from these studies were subjected to a secondary reanalysis which focused only on educator sexual misconduct (Shakeshaft, 2003).

Cameron, Coburn, Larson, Proctor, Forde, and Cameron (1986) surveyed five metropolitan areas in different geographic locations to gather data on sexual attitudes,

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[2] The bibliography includes all sources that were screened for an empirical or systematic analytic foundation.
[3] AAUW 1993, 2001; Cameron et al., 1985; Corbett, Gentry, and Pearson, 1993; Hendrie, 1998, 2003; Jennings and Tharp, 2003; SESAME, 1997; Shakeshaft and Cohan, 1994, 1995; Shakeshaft, 2003; Stein, Marshall, and Tropp, 1993; Willmsen and O'Hagan, 2003; Wishnietsky, 1991; Zemel and Twedt, 1999.
[4] Abuse and Disability Project, 1992; Robins, S., 1998. UK studies: Cawson, Wattam, Brooker, and Kelly, 2000; Freel, 2003; Gallagher, 2000.

activities, and experiences. Although not the direct focus of this inquiry, questions were included that documented respondent experience with teacher sexual misconduct.

Stein, Marshall, and Tropp (1993) analyzed results of a survey included in *Seventeen Magazine*. Although they came from across the United States, respondents were not representative because all were female readers of the magazine who volunteered to return the survey.

SESAME (1997) also surveyed volunteers who had been targets of educator sexual misconduct. The respondents sample came from all parts of the United States and included both sexes but was a volunteer sample.

Table 1. Empirical Studies of Educator Sexual Misconduct	
Study	**Description**
Abuse and Disability Project (1992). Edmonton, Canada: University of Alberta. Edmonton, 1992.	Analysis of 162 cases of sexual abuse of children or adults with disabilities in Canada. Reports on abuse by transportation workers.
American Association of University Women (1993). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.	1,632 field surveys of U.S. public school students in grades 8 to 11 in 79 schools. The sample was representative of students in public schools in the United States. Students in this sample were asked questions about physical, verbal, and visual sexual harassment
American Association of University Women (2001). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.	Replication of 1993 study. Consisted of 2,063 field surveys of U.S. public school students in grades 8 to 11. The sample was representative of students in public schools in the United States. Students in this sample were asked questions about physical, verbal, and visual sexual harassment.
Paul Cameron, William Coburn Jr., Helen Larson, Kay Proctor, Nels Forde, and Kirk Cameron (1986). "Child molestation and homosexuality." *Psychological Reports*, 58, 327-337.	Cluster sample of five metropolitan areas. Door-to-door sampling and administration of a 550 question survey about sexual attitudes, activities, and experiences. 4,340 surveys were retuned, a 45.5 percent response rate.
Pat Cawson, C. Wattam, S. , Brooker, and G. Kelly (2000) *Child Maltreatment in the United Kingdom: A Study of Prevalence of Child Abuse and Neglect.* London: NSPCC.	Interviews of UK national random sample of 2,869 young people ages 18-24 on incidence of sexual abuse as children.
Kelly Corbett, Cynthia Gentry, and Willie Pearson Jr. (1993). "Sexual harassment in high school." *Youth and Society, 25*(1), 93-103.	Survey of 185 college students in an introductory sociology course. Survey asked students to estimate sexual harassment of a student in high school by a teacher, both about other students and themselves.
Mike Freel (2003). "Child sexual abuse and the male monopoly: An empirical exploration of gender and a sexual interest in children." *The British Journal of Social Work*, 33 (481-498).	Paper and pencil survey of 92 female and 91 male UK public sector child care workers examining their sexual interest in children as well as incidence of sexual abuse as children.
Bernard Gallagher (2000). "The extent and nature of known cases of institutional child sexual abuse." *British Journal of Social Work,* 30 (795-817).	Search of 20,000 child protection files from eight English and Welsh regions. Descriptions of reports of child sexual abuse by a worker in the institution.
Caroline Hendrie, (Dec. 2, 9, 16, 1998) "A trust betrayed. sexual abuse by teachers." *Education Week*.	Compilation of 244 cases active in either criminal or civil courts or being handled by school district investigators between March and August of 1998. Survey of officials from each of the 50 states on their laws and policies on sexual relations with students and the reporting of alleged abuse by school employees.

Table 1. Continued

Study	Description
Caroline Hendrie, (April 30 and May 7, 2003) "Trust betrayed. An update of sexual misconduct in schools." *Education Week*.	Two-part series updating the 1998 three-part series. Survey of state sexual misconduct policies.
Diane Jennings and Robert Tharp (May 4, 5, 6, 2003) "Betrayal of trust." *The Dallas Morning News.*	Three-part series examined 606 cases of educator sexual abuse in Texas from records about disciplined educators maintained by the State Board of Educator Certification.
Sydney L. Robins, (2000). *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*.	Content analysis of 120 cases of sexual misconduct brought before the Ontario Teachers' Federation and Ontario College of Teachers between 1989 and 1997. Review of 100 criminal cases against teachers between 1986 and 1997.
SESAME, 1997, www.sesamenet.org	Survey of 100 survivors of educator sexual misconduct in the United States. Data from 74 girls and 26 boys who had been victimized. Educators identified by staff positions held and survivor reports of consequences for perpetrators.
Charol Shakeshaft and Audrey Cohan, (1995, March). "Sexual abuse of students by school personnel." *Phi Delta Kappan*, 76 (7) 513-520. (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.	Survey of 778 superintendents in New York State on incidence of educator sexual misconduct. Telephone survey of 225 school superintendents who reported they had dealt with educator sexual misconduct. Follow-up interviews with others involved in the cases.
Charol Shakeshaft (2003) "Educator sexual abuse." *Hofstra Horizons*, Spring, 10-13	Secondary reanalysis of AAUW Hostile Hallways data to focus on educator sexual misconduct. 2,063 field surveys of public school students in grades 8 to 11. The sample was representative of the overall population of students in public schools in the United States.
Nan D. Stein, Nancy L. Marshall and Linda R. Tropp (1993). *Secrets in public: Sexual harassment in our schools*. Wellesley, Mass.: Wellesley Centers for Women.	Survey in *Seventeen Magazine* on sexual harassment. 4,200 girls in grades 2 through 12 responded.
Christine Willmsen and Maureen O'Hagan (Dec. 14-16, 2003). "Coaches who prey," *The Seattle Times*.	Series on coaches in Washington state who sexually abuse students. Analysis of school district records that identified 159 coaches that had been reprimanded or fired for sexual misconduct between 1993 and 2003.
Dan H. Wishnietsky (1991). "Reported and unreported teacher-student sexual harassment." *Journal of Educational Research*, 84 (3), 164-169.	Survey reports from 300 graduates of North Carolina high schools asking their experiences with educator sexual misconduct.
Jane Elizabeth Zemel and Steve Twedt (Oct. 31 to Nov. 2, 1999). "Dirty secrets," *Pittsburgh Post-Gazette*.	Three-part series on educator sexual abuse in the *Pittsburgh Post-Gazette*. Results from survey of state education departments on reasons for revocation of teacher licenses. Data from 45 states and the D.C. public schools.

Hendrie examined newspaper reports of educator sexual misconduct nationwide (1998) and state criminal and education laws (1998, 2003). Zemel and Twedt (1999) also surveyed state education departments.

2.2.2 Regional studies. In addition to national coverage, there are six regional studies (Corbett, Gentry, and Pearson, 1993; Jennings and Tharp, 2003; Shakeshaft and Cohan, 1994, 1995; Willmsen and O'Hagan, 2003; Wishnietsky, 1991; Zemel and Twedt, 1999). These focus on Texas, New York, Washington, North Carolina and Pennsylvania.

2.2.3 Canadian and UK studies. Five Canadian and UK studies provide data on educator sexual misconduct. Cawson, Wattam, Brooker, and Kelly (2000) surveyed a random sample of young people in England on the prevalence of sexual abuse of children and included questions on the professional identity of offenders. Freel (2003) surveyed child care providers in England, asking about their sexual attraction to children. Gallagher (2000) in England and Wales, Robins (1998) in Canada, and the Abuse and Disability Project (1992) in Canada, all examined public records of educator sexual misconduct. In the Gallagher study, 20,000 referred cases to social services or the police between January 1988 and December 1992 were searched for instances of sexual abuse of students in institutional settings by those who worked in these settings.

2.3 Practice-based accounts with first or third person descriptions. The publications in this category describe incidents of educator sexual misconduct from a practice perspective. The U.S. cases have been collected in a variety of ways: Bithell (1991), Olson and Lawler (2003), Ross and Marlow (1985), and Shoop (2004) report on incidents encountered during their professional lives. Seryak (1997), also an educator, invited adults who had experienced childhood sexual abuse to contribute their stories. Robins (2000) describes situations of educator sexual misconduct included in his data set of 120 cases brought before the Ontario Teachers Federation and Ontario College of Teachers as well as documenting 100 criminal cases against teachers. Table 2 lists these accounts.

Table 2. Summary of Practice-Based, First Person Reports, and Third Person Reports	
Source	**Description**
Sherry B. Bithell (1991). *Educator Sexual Abuse.* Boise: Tudor House Publishing.	Summary of information on child sexual abuse necessary for educators to effectively intervene. Portrayals of offenders based upon interviews, observations, and court records. Written by an educator with 26 years in the public schools who also developed a statewide program in child abuse prevention.
Matthew D. Olson and Gregory Lawler (2003). *Guilty until Proven Innocent*. Stillwater, Okla.: New Forums Press.	Includes descriptions of five cases in which a Colorado teacher was wrongly accused of mistreatment or abuse of a student. Written by the defense attorney and the union representative involved with the case, the descriptions were based upon their interactions with the accused, court records, and newspaper accounts.
Victor J. Ross and John Marlowe (1985). *The Forbidden Apple: Sex in the Schools.* Palm Springs, Calif.: ETC Publications.	Two administrators share their experiences with cases of educator sexual misconduct, provide an overview of the issues, and include advice on preventing sexual abuse of students by adults in schools.
Sydney L. Robins (2000). *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. Ontario, Canada: Ontario Ministry of the Attorney General.	Description of educator sexual misconduct cases in Ontario, Canada. Provides guidance for recognizing and preventing sexual abuse of children by educators.
John M. Seryak (1997). *Dear Teacher, If You Only Knew! Adults Recovering from Child Sexual Abuse Speak to Educators*. Bath, Ohio: The Dear Teacher Project.	Publication of a project in which adults wrote letters to an imaginary or surrogate teacher about the childhood sexual abuse they experienced. While the abuse described is not generally by educators, the focus is on the behaviors and cries for help that educators should hear.
Robert J. Shoop (2004). *Sexual Exploitation in Schools: How to Spot It and Stop It.* Thousand Oaks, Calif.: Corwin Press.	Interviews, newspaper reports, journal articles, court documents and personal experience describe educator sexual misconduct in schools. Guidelines for recognizing and preventing abuse are included. Includes descriptions of cases of educator sexual misconduct.

2.4 Newspaper and other media sources. Most public knowledge about educator sexual misconduct comes from newspaper reports. Appendix I is a list of newspaper articles reviewed for this synthesis. Journalists report allegations and these news stories increase public awareness. The newspaper items excerpted below appeared in one month, February 2003, and are a small sample of the incidents that come to the attention of school and law enforcement officials.

> Henderson, N.C.: The Henderson Count School Board agrees to pay $1.78 million to the families of 17 children who were alleged sexual victims of a former teacher assistant.
> Augusta, Wisc.: Family alleges sexual assault of 12-year-old boy by male teacher.
> Ann Arbor, Mich.: Male high school teacher assaults female student.
> Indiana: Former principal of a Baptist school to be sentenced for taking an 11-year-old female student across country to have sex with her.
> Omaha, Neb.: Wrestling coach sentenced to 45 days in jail and required to apologize publicly to female student he assaulted.
> Sarasota, Fla.: Former female high school assistant coach pleads no contest to unlawful sexual activity and committing a lewd and lascivious act with two students on her basketball and softball teams.
> Westminster, Colo.: Male coach gets six years in prison for sexually assaulting seven girls on his softball team.
> Amelia, Ohio: Former male high school administrative assistant gets 18 month sentence for having sex with female high school student.
> Hackensack, N.J.: 42-year-old female middle school teacher admits sexual intercourse with sixth-grade male student.
> Yonkers, N.Y.: 50-year-old male Montessori teacher fondles 7-year-old student in bathroom.
> Bullhead City, Ariz.: Male ESL teacher has sexual contact with 12-year-old female student. Teacher is a registered sex offender in Florida.

While most articles are single reports of cases, several series which include data collection were found. *Education Week* produced two multipart reports of educator sexual misconduct using newspaper reports as the primary data (“A trust betrayed: Sexual abuse by teachers,” December 1998; “Trust betrayed: Update on sexual misconduct in schools,” April 2003. Hendrie, C. and Drummond, S., eds.). Zemel and Twedt (1999) analyzed educator sexual misconduct in a three-part series, including results of a survey of state education departments to document the reasons behind teacher license revocations.

Two recent series, one in the *Dallas Morning News* (Jennings and Tharp, May 2003) and the other in the *Seattle Times* (Willmsen and O’Hagan, December 2003), examined educator sexual misconduct in their respective states. Jennings and Tharp focused on 606 cases of educator sexual misconduct from Texas State Board of Educator Certification records and Willmsen and O’Hagan targeted abuse by coaches. In both instances, reporters commented on the difficulty of obtaining information on educator sexual misconduct. O’Hagan and Willmsen (Dec. 14, 2003) write:

> When the *Seattle Times* asked the Bellevue School District for information about teachers and coaches accused of sexual misconduct, school officials and the state's most powerful union teamed up behind the scenes to try to hide the files. Bellevue school officials even let teachers purge their own records at union-organized "file parties" to prevent disclosure.

Good Housekeeping magazine covered educator sexual misconduct (May 2003; December 2003 follow-up) and also sponsored a write-in campaign from readers to encourage federal action to prevent educator sexual misconduct (http://magazines.ivillage.com/goodhousekeeping/pring/0,,572804m00,html).

2.5 General child sexual abuse data sets and instruments. Appendix II lists the most cited surveys, instruments, data sets, or reports that include data on child abuse or that are developed to collect data on child abuse. While the studies in Appendix II aren't specifically focused on educator sexual misconduct, they provide insights into both sexual abuse of children by adults and methods for studying child sexual abuse.

Many of the Appendix II studies and surveys on child sexual abuse—and certainly the most significant ones—are federally funded. However, there are no *national* government funded studies that document the *prevalence* of educator sexual misconduct**.** It is relevant to note that *none* of the federally funded data sets or reports on child sexual abuse listed below and/or included in Appendix II even contain questions that would enable analysis of educator sexual misconduct. Studies examined were:

Fast Response Survey System: Principal/School Disciplinarian Study; Violence and Discipline Problems in U.S. Public Schools; Violence and Crime at School.
Indicators of School Crime and Safety, National Center for Educational Statistics and Bureau of Justice Statistics.
Longitudinal Studies on Child Abuse and Neglect (LONGSCAN).
Questionnaire, Children's Bureau, U.S. Department of Health and Human Services.
Metropolitan Life Survey of the American Teacher, 1999: Violence in America's Public Schools.
Monitoring the Future 2002, 2002, 2003, National Institute on Drug Abuse.
National Crime Victimization Survey and School Crime Supplement, Bureau of Justice Statistics, National Center for Education Statistics.
National Incidence Studies, National Center of Child Abuse and Neglect (NIBRS).
National Longitudinal Study of Adolescent Health, National Institutes of Child Health and Human Development (NICHHD).
National Survey of Adolescents in the United States.
National Survey of Family Growth, National Center for Health Statistics.
National Violence Against Women Survey, National Institutes of Justice and Center for Policy Research.

National Youth Victimization Prevention Programs: A National Survey of Children's Exposure and Reactions.
Youth Risk Behavior Surveillance System, Centers for Disease Control, National Institutes of Health.

Most information on child sexual abuse comes from either child welfare or law enforcement agencies. A typical example of how studies that report sexual abuse of children are not helpful for understanding educator sexual misconduct is the National Incidence-Based Reporting System (NIBRS). NIBRS collects data from law enforcement agencies on reported crimes. However, there is no category in this data set that allows identification by professional caretaker status such as "teacher"; instead, these incidents are included in a category of "acquaintances." In some state data sets, cases of teacher sexual misconduct would be reported as a "nonfamily caretaker" or under another general category.

2.6 Availability of research. There are 24 sources which meet the criteria for review. These studies include systematic focus on issues related to educator sexual misconduct and/or case and practice accounts (Table 3).

Table 3. Empirical and Practice Studies of Educator Sexual Misconduct	
Study	**Description**
Abuse and Disability Project (1992). Edmonton, Canada: University of Alberta. Edmonton, 1992.	Analysis of 162 cases of sexual abuse of children or adults with disabilities in Canada. Reports on abuse by transportation workers.
American Association of University Women (1993). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.	1,632 field surveys of U.S. public school students in grades 8 to 11 in 79 schools. The sample was representative of students in public schools in the United States. Students in this sample were asked questions about physical, verbal, and visual sexual harassment
American Association of University Women (2001). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.	Replication of 1993 study. Consisted of 2,063 field surveys of U.S. public school students in grades 8 to 11. The sample was representative of students in public schools in the United States. Students in this sample were asked questions about physical, verbal, and visual sexual harassment.
Sherry B. Bithell (1991). *Educator Sexual Abuse.* Boise: Tudor House Publishing.	Summary of information on child sexual abuse necessary for educators to effectively intervene. Portrayals of offenders based upon interviews, observations, and court records. Written by an educator with 26 years in the public schools who also developed a statewide program in child abuse prevention.
Paul Cameron, William Coburn Jr., Helen Larson, Kay Proctor, Nels Forde, and Kirk Cameron (1986). “Child molestation and homosexuality.” *Psychological Reports*, 58, 327-337.	Cluster sample of five metropolitan areas. Door-to-door sampling and administration of a 550 question survey about sexual attitudes, activities, and experiences. 4,340 surveys were retuned, a 45.5 percent response rate.
Pat Cawson, C. Wattam, S. , Brooker, and G. Kelly (2000) *Child Maltreatment in the United Kingdom: A Study of Prevalence of Child Abuse and Neglect.* London: NSPCC.	Interviews of UK national random sample of 2,869 young people ages 18-24 on incidence of sexual abuse as children.
Kelly Corbett, Cynthia Gentry, and Willie Pearson Jr. (1993). “Sexual harassment in high school.” *Youth and Society, 25*(1), 93-103.	Survey of 185 college students in an introductory sociology course. Survey asked students to estimate sexual harassment of a student in high school by a teacher, both about other students and themselves.
Mike Freel (2003). “Child sexual abuse and the male monopoly: An empirical exploration of gender and a sexual interest in children.” *The British Journal of Social Work*, 33 (481-498).	Paper and pencil survey of 92 female and 91 male UK public sector child care workers examining their sexual interest in children as well as incidence of sexual abuse as children.
Bernard Gallagher (2000). “The extent and nature of known cases of institutional child sexual abuse.” *British Journal of Social Work,* 30 (795-817).	Search of 20,000 child protection files from eight English and Welsh regions. Descriptions of reports of child sexual abuse by a worker in the institution.
Caroline Hendrie, (Dec. 2, 9, 16, 1998) “A trust betrayed. sexual abuse by teachers.” *Education Week*.	Compilation of 244 cases active in either criminal or civil courts or being handled by school district investigators between March and August of 1998. Survey of officials from each of the 50 states on their laws and policies on sexual relations with students and the reporting of alleged abuse by school employees.

Table 3. Continued	
Study	**Description**
Caroline Hendrie, (April 30 and May 7, 2003) "Trust betrayed. An update of sexual misconduct in schools." *Education Week*.	Two-part series updating the 1998 three-part series. Survey of state sexual misconduct policies.
Diane Jennings and Robert Tharp (May 4, 5, 6, 2003) "Betrayal of trust." *The Dallas Morning News.*	Three-part series examined 606 cases of educator sexual abuse in Texas from records about disciplined educators maintained by the State Board of Educator Certification.
Matthew D. Olson and Gregory Lawler (2003). *Guilty until Proven Innocent*. Stillwater, Okla.: New Forums Press.	Includes descriptions of five cases in which a Colorado teacher was wrongly accused of mistreatment or abuse of a student. Written by the defense attorney and the union representative involved with the case, the descriptions were based upon their interactions with the accused, court records, and newspaper accounts.
Sydney L. Robins, (2000). *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*.	Content analysis of 120 cases of sexual misconduct brought before the Ontario Teachers' Federation and Ontario College of Teachers between 1989 and 1997. Review of 100 criminal cases against teachers between 1986 and 1997.
Victor J. Ross and John Marlowe (1985). *The Forbidden Apple: Sex in the Schools.* Palm Springs, Calif.: ETC Publications.	Two administrators share their experiences with cases of educator sexual misconduct, provide an overview of the issues, and include advice on preventing sexual abuse of students by adults in schools.
John M. Seryak (1997). *Dear Teacher, If You Only Knew! Adults Recovering from Child Sexual Abuse Speak to Educators*. Bath, Ohio: The Dear Teacher Project.	Publication of a project in which adults wrote letters to an imaginary or surrogate teacher about the childhood sexual abuse they experienced. While the abuse described is not generally by educators, the focus is on the behaviors and cries for help that educators should hear.
SESAME, 1997, www.sesamenet.org	Survey of 100 survivors of educator sexual misconduct in the United States. Data from 74 girls and 26 boys who had been victimized. Educators identified by staff positions held and survivor reports of consequences for perpetrators.
Charol Shakeshaft and Audrey Cohan, (1995, March). "Sexual abuse of students by school personnel." *Phi Delta Kappan*, 76 (7) 513-520. (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.	Survey of 778 superintendents in New York State on incidence of educator sexual misconduct. Telephone survey of 225 school superintendents who reported they had dealt with educator sexual misconduct. Follow-up interviews with others involved in the cases.
Charol Shakeshaft (2003) "Educator sexual abuse." *Hofstra Horizons*, Spring, 10-13	Secondary reanalysis of AAUW Hostile Hallways data to focus on educator sexual misconduct. 2,063 field surveys of public school students in grades 8 to 11. The sample was representative of the overall population of students in public schools in the United States.

Table 3. Continued	
Robert J. Shoop (2004). *Sexual Exploitation in Schools: How to Spot It and Stop It.* Thousand Oaks, Calif.: Corwin Press.	Interviews, newspaper reports, journal articles, court documents and personal experience describe educator sexual misconduct in schools. Guidelines for recognizing and preventing abuse are included. Includes descriptions of cases of educator sexual misconduct.
Nan D. Stein, Nancy L. Marshall and Linda R. Tropp (1993). *Secrets in public: Sexual harassment in our schools*. Wellesley, Mass.: Wellesley Centers for Women.	Survey in *Seventeen Magazine* on sexual harassment. 4,200 girls in grades 2 through 12 responded.
Christine Willmsen and Maureen O'Hagan (Dec. 14-16, 2003). "Coaches who prey," *The Seattle Times*.	Series on coaches in Washington state who sexually abuse students. Analysis of school district records that identified 159 coaches that had been reprimanded or fired for sexual misconduct between 1993 and 2003.
Dan H. Wishnietsky (1991). "Reported and unreported teacher-student sexual harassment." *Journal of Educational Research*, 84 (3), 164-169.	Survey reports from 300 graduates of North Carolina high schools asking their experiences with educator sexual misconduct.
Jane Elizabeth Zemel and Steve Twedt (Oct. 31 to Nov. 2, 1999). "Dirty secrets," *Pittsburgh Post-Gazette*.	Three-part series on educator sexual abuse in the *Pittsburgh Post-Gazette*. Results from survey of state education departments on reasons for revocation of teacher licenses. Data from 45 states and the D.C. public schools.

3.0 PREVALENCE OF EDUCATOR SEXUAL MISCONDUCT

3.1 Sources and methods. Studies documenting child sexual abuse by any adult are conducted using two approaches. Incidence studies examine child sexual abuse official reports to child protective or criminal agencies. Prevalence studies ask children or adults if they have ever been sexually abused as a child by an adult. Incidence rates are generally lower than prevalence, since many more children are sexually abused than report this abuse to authorities. Only 5 to 6 percent of child sexual abuse cases become known to social services or the police (Kelly et al., 1991).

Results of prevalence studies differ based upon definitions of sexual abuse, sample, and data collection methods but range from 13 to 34 percent of females and 7 to 16 percent of males (Freel, 2003). Gorey and Leslie (1997), in a review of prevalence studies where they controlled for response rates and operational definitions concluded that 15 percent of women and 7 percent of men were sexually abused as children.

While there is no *national* U.S. incidence or prevalence study that has examined educator sexual abuse as its *primary* purpose, there are seven U.S. studies using six data sets that have examined prevalence of educator sexual misconduct from either an ancillary or regional perspective (Table 4).

Table 4. Studies of Prevalence of Educator Sexual Misconduct in the United States
American Association of University Women (1993). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
American Association of University Women (2001). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
Paul Cameron, William Coburn Jr., Helen Larson, Kay Proctor, and Nels Forde and Kirk Cameron (1986). Child molestation and homosexuality. *Psychological Reports*, 58, 327-337.
Kelly Corbett, Cynthia S. Gentry, and Willie Pearson Jr. (1993) Sexual harassment in high school. *Youth and Society,* 25 (1), 93-103.
Charol Shakeshaft (2003). Educator Sexual Abuse. *Hofstra Horizons*, Spring, 10-13.
Nan D. Stein, Nancy L. Marshall and Linda R. Tropp (1993). *Secrets In Public: Sexual Harassment in Our Schools*. Wellesley, Mass.: Wellesley Centers for Women.
Dan H. Wishnietsky (1991). Reported and unreported teacher-student sexual harassment. *Journal of Educational Research*, 84 (3), 164-169.

3.1.1.1AAUW data and Shakeshaft secondary analysis. This analysis used data collected for American Association of University Women in Fall 2000 by Harris International. Eighth through 11th grade students in the sample responded to a survey administered by trained interviewers during English classes. The survey asked students about their experiences of various forms of sexual harassment or abuse in school using the question below. Students responded to each of the 14 types of sexual harassment listed below by selecting one of the following frequencies: “often,”

"occasionally," "rarely," "never," or "don't know." The 14 stems were developed by an advisory panel of experts in the field of sexual harassment and correspond to behaviors that legally constitute sexual harassment, abuse, or misconduct. The question focuses on experiences that occurred in school. The gating question asked students to respond to each type of behavior, no matter who the abuser had been. Follow-up questions for each of the behaviors identified the role of the abuser (student, teacher, other school employee, etc.) and the place where the abuse occurred. The question asked students was:

> During your whole school life, how often, if at all, has anyone (this includes students, teachers, other school employees, or anyone else) done the following things to you when you did not want them to?
>
> Made sexual comments, jokes, gestures, or looks.
> Showed, gave or left you sexual pictures, photographs, illustrations, messages, or notes.
> Wrote sexual messages/graffiti about you on bathroom walls, in locker rooms, etc.
> Spread sexual rumors about you.
> Said you were gay or a lesbian.
> Spied on you as you dressed or showered at school.
> Flashed or "mooned" you.
> Touched, grabbed, or pinched you in a sexual way.
> Intentionally brushed up against you in a sexual way.
> Pulled at your clothing in a sexual way.
> Pulled off or down your clothing.
> Blocked your way or cornered you in a sexual way.
> Forced you to kiss him/her.
> Forced you to do something sexual, other than kissing.

For each behavior the respondent identifies as having experienced, she or he is asked a series of follow-up questions, including the role of the offender (student, teacher, counselor, etc.), where the incident took place, and when the incident happened. All analyses of these data are based upon the stems above, which constitute civil and criminal definitions of sexual abuse and harassment.

The sample was drawn from a list of 80,000 schools to create a stratified two-stage sample design of 2,065 8th to 11th grade students. Trained Harris Interactive researchers administered surveys in schools to 1,559 public school students in grades 8 to 11; 505 public school 8th to 11th grade students completed online surveys. The sample included representative subpopulations of Latino/a, white, and African descent students. The findings can be generalized to all public school students in 8th to 11th grades at a 95 percent confidence level with a margin of error of plus or minus 4 percentage points.

Responses from students who indicated they had experienced one of the listed behaviors were analyzed using descriptive statistics and frequencies. This analysis (Shakeshaft, 2003) indicates that 9.6 percent of all students in grades 8 to 11 report contact and/or noncontact educator sexual misconduct that was *unwanted*. 8.7 percent

report only noncontact sexual misconduct and 6.7 percent experienced only contact misconduct. (These total to more than 9.6 percent because some students reported both types of misconduct.) Of students who experienced any kind of sexual misconduct in schools, 21 percent were targets of educators, while the remaining 79 percent were targets of other students.

To get a sense of the extent of the number of students who have been targets of educator sexual misconduct, I applied the percent of students who report experiencing educator sexual misconduct to the population of all K-12 students. Based on the assumption that the AAUW surveys accurately represent the experiences of all K-12 students, more than 4.5 million students are subject to sexual misconduct by an employee of a school sometime between kindergarten and 12th grade.

Possible limitations of the study would all suggest that the findings reported here under-estimate educator sexual misconduct in schools. The limitations which might result in under reporting are:

Students report on their entire school career, thus making it difficult to determine prevalence by year or grade.
Sample includes only 8th- to 11th-graders which might miss earlier incidents not remembered later.
Questions on educator sexual misconduct are limited.
Analysis was broad-brushed and cursory, excluding many details of educator sexual misconduct.
Survey only asked about incidents that were unwanted, excluding reports of misconduct that were either welcome or that did not fall into either a welcome or unwelcome category.

3.1.2 Cameron et al. data. An earlier survey of 4,340 adults examining sexual attitudes and experiences reported that 4.1 percent of respondents had a physical sexual experience with a teacher. Respondents were asked:

> Sometimes people in charge of us or who bear an especially powerful relationship to us have sexual desires for us. For each of the following kinds of persons, we would like to know how many have made serious sexual advances to you and with how many you have had physical sexual relations (at their initiative or yours). We would also like to know your age when either or both of these things first occurred (p. 329).

This question was followed by a list of 36 different caretakers including secondary, elementary, and private teachers.

The limitations, which suggest an undercount, are:

A full range of educators was not studied. Only teachers are included in the list of possible offenders.
Only physical sexual misconduct was included.
There is a possibility of nonresponse bias. Only 45.5 percent of those sampled completed surveys.

The sample is not proportionate to the population. White respondents are overrepresented. The sample sites were all metropolitan areas.

3.1.3 Corbett et al. data. 185 students in Wake Forest and another university who were taking introductory sociology courses completed a survey on frequency of sexual harassment by a teacher in high school. The students were asked questions both about other students and about their own experiences. The sample was nearly equally representative of males and females and included 84 percent white, 13 percent black and 3 percent Asian students. Limitations include the local nature of the study as well as a voluntary sample.

3.1.4 Wishnietsky 1991. Prior to the AAUW studies, and for a regional population, Dan Wishnietsky tried to determine the extent of sexual abuse by staff in schools, analyzing 148 responses to his survey of North Carolina 1989 high school graduates. His findings of students who have been the targets of educator sexual misconduct are five times the rate of prevalence of those of the AAUW study. In his survey he used this definition of sexual harassment and abuse:

> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly as a term or condition for academic advisement, (2) submission to or rejection of such conduct by an individual is used as a basis for academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive academic environment (1991, p. 167).

Wishnietsky then asked the graduates, “Based on the above definition, do you believe that you experienced sexual harassment during your high school years?” Forty three percent reported insulting comments, looks, or gestures by a teacher; 17.5 percent reported sexual touching; and 13.5 percent reported sexual intercourse with a teacher.

The criticisms of Wishnietsky's study are that:

- The response rate was only 49.3 percent.
- Students were asked only about sexual abuse by a teacher, leaving out administrators and other school personnel.
- Students were only asked about high school abuse, leaving out any lower grade sexual abuse.

With the exception of the weakness in the response rate, the other two criticisms argue that the results are an underestimate.

3.1.5 Stein et al. data. In a joint project of the Center for Research on Women at Wellesley College and the NOW Legal Defense and Education Fund, Nan Stein, Nancy L. Marshall, and Linda R. Tropp analyzed data from a sexual abuse survey published in *Seventeen Magazine*. The *Seventeen Magazine* survey asked students:

Did anyone do any of the following to you when you didn't want them to in the last school year?

Touch, pinch, or grab you.
Lean over you or corner you.
Give you sexual notes or pictures.
Make suggestive or sexual gestures, looks, comments, or jokes.
Pressure you to do something sexual.
Force you to do something sexual.

Of the 4,200 girls in grades 2 through 12 who voluntarily responded that they had been sexually harassed or abused during the 1992-93 school year, 3.7 percent said the abuse came from a teacher, administrator, counselor, or other member of the school staff.

The primary criticism of this study is that:

Sample is all female.
Sample is volunteer.
Sample is drawn from people who read *Seventeen Magazine.*
Asked about incidents only for prior year.

3.2 Prevalence in the United States. As a group, these studies present a wide range of estimates of the percentage of U.S. students subject to sexual misconduct by school staff and vary from 3.7 to 50.3 percent (Table 5). Because of its carefully drawn sample and survey methodology, the AAUW report that nearly 9.6 percent of students are targets of educator sexual misconduct sometime during their school career presents the most accurate data available at this time.

Table 5. Percent of U.S. Students Who Have Experienced Educator Sexual Misconduct by Method

	AAUW 2000/Shakeshaft Secondary Analysis 2003	Cameron et al.	Corbett et al. Personal Experience	Corbett et al. Others	Stein et al.	Wishnietsky
Contact	6.7	4.1	Not reported	21.1	Not reported	17.5
Noncontact	8.7	Not Studied	Not reported	19.5	Not reported	43
All Misconduct	9.6	Not Studied	6.5	50.3	3.7	Not Reported

3.3 Prevalence in the United Kingdom. A 2000 random probability sample of 2,869 young people between 18 and 24 in a computer-assisted survey focused on abuse and maltreatment of children (Cawson, Wattam, Brooker, and Kelley). One section of the survey covered sexual abuse and asked respondents if they had experienced a number of behaviors and, if so, with whom. The results of this study indicated that .3 percent of the respondents had experienced sexual abuse with a professional, a category which included priests, religious leaders, case workers, and teachers. This is the only study

available that includes prevalence data on educator sexual misconduct for the United Kingdom.

Gallagher (2000) in an incident study of 20,000 child protective referrals to social services or the police, found that less than 1 percent took place in institutional settings. Of those, 31 percent were reports of cases in some type of institutional school setting.

4.0 OFFENDER CHARACTERISTICS

Terminology used to identify offenders ranges from pedophile to molester to abuser. This confused terminology often clouds descriptions and identification of offenders. Pedophilia is an adult psychosexual disorder "characterized by a preference for prepubescent children as sexual partners" (Herek, 2003). Hebephilia is the sexual preference of adults for adolescents. Both of these are diagnostic labels. Child sexual abuse is sexual contact between adults and children and is an action. Not all pedophiles or hebephiles engage in sexual contact with children; many never act upon their sexual preference. And, not all sexual contact with children is delivered by a pedophile or hebephile. Because diagnostic labels are not perfectly correlated with action, Finkelhor and Araji (1986) note that descriptions such as pedophile are not very helpful and suggest that offender sexual orientation be labeled on a scale from exclusive interest in children to exclusive interest in adult partners. Among the cases of educator offenders studied by Shakeshaft and Cohan (1994), there were those who were exclusively interested in children or adolescents and those who were more likely to be exploiters of any sexual situation, whether children or adult.

The limited available data (Hendrie, 1998; Jennings and Tharp, 2003; Shakeshaft, 2003; Shoop, 2004; Zemel and Twedt, 1999) indicate that teachers who sexually abuse belie the stereotype of an abuser as an easily identifiable danger to children. Many are those most celebrated in their profession (Shakeshaft and Cohan, 1994).

Although we do not know how many or what percent of school employees are offenders, several studies describe the employees who have been identified (Table 6) using both surveys and first or third person descriptions of incidents of educator sexual misconduct. A number of the studies below, as well as newspaper and court reports, indicate that many are chronic predators; thus, the number of teachers who abuse is fewer than the number of students who are abused.

4.1 Job of offenders. Reflecting the reanalysis of the 2000 Hostile Hallways data (published in 2001), Table 7 documents the percent of students who have been targets of educator sexual misconduct by role of educator. Teachers are reported most often, followed by coaches. Gallagher (2000) reported that teachers accounted for 90 percent of the school institutional sexual abuse cases in his analysis[5].

Teachers whose job description includes time with individual students, such as music teachers or coaches, are more likely to sexually abuse than other teachers. Jennings and Tharp found that 25 percent of the educators in Texas who were disciplined for sexual infractions involving students between 1995 and 2003 were coaches or music teachers. Willmsen and O'Hagan found Washington state teachers who coach were "three times more likely to be investigated by the state for sexual misconduct than non-coaching teachers." The AAUW data do not identify the abuser by job position in a way that can be connected to type of misconduct.

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[5] Calculated from tables in Gallagher (2000).

Table 6. Sources for Descriptions of Offenders
American Association of University Women (1993). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation
American Association of University Women (2001). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation
Sherry B. Bithell (1991). *Educator Sexual Abuse,* Boise: Tudor House Publishing, 1991.
Paul Cameron, William Coburn Jr., Helen Larson, Kay Proctor, and Nels Forde and Kirk Cameron (1986). Child Molestation and Homosexuality. *Psychological Reports*, 58, 327-337.
Kelly Corbett, Cynthia S. Gentry, and Willie Pearson Jr. (1993). Sexual harassment in high school. *Youth and Society, 25*(1), 93-103.
Mike Freel (2003). Child sexual abuse and the male monopoly: An empirical exploration of gender and a sexual interest in children. *British Journal of Social Work,* 33 (481-817)
Bernard Gallagher (2000). The extent and nature of known cases of institutional child sexual abuse. *British Journal of Social Work,* 30, 795-817.
Caroline Hendrie (Dec. 2, 9, 16, 1998). “A trust betrayed. sexual abuse by teachers.” *Education Week*.
Caroline Hendrie, (April 30 and May 7, 2003). “Trust betrayed. An update of sexual misconduct in schools.” *Education Week*.
Diane Jennings and Robert Tharp (May 4, 5, 6, 2003). Betrayal of Trust*. The Dallas Morning News.*
Victor J. Ross and John Marlowe (1985). *The Forbidden Apple: Sex in the Schools* Palm Springs, Calif.: ETC Publications.
John M. Seryak (1997). Dear Teacher, If You Only Knew! Adults Recovering from Child Sexual Abuse Speak to Educators. Bath, Ohio: The Dear Teacher Project.
SESAME (1997) *Survivor Survey*. www.sesamenet.org; (1997-2003) *Survivor Stories*.
Charol Shakeshaft and Audrey Cohan (1995, March). “Sexual abuse of students by school personnel.” *Phi Delta Kappan*, 76 (7) 513-520. ——— (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.
Charol Shakeshaft (2003) “Educator sexual abuse.” *Hofstra Horizons*, Spring, 10-13
Robert J. Shoop (2004). *Sexual Exploitation in Schools: How to Spot It and Stop It.* Thousand Oaks, Calif.: Corwin Press.
Nan D. Stein, Nancy L. Marshall and Linda R. Tropp (1993). *Secrets In Public: Sexual Harassment in Our Schools*. Wellesley, Mass.: Wellesley Centers for Women.
Christine Willmsen and Maureen O’Hagan (Dec. 14-16, 2003). “Coaches who prey.” *The Seattle Times*.
Dan H. Wishnietsky (1991). “Reported and unreported teacher-student sexual harassment.” *Journal of Educational Research*, 84 (3), 164-169.
Jane Elizabeth Zemel and Steve Twedt (Oct. 31 to Nov. 2, 1999). "Dirty secrets.” *Pittsburgh Post-Gazette*.

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Table 7. Percent of Student Targets by Job Title of Offender	
Job Title	**Percent**
Teacher	18
Coach	15
Substitute Teachers	13
Bus Driver	12
Teacher's Aide	11
Other School Employee	10
Security Guard	10
Principal	6
Counselor	5
Total	100

Source: Shakeshaft, 2003; AAUW, 2001

4.2 Sex of offenders. Sex of offenders is documented in three types of studies: analysis of newspaper reports or state education disciplinary records; surveys or interviews of adults; and surveys of students.

Three studies examined public records. Jennings and Tharp (2003) searched educator sexual misconduct discipline proceedings of 606 teachers in Texas; 12.7 percent were females and 87.3 percent males. The Hendrie (1998) analysis of 244 cases in newspapers in a six month period reports a higher proportion of female offenders than the later Jennings and Tharp analysis; 20 percent were female offenders vs. 80 percent who were males. Gallagher (2000) reports 96 percent male and 4 percent female offenders.

Freel (2003) and Shakeshaft and Cohan (1994) surveyed and interviewed adults in schools. In telephone interviews of 225 superintendents, Shakeshaft and Cohan documented that 4 percent of the educators investigated for educator sexual misconduct were females and 96 percent males. Freel surveyed 183 child care workers in West Yorkshire, England, and found that 15 percent of men and 4 percent of women expressed sexual interest in children. When asked if they "would have sex with a child if it was certain no one would find out and there would be no punishment" (p. 489), 4 percent of men and 2 percent of women indicated they would have sex with a child.

In studies that ask students about offenders, sex differences are less than in adult reports. The 2000 AAUW data indicate that 57.2 percent of all students report a male offender and 42.4 percent a female offender with the Cameron et al. study reporting nearly identical proportions as the 2000 AAUW data (57 percent male offenders vs. 43 percent female offenders).

Table 8. Sex of Offenders							
	AAUW and Shakeshaft secondary analysis	**Cameron et al.**	**Corbett et al.**	**Gallagher**	**Hendrie**	**Jennings and Tharp**	**Shakeshaft and Cohan**
Percent Males	57.2	57	85	96	80	87.3	96
Percent Females	42.8	43	15	4	20	12.7	4

Except for the Gallagher and Shakeshaft and Cohan studies, the reports of educator sexual misconduct by sex of offender are in contrast to the research on child sexual abuse in general. Researchers who study child sexual abuse report a "monopoly" by male abusers (Freel, 2003). Finkelhor (1986), in a review reports, 90 to 98 percent of females and 18 to 86 percent of males are sexually abused by a male. Analysts speculate that female abusers might be underreported if the target is male, because males have been socialized to believe they should be flattered or appreciative of sexual interest from a female. On the other hand, it is hypothesized that males might also underreport sexual abuse by another male, because of the social stigma of same-sex sex. The issue of male underreporting has more relevance to the number of males that are sexually abused than to the sex of the abuser.

Analysts are more likely to explore, as a separate category, the reasons why females abuse than the reasons why being male leads to being an abuser. For instance Hendrie (1998), Robins (1998), and Shoop (2004) discuss female offenders as a separate category. Hislop (2001) devoted an entire book to a synthesis of the research on female sex offender, including cases of female teachers who sexually abused students (Chideckel, 1935: Larson and Maison, 1987; Peluso and Putnam, 1996). Finkelhor and Russell (1984) assert that treating females as a special group grows out of a set of societal beliefs that sex abuse by males is "normal" (although unacceptable) while sexual abuse by females is defined as abnormal and, therefore, in need of additional discussion.

4.3 Age of offenders. Hendrie (1998) found the age of offenders ranged from "21- to 75-years-old, with an average age of 28."

4.4 Same-sex offenders. Same-sex misconduct ranges from 18 to 28 percent of the reported cases, depending upon the study (Table 8). Same-sex sex is not the same as sexual identity. For instance, in Shakeshaft and Cohan (1994), of the 24 percent of males who targeted other males, all of the offenders described themselves as heterosexual, with most living in married or heterosexual relationships.

Table 9. Same-Sex Misconduct				
	AAUW 2000 and Shakeshaft Reanalysis	**Cameron et al.**	**Corbett et al.**	**Shakeshaft and Cohan**
Percent Male Educator and Male Student	15.2	8.9	7.5	24
Percent Female Educator and Female Student	13.1	8.9	0	3
Percent Same-Sex Misconduct as Percent of All Misconduct Reported	28.3	17.8	7.5	27

Researchers have failed to find a consistent connection between sexual identification or sexual orientation label and child sexual abuse. For instance, Jenny et al. (1994) reviewed 350 cases of child sexual abuse and found no patterns. In another study (Freund et al., 1984), researchers found that homosexual males responded no differently to pictures of male children than did heterosexual males to pictures of female children.

5.0 TARGETS OF EDUCATOR SEXUAL MISCONDUCT

The matter of how to "name" students who have been sexually abused by educators is more than semantic; it is also political. Complainant connotes a legal perspective and hints that the abuse is merely alleged. Victim is believed by some to attach weakness to the student. Survivor describes a process. While I believe that all are accurate, I have chosen to use "target" in identifying students who are sexually abused by educators. Target is a reminder that someone other than the student is responsible for the act of sexual abuse. Table 10 lists studies, both quantitative and qualitative, in which there are data that help to describe who is targeted in schools.

Table 10. U.S. Sources for Descriptions of Targets
American Association of University Women (1993). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
American Association of University Women (2001). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
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5.1 Sex of targets. While the majority of students who are sexually

targeted by educators are females, the proportions vary by type of study. As is illustrated in Table 11, the three studies that examine formal reports (Gallagher, 2000; Hendrie, 1998; Shakeshaft and Cohan, 1994) find a higher percent of female students as targets than do the studies that ask students directly. These findings suggest that abuse of females is more likely to be reported than abuse of males, but that the differences between the percentages of males and females who are abused may be much smaller than has been previously reported.

The differences in reports of educator sexual misconduct by sex of target depending upon the data source need further examination, particularly in understanding reporting patterns by sex.

Table 11. Targets by Sex

	AAUW 2000 and Shakeshaft Reanalysis	Cameron et al.	Corbett et al	Gallagher	Hendrie	Shakeshaft and Cohen
Percent Female Students	56	57	77	54	76	66
Percent Male Students	44	43	23	46	24	33

5.2 Race/ethnicity of targets. Using the Shakeshaft reanalysis of the 2000 AAUW data as a guide, students of color (African descent, American Indian, and Latina/o) are overrepresented as targets of educator sexual misconduct in comparison with their representation in the sample, while Caucasian and Asian students are underrepresented. Students of color account for 44 percent of the targets but 33.2 percent of the sample.

Table 12. Targets by Race/Ethnicity vs. Sample

	Percent of Students Who Are Targets of Educator Sexual Misconduct	Percent of All Students in Sample
Caucasian	51.5	58.6
African Descent	25.3	19.8
Latina/o	15.7	12.4
American Indian	3.0	1.0
Asian	0.5	2.7
No response	4.0	5.5
Total	100.0	100.0

Table 13 gives a breakdown of the percentage of students by race and sex who report having been sexually abused by an employee of a school district. Females, and particularly females of color, are overrepresented as targets of educator sexual misconduct in relation to their proportion of the population. Females are 53 percent of

the sample and 57 percent of the targets of educator sexual abuse. Females of color are 18.2 percent of the sample and 27.3 percent of those targeted.

Table 13. Targets by Race/Ethnicity and Sex vs. Sample				
	Percent of Students Who Are Targets of Educator Sexual Misconduct		**Percent of All Students in Sample**	
	Male	Female	Male	Female
Caucasian	24.7	26.8	28.1	30.5
African Descent	10.1	15.2	9.2	10.6
Latina/o	5.1	10.6	5.2	7.2
American Indian	1.5	1.5	0.5	0.4
Asian	0.0	0.5	1.6	1.0
No Response	1.5	2.5	2.4	3.3
Total	42.9	57.1	47	53

5.3 Disabilities and targets. There is scant U.S. data on sexual abuse of students with disabilities, and none on educator sexual abuse of students. Studies do indicate that students with disabilities are more likely to be maltreated than students without disabilities (Sobsey, 1994; Sobsey, Randall, and Parrila, 1997; Sullivan and Knutson, 2000).

Examining this question using data from the National Data Archive on Child Abuse and Neglect, Sobsey et al. (1997) found that nearly twice as many disabled girls than disabled boys were sexually abused and nearly four times as many non-disabled girls than non-disabled boys were sexually abused. However, of those sexually abused, 53 percent of boys were disabled compared with 11.4 percent of girls. These data don't tell us the percent of the total population by disability that were sexually abused since this was a study looking only at children with substantiated sexual abuse.

Sullivan and Knutson (2000) were able to document the proportion of all children by disability status with substantiated reports of sexual abuse. Merging the electronic data base of 50,278 students in the Omaha, Neb., schools system with the records from the Central Registry of the Nebraska Department of Social Services, the Nebraska Foster Care Review Board records, and the victimization records from the county sheriff and Omaha police, Sullivan and Knutson (2000) were able to document maltreatment by disability status. Using data tables in their report, I calculated that 8.8 percent of students with disabilities vs. 2.8 percent of students without disabilities were sexually abused. Students with behavior disorders are more than five times as likely as non-disabled students to be sexually abused, with mentally retarded students more than three times as likely[6].

While very helpful, these data do not distinguish by role of offender, so there is no way to determine how many of these reported cases are examples of educator sexual misconduct. Further, since this is a study of cases reported to the child welfare or

6 Tables provided sample n's that were used to disaggregate findings.

criminal justice systems, these percentages do not include all children who were sexually abused.

Gallagher's UK (2000) examination of reported incidents in institutional settings, which included schools, found that students with special needs were targets in 17 percent of the cases. The University of Alberta Abuse and Disability Project (1992) documented that 7 percent of the sexual abuse of disabled children came from bus drivers, an important finding since children with disabilities are often transported off-site for services.

Table 14. Sexual Abuse Reports by Disability Status, in Institutional Settings

	Number in Population	Number Sexually Abused	Percent Sexually Abused
None	36,949	1,044	2.8
Behavior disorder and autism	688	104	15.1
Communication disorder: Speech, language, hearing, learning disabilities	1161	61	5.3
Health/orthopedic: Visual, orthopedic, health	515	30	5.8
Mental retardation	898	91	10.1
Subtotal disabilities	3,262	286	8.8

Numbers in table calculated from data reported in Sullivan and Knutson (2000).

6.0 PATTERNS OF EDUCATOR SEXUAL MISCONDUCT WITH STUDENTS

Both qualitative and quantitative sources provide information on patterns of educator sexual misconduct (Table 15).

Table 15. Sources for Descriptions of Patterns
American Association of University Women (1993). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
American Association of University Women (2001). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
Caroline Hendrie (Dec. 2, 9, 16, 1998). "A trust betrayed. Sexual abuse by teachers." *Education Week*.
Matthew D. Olson and Gregory Lawler (2003). *Guilty until Proven Innocent*. Stillwater, Okla.: New Forums Press.
Sydney L. Robins (2000). Protecting Our Students. Ontario, Canada: Ontario Ministry of the Attorney General.
SESAME (1997) *Survivor Survey*. *Survivor Stories* (2004) www.sesamenet.org.
Charol Shakeshaft (2003) "Educator sexual abuse." *Hofstra Horizons*, Spring, 10-13.
Charol Shakeshaft and Audrey Cohan (1995, March). "Sexual abuse of students by school personnel." *Phi Delta Kappan*, 76 (7) 513-520. ——— (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.

6.1 Context. Sexual abuse of students occurs within the context of schools, where students are taught to trust teachers. Schools are also a place where teachers are more often believed than are students and in which there is a power and status differential that privileges teachers and other educators (Shakeshaft and Cohen, 1994). While we know very little about the contexts in which students are sexually abused by adults in schools, newspaper data and interview studies suggest that—like sexual predators anywhere—sexual abusers in schools use various strategies to trap students. They lie to them, isolate them, make them feel complicit, and manipulate them into sexual contact. Often teachers target vulnerable or marginal students who are grateful for the attention. And, students that adults regard as marginal are also unlikely to be accepted as credible complainants against a celebrated teacher (Shakeshaft and Cohan, 1994).

In elementary schools, the abuser is often one of the people that students most like and that parents most trust. The abusers of children younger than seventh grade have different patterns than those who abuse older children (Shakeshaft, 2003). The educators who target elementary school children are often professionally accomplished and even celebrated. Particularly compared to their non-abusing counterparts, they hold a disproportionate number of awards. It is common to find that educators who have been sexually abusing children are also the same educators who display on their walls a community "Excellence in Teaching" award or a "Teacher of the Year" certificate. This popularity confounds district officials and community members and prompts them to ignore allegations on the belief that "outstanding teachers" cannot be abusers (Shakeshaft and Cohan, 1994).

Many educators who abuse work at being recognized as good professionals in order to be able to sexually abuse children. For them, being a good educator is the path to children, especially those who abuse elementary and younger middle school students (Shakeshaft and Cohan, 1994). At the late middle and high school level, educator abusers may or may not be outstanding practitioners. At this level, the initial acts are somewhat less premeditated and planned and more often opportunistic, a result of bad judgment or a misplaced sense of privilege (Shakeshaft and Cohan, 1994).

6.2 Selection. Whether premeditated or opportunistic, selection is influenced by the compliance of the student and the likelihood of secrecy. Because most educator abusers seek to conceal their sexual contact with students, offenders often target students that they can control. In some cases, control is characterized by force. However, most abuse occurs within the much subtler framework of grooming and enticement. While almost all children respond to positive attention from an educator, students who are estranged from their parents, who are unsure of themselves, who are engaged in risky behavior or whose parents are engaged in such behavior are often targeted, not only because they might be responsive but also because they are more likely to maintain silence (Robins, 2000; Shakeshaft and Cohan, 1994).

Robins (2000) describes the process of grooming, where an abuser selects a student, gives the student attention and rewards, provides the student with support and understanding, all the while slowly increasing the amount of touch or other sexual behavior. The purpose of grooming is to test the child's ability to maintain secrecy, to desensitize the child through progressive sexual behaviors, to provide the child with experiences that are valuable and that the child won't want to lose, to learn information that will discredit the child, and to gain approval from parents (Robins, 2000). Grooming allows the abuser to test the student's silence at each step. It also serves to implicate the student, resulting in children believing that they are responsible for their own abuse because, "I never said stop."

Grooming often takes place in the context of providing a child with extras like additional help learning a musical instrument, advisement on a science project, or opportunities for camping and outdoor activity. These opportunities not only create a special relationship with students, they are also ones for which parents are usually appreciative.

Although not every instance of educator sexual misconduct includes a grooming phase, because grooming precedes sexual engagement, grooming has the added benefit to the abuser of being a way in which to test a child's compliance. Any complaint can be discredited because it does not yet constitute identifiable sexual misconduct. Robins and others believe that grooming patterns must be better understood if educator sexual misconduct is to be prevented or detected.

6.3 Maintaining secrecy and silence. Some of the children who are sexually abused by educators do not characterize what is happening as abuse. That is not to say they don't identify what is happening as shameful, unwanted, wrong, or frightening. In

many cases, they are told that what is happening is love. Many abusers of children at all ages couch what they are doing to the children as love, both romantic and parental.

Offenders work hard to keep children from telling. Almost always they persuade students to keep silent either by intimidation and threats (if you tell, I'll fail you), by exploiting the power structure (if you tell, no one will believe you), or by manipulating the child's affections (if you tell, I'll get in trouble; if you tell, I won't be able to be your friend anymore).

Thus, childish or adolescent naiveté is taken advantage of to keep children silent. Because many children who are targeted have previously been abused by others, the legacy of abuse increases the likelihood of silence. Fear of discovery and punishment or shame for doing something forbidden also keep children from speaking. Boys abused by men often don't tell because of homophobia.

Because children often get something positive in the transaction—attention, gifts, physical pleasure, and feelings of belonging or attractiveness—they can be made to feel responsible. Offenders use this to their advantage.

Finally, abuse is allowed to continue because even when children report abuse, they are not believed. Because of the power differential, the reputation difference between the educator and the child, or the mindset that children are untruthful, many reports by children are ignored or given minimal attention.

6.4 Geography of abuse. An analysis of documentation from legal proceedings and from interviews with school officials and student targets indicates that sexual misconduct by educators occurs in the school, in classrooms (empty or not), in hallways, in offices, on buses, in cars, in the educator's home, and in outdoor secluded areas. Sometimes the abuse happens right in front of other students. Within the documents found in case law, there are instances where a teacher has taken a student into a storage room attached to the classroom and had sexual intercourse while the rest of the class does seat work (Shakeshaft and Cohan, 1994; Shakeshaft, 2003). Often teachers touch students during movies. In one class, boys reported that the teacher would call them up to his desk at the front of the room and, one at a time, while discussing homework, would fondle each boy's penis. Every child in the room knew what was happening and students talked about it among themselves. The teacher repeated this behavior for 15 years before one student finally reported to an official who would act upon the information that everyone knew (Shakeshaft and Cohan, 1994).

7.0 ALLEGATIONS AND RESPONSE

Nine studies include data on patterns of educator sexual misconduct in schools.

Table 16. Sources for Allegations and Response
American Association of University Women (1993). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
American Association of University Women (2001). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.
Caroline Hendrie (Dec. 2, 9, 16, 1998). "A trust betrayed. Sexual abuse by teachers." *Education Week*.
Matthew D. Olson and Gregory Lawler (2003). *Guilty until Proven Innocent.* Stillwater, Okla.: New Forums Press.
Sydney L. Robins (2000). Protecting Our Students. Ontario, Canada: Ontario Ministry of the Attorney General.
SESAME (1997) *Survivor Survey*. *Survivor Stories* (2004) www.sesamenet.org.
Charol Shakeshaft (2003) "Educator sexual abuse." *Hofstra Horizons*, Spring, 10-13.
Charol Shakeshaft and Audrey Cohan (1995, March). "Sexual abuse of students by school personnel." *Phi Delta Kappan*, 76 (7) 513-520. ——— (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.
Robert Shoop (2004). *Sexual Exploitation in Schools: How to Spot It and Stop It.* Thousand Oaks, Calif.: Corwin Press.

7.1 Allegations. According to Shoop (2004), notice of educator sexual misconduct comes to the attention of school officials in five ways: formal complaints, informal complaints, observed abuse, observed suspicious behaviors, or rumors and/or anonymous reports.

Formal and informal complaints are most likely to originate from targets or parents of targets, although parents of a target's friend sometime report the abuse. Seldom is the abuse reported by a teacher, even if the child has told the teacher.

Several studies estimate that only about 6 percent of all children report sexual abuse by an adult to someone who can do something about it. The other 94 percent do not tell anyone or talk only to a friend. (And they swear their friend to secrecy) (Finkelhor, Hotaling and Kerti Yllo, 1988; National Resource Center on Child Sexual Abuse, 1994). However, a reanalysis of the AAUW data set found that 71.2 percent of students who had been targets of peer and/or educator sexual misconduct told someone, with 56.6 percent telling more than one person. Most students told a friend (69.7 percent), followed by someone else (44.9 percent), then a parent (31.8 percent), a teacher (14.6 percent), or another school employee (14.1 percent).[7]

7 However, although these are reports by students who have reported educator sexual misconduct, nearly 75 percent have also been sexually harassed by a student. These findings should be used with caution because of the inability to disaggregate these data. The question about reporting the misconduct and harassment focuses on all types of abuse and cannot be disaggregated by whether the report was about educator sexual misconduct or peer harassment.

When asked if they would complain to a school employee if sexually harassed by a teacher or other school employee, 71 percent responded affirmatively. However, among the students who were harassed by a school employee, only 11.6 percent actually told a teacher while 10.6 percent reported to another employee. While some of the "other employees" might qualify as a school official who has the authority to stop the abuse, most aren't, therefore limiting the number of incidents in which the school district can be held financially liable to fewer than 10 percent . As discussed in greater detail below, the Supreme Court's Title IX rulings limited liability for monetary damages for educator sexual misconduct to those instances in which, among other things, a school district official with authority at a minimum to institute corrective measures had actual knowledge of the misconduct.

While formal reports might not be made in school, informal information is passed on through rumor, innuendo, and jokes. Often it is a friend of the target or a parent of a friend who brings the issue to school authorities.

When students do report, they almost always report incidents of contact sexual abuse—touching, kissing, hugging, or forced intercourse. Verbal and visual abuse are rarely reported to school officials[8.] Of the cases that come to a superintendent's attention, nearly 90 percent are contact sexual misconduct (Shakeshaft and Cohan, 1994). When alleged misconduct is reported, the majority of complaints are ignored or disbelieved (Shakeshaft and Cohan, 1994). Other students note this lack of response and conclude that teachers (or coaches or administrators) cannot be stopped (Shakeshaft, 2003). If the school will not act, what can a mere student do?

Few students, families, or school districts report incidents to the police or other law enforcement agencies. When criminal justice officials are alerted, it is almost always because parents have made the contact. Thus, most cases are not entered into criminal justice information systems (Shakeshaft and Cohan, 1994). As one consequence, abusers are subject only to informal personnel actions within the relative privacy of school employee records (Shakeshaft and Cohan, 1994).

7.2 Response to allegations. Robins (2000) found that the most common reason that students don't report educator sexual misconduct is fear that they won't be believed. Research indicates that students have good reasons to suspect they won't be believed. Robins documents the case of a teacher, Kenneth DeLuca, who was convicted of sexually abusing 13 students between the ages of 10 and 18 over a period of 21 years. Nearly all of the students reported this abuse at the time. However, school officials did not take these accusations seriously.

> Overwhelmingly, the girls experienced a disastrous response when they told about DeLuca's behavior. Many were disbelieved, some were told to leave schools, parents were allegedly threatened with lawsuits (129-130).

[8] While sexual misconduct is most often thought of as physical, verbal sexual abuse such as harassing or sexually explicit language and visual sexual abuse such as pornography or sexual gestures are more common in the school setting, but rarely reported (Shakeshaft, 2003).

7.3 Investigative practices. Only one study (Shakeshaft and Cohan, 1994) has examined school district response to allegations. This study is limited but documents that investigative skills of school administrators are poor. In many cases, no formal investigation was conducted. If a police investigation did occur, districts often failed to do their own reporting in terms of violations of district policy or Title IX requirements.

7.4 False accusations. The possibility of a false accusation is included in this section because there is widespread belief that false accusations are common. Because this is the prevailing mental model, students are often not believed.

Currently, there is no mechanism for determining how many false accusations occur. Because many of the accusations involve behavior that might not be easily prosecuted under criminal statutes, for instance verbal and visual abuse or physical abuse that is not penetration, there is confusion about what constitutes abuse. While this issue will be explored in more detail in a subsequent section, the distinction between a criminal offense that can be proven beyond a reasonable doubt and an incident of sexual misconduct is sometimes blurred, leaving the impression that if there is not a prosecution (or a criminal charge), the accusation must have been false.

There are no systematic studies of false accusations of educators, but studies of child sexual abuse in general indicate that false allegations are not common. In a 1991 review of false or mistaken accusations of sexual abuse, Yates concludes that the majority of false accusations occur in custody cases and that in other circumstances, the incidence of false accusations appears rare.

In the Shakeshaft and Cohan (1995) study of 225 allegations of educator sexual misconduct, there was not one in which the actions reported weren't proved to have happened. Although the accuracy of student reports of educator behavior was unanimous, the meaning of the behavior differed between student and educator. In a handful of cases, the student's characterization of the act as sexual misconduct was labeled by the educator and administrative officials as touching with no sexual intent.

However, both Robin (1992) and Yates (1991) have pointed out that false accusations can cause serious emotional stress to the person falsely accused. Olson and Lawler (2003) have compiled cases in which educators have been falsely accused of maltreatment of students, including accusations of sexual abuse. Their accounts describe the harm that false accusations coupled with inadequate investigations can yield.

8.0 EXTENT AND IMPACT OF LEGAL INITIATIVES

When referencing the legal principles noted below, case law and Title IX regulations address "sexual harassment", not "sexual misconduct." Therefore, the term "sexual harassment" will replace "sexual misconduct" in this section.

While there are several sources that present and discuss the foundations of the laws that govern educator sexual misconduct, there are no studies that examine the impact of initiatives or trace the legal reasoning of current federal law. Therefore, this section briefly describes relevant federal and state laws and regulations, as well as professional organization policies. Depending upon the nature of the behavior, educator sexual misconduct violates a number of federal and state laws.

8.1 Federal laws. The primary federal legal remedy for sexual misconduct in schools is Title IX of the Education Amendments of 1972. The language of Title IX doesn't mention sexual harassment but, rather, is a statute that prohibits discrimination on the basis of sex in any educational organization that receives federal funds.[9] Title IX provides for federal enforcement of the prohibition on sexual discrimination and the possibility of loss of federal funds for any educational institution in violation of Title IX or its regulations.

Twenty years after the enactment of Title IX in 1972, the Supreme Court in *Franklin v. Gwinnett County Public Schools,* 503 U.S. 60 (1992) ruled that students may seek monetary damages from schools for sexual harassment visited on them by school employees. Although it was a breakthrough in equating sexual harassment in schools with sex discrimination and in assigning schools monetary liability for damages, *Franklin* did not provide educators a clear framework for understanding their legal responsibilities to provide a harassment-free school.

The Office for Civil Rights (OCR) enforces Title IX and its regulations and publishes guidelines to help schools recognize and effectively respond to sexual harassment of students in educational programs as a condition of receiving Federal financial assistance.[10] OCR provides technical assistance to schools in developing sexual harassment policies to clarify the responsibilities of school personnel. Schools are responsible for prohibiting and responding effectively to sexual harassment and there are potential legal consequences for ignoring sexual harassment of students by staff or students.

The Supreme Court's 1998 ruling in *Gebser v. Lago Vista Independent School District* (524 U.S. 274 (1998)) made it more difficult for students to secure monetary damages in staff-to-student sexual harassment cases. In *Gebser*, the Supreme Court determined that for a district to be liable for monetary damages for the sexual harassment of a student by a staff member, someone with the authority to take corrective action must

[9] Title IX states that "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, Section 1681).

have had actual knowledge of the sexual harassment and the school district must have acted with deliberate indifference to its knowledge of the discrimination. The Court acknowledged, by contrast, the power of Federal agencies, such as the Department of Education, to effectuate Title IX's prohibition of sex discrimination, even under circumstances that would not result in liability for monetary damages.

In *Davis v. Monroe County Board of Education* (526 U.S. 629 (1999), the Supreme Court applied the stringent requirements found in *Gebser* to claims for monetary damages for student-on-student or peer sexual harassment. *Davis* is the first Supreme Court ruling that affirms that school staff members can be held liable for monetary damages for peer harassment under Title IX but only if a staff member with authority to take corrective action has actual knowledge of the harassment and responds with deliberate indifference to the victim. Additionally, in *Davis*, the justices ruled that to obtain monetary damages the harassment must be so severe, pervasive, and objectively offensive that it effectively bars the target student's access to an educational opportunity or benefit.

However, *Davis* left unclear a number of issues, including how "deliberate indifference" is determined.

Prior to interpreting Title IX coverage to include sexual harassment as a form of sex discrimination, there was little in the law that was available to victims of educator sexual harassment in schools, beyond criminal statutes that were unavailable for most cases of harassment and certainly not in sexually harassing speech incidents. By holding school districts and individual actors within schools liable for damages if they permitted a hostile and harassing environment, Title IX raised the stakes in the prevention of sexual harassment. Teachers and administrators were on notice that if they did not intervene to stop harassment, they might become personally liable for damages. This threat, combined with increased public awareness of both the definition of sexual harassment and the responsibilities of school personnel, has resulted in more student awareness of rights and expectations (AAUW, 2001). However, there are no studies that examine the relationship of liability to prevention or reduction of educator sexual misconduct.

To change the limited scope of school district liability for monetary damages educator sexual misconduct under Title IX would require federal legislation. Justice O'Connor, writing for the majority in *Gebser*, noted that: "Until Congress speaks directly on the subject, however, we will not hold a school district liable in damages under Title IX for a teacher's sexual harassment of a student absent actual notice and deliberate indifference."

Table 17 summarizes possible federal and state initiatives that have been discussed in the literature as possible remedies to reduce educator sexual misconduct. However, these initiatives have neither been developed nor studied.

8.2 State child sexual abuse laws. Depending upon a number of factors (age of student, age of educator, type of sexual misconduct, etc.) educators who sexually abuse might be prosecuted under a variety of statutes. Criminal codes are not uniform

Table 17. Suggestions and Recommendations from the Literature for Possible Legislation and Regulations	
Liability	School districts shall be held liable in damages under Title IX for a teacher's sexual harassment of a student based upon the same guidelines as Title VII.
Prohibition	No person in a position of trust may engage in sexual conduct with students 18 years old and younger, regardless of any state's age of consent. Violation would be a Class C felony.
Prohibition	No confidential settlements with alleged abusers; no discretion for judges in imposing settlements.
Reporting	Violators of the federal law would be required to register as sex offenders.
Reporting	Mandated reporting of conviction by adjudicating agency and by educator; failure to report would be a gross misdemeanor and result in the forfeiture of professional education license.
Reporting	Required reporting to the state licensing agency of all allegations of educator sexual misconduct, including those that result in a termination or resignation.
Reporting	State data collection and reporting on extent of educator sexual misconduct.
Reporting	National clearinghouse on educator sexual misconduct.
Requirement	10 year statute of limitations on filing complaints, bringing charges.
Requirement	Mandatory background and interim employment career checks for all teachers and school employees (not just newly hired), including fingerprinting.
Requirement	School officials must ask former employees whether a job applicant had a history of sexual misconduct allegations.

across the states. While all states have laws that prohibit adults from having sex with children, each state defines that crime differently. Child sexual abuse, sexual assault, anti-stalking, and lewdness with a minor are legal categories under which state laws might exist. For instance, if the abuse is physical and the child is younger than the age of consent (which differs by state), child sexual abuse statutes might be invoked. If the misconduct is not physical, lewdness with a minor covers sexual acts with children 14 and under in some states.

State laws regarding "consensual sex" (referred to generally as statutory rape laws) prohibit adult-child relationships but define childhood differently, depending upon the state. Although research indicates that children under 17 or 18 cannot make informed choices about sex with an adult, in one state, 15-year-olds are considered to be adults; in 32 states, 16-year-olds are legally able to consent to sex under general statutory rape laws; in six states, the age is 17; and in 11, the age is 18 (Park, 2003). I found no studies of state criminal statues that cover educators who sexually abuse students.

8.3 State sexual assault laws. While sexual assault laws prohibiting coercive or forced sex cover some types of educator sexual misconduct, these laws don't cover all

of the ways in which educators might sexually abuse students. Anti-stalking laws also exist in all states and often cover educator sexual misconduct behavior. As is true of the other legal categories synthesized, there were no studies exploring state sexual assault laws and educator sexual misconduct (Park, 2003).

8.4 State educator sexual misconduct laws. In addition to general sexual assault laws and criminal statutes prohibiting adult sexual contact with children, some states have adopted laws that specifically prohibit sexual abuse by educators or people in a position of trust. Ohio's Sexual Battery law (Section 2907.3) and Colorado's Sexual Assault by One in a Position of Trust (Statute 18-3-405.3) are examples of laws that protect children 18 and under from sexual misconduct by adults in a position of trust. As of March 2003, 27 states have laws prohibiting a person in a position of trust from sexual activity with a minor, with Iowa moving legislation forward. Of those, two protect students up to age 15; 20 states protect students up to 17; and five have no limit on the age of students (Park, 2003).

8.5 Limitations of state laws. From a national perspective, there are several drawbacks to using state statutes to address educator sexual misconduct. (1) Many of the laws include only students who have not reached the age of consent and the age of consent differs by state; (2) Many do not require those found guilty under these statutes to register as sex offenders (see, for instance, Nevada Revised Statutes: Chapter 201); (3) There is no uniform legal definition of child sexual assault or criminal sexual activity from state to state; (4) There is no uniform penalty for similar actions across the states; and (5) The age of minors varies by state.

I found no reports that codify educator sexual misconduct statutes by state. Neither did I find studies on convictions of educators nor that examined impact on students' behavior.

8.6 Tenure and licensure. Besides federal, civil and criminal approaches to identifying and stopping educator predators, legally enforceable codes of professional conduct, generally in connection with state licensure, exist in most states. The language in many of the states such as New York's "conduct unbecoming a teacher" is inclusive of a wide variety of behaviors. As a result, it is often difficult to categorize the various behaviors that have been found to be prohibited. However, sanctions by state teacher certification agencies do provide for revocation of a professional license for misconduct (LaRue, 1996). Like criminal approaches, these regulations vary by state.

Most states require criminal background checks which use FBI and state records in addition to fingerprinting. An April 2003 *Education Week* report notes that only eight states do not require these checks.

I found no formal studies of licensure revocation in cases of educator sexual misconduct, although there are newspaper accounts that document local or state instances (see section 2.4). Seventeen states require school officials to report any alleged educator misconduct to state education officials. To insure safety in reporting, 17

states[11] (although not all the same states as require reports to state officials) protect school officials from lawsuits based upon job references.

A 1996 study of tenure laws (LaRue) notes that most states include language that covers a broad range of behaviors in their statutes for revoking tenure. Thus, educator sexual misconduct might be covered by prohibitions such as “immorality,” “conduct unbecoming a teacher,” or “moral turpitude.” Twelve states have no category into which educator sexual misconduct would fit. However, LaRue found no state that specifically listed educator sexual misconduct (or language that was similar) as a reason for terminating or dismissing an employee.

National teacher associations, to date, have not included suggestions for preventing educator sexual misconduct nor conducted studies of incidence. Suggestions for collective bargaining model language from the two national teacher unions do not specifically include language on educator sexual misconduct.

8.7 Laws on fingerprinting. Many states have passed fingerprinting laws for teachers and other educational professionals. However, there is no data about the effectiveness of such legislation for preventing or detecting sexual abusers.

Typical of state legislation is New York State’s Chapter 180 of the Laws of 2000 regulations that require applicants for teaching and administrative certification and other employees of schools to undergo a fingerprint-supported criminal history background check. The law went into effect on July 1, 2001, but exempted “individuals who have provided services to the covered school in the previous year” (New York State Education Department, Office of School Personnel Review and Accountability, http://www.highered.nysed.gov/tcert/ospra/geninfo.htm). Volunteers, student teachers, employees in private schools, and bus drivers are also not required to be fingerprinted.

[11] Arizona, Colorado, Delaware, Florida, Louisiana, Maryland, Michigan, Minnesota, New Mexico, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Utah, Virginia, Wisconsin (*Education Week*, April 30, 2003, p. 17).

9.0 EFFECTS OF EDUCATOR SEXUAL MISCONDUCT

The data collected by the AAUW studies offers student reports of effects of educator sexual misconduct, while the three remaining studies in Table 16 provide accounts from or about targets.

Table 18. Effects of Educator Sexual Misconduct
American Association of University Women (1993). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.
American Association of University Women (2001). *Hostile Hallways*, Washington, D.C.: AAUW Educational Foundation.
Victor J. Ross and John Marlowe (1985). *The Forbidden Apple: Sex in the Schools* Palm Springs, Calif.: ETC Publications.
John M. Seryak (1997). Dear Teacher, If You Only Knew! Adults Recovering from Child Sexual Abuse Speak to Educators. Bath, Ohio: The Dear Teacher Project.
SESAME (1997) *Survivor Survey*. www.sesamenet.org; (1997-2003) *Survivor Stories*.

9.1 Effects on targeted students: Academic, emotional and developmental. Reanalysis of the AAUW data indicates that targets of educator sexual misconduct report that they suffer emotional, educational, and developmental or health effects. At least a third of students report behaviors that would negatively affect academic achievement:

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).
Stayed home from school or cut a class (29 percent).
Found it hard to study (29 percent).

About a quarter of students who were targets of educator sexual misconduct report academic or discipline repercussions that they attribute to the incident.

Thought about changing schools (19 percent).
Changed schools (6 percent).
Received a lower grade on a test or assignment (25 percent).
Received a lower grade in a class (25 percent).
Got into trouble with school authorities (25 percent).
Felt less likely to get a good grade (23 percent).

Health effects such as sleep disorder and appetite loss were reported by 28 percent of students. A substantial number of students report negative feelings of self worth because of the abuse.

Felt embarrassed (51 percent).
Felt self conscious (39 percent).
Less sure of self or less confident (37 percent).

Felt afraid or scared (36 percent).
Felt confused about identity (29 percent).
Doubted whether could ever have a happy romantic relationship (29 percent).

For most children, being the victim of sexual misconduct does damage that lasts well into adulthood, and for most it is never fully repaired (Kendell-Tackett, 1993). Child sexual abuse targets lose trust in adults and authority figures, suffer physical ailments and lowered immune systems, and do less well in school (Finkelhor & Brown, 1985). They often drop out of or avoid school. Sexually abused children are more likely than children who are not sexually abused to be substance users as adults and to have difficulty forming intimate relationships (Finkelhor, 2001). David Finkelhor (2001), the premier researcher of child sexual abuse, notes that the same sense of betrayal and shame that attaches to incest is found in sexual abuse by teachers where the pseudo parental relationship that the teacher plays has been sexualized.

9.2 Effects on Other Students. In addition to costs to the targeted child, there are costs to society when educator sexual misconduct is not adequately addressed by school officials. For instance, a report on sexual abuse in the New York City schools indicates that more than $18.7 million was paid between 1996 and 2001 to students who were sexually abused by educators, and 110 cases were still active. Fees for attorneys and investigators are in addition to the settlement amounts (Campanile and Montero, 2001). A 2004 report (Campanile, Jan. 20, 2004, http://www.nypost.com/news/retionalnews/16207.htm) lists more than 600 legal claims and lawsuits filed against New York City public schools in the three years since 2001 at a cost of hundreds of millions of dollars if the claims prevail. If educator sexual misconduct had been prevented, the effort and resources necessary to respond to the claims might have been put to better use.

Where educator sexual misconduct is not adequately addressed, the negative effects spread to other staff and students. Studies of sexual harassment in the workplace indicate that the climate and culture changes when sexualization and abuse are not prevented (Shakeshaft, 1992). There are no studies that examine the effects on school climate and the others who exist within that climate.

Thus, the additional harm to other students as well as the cost of litigation is an area about which little is known and which would benefit from examination.

10.0 CONSEQUENCES OF ALLEGATIONS OF EDUCATOR SEXUAL MISCONDUCT

The studies which include documentation of the consequences of educator sexual misconduct primarily focus on what happens after allegations are made. Most document the ways in which schools and districts fail to remove abusers from the classroom.

10.1 Consequences for abusers. In an early study of 225 cases of educator sexual abuse in New York, all of the accused had admitted to sexual abuse of a student but none of the abusers was reported to authorities and only 1 percent lost their license to teach (Shakeshaft and Cohan, 1994). All of the accused had admitted to physical sexual abuse of a student but only 35 percent received a negative consequence for their actions: 15 percent were terminated or, if not tenured, they were not rehired; and 20 percent received a formal reprimand or suspension. Another 25 percent received no consequence or were reprimanded informally and off-the-record. Nearly 39 percent chose to leave the district, most with positive recommendations or even retirement packages intact.

Of those who left, superintendents reported that 16 percent were teaching in other schools and that they had no idea what the other 84 percent were doing. A recent report on sexual abuse in New York City indicates that 60 percent of employees who were accused of sexual abuse were transferred to desk jobs at offices inside schools and 40 percent of these teachers were repeat offenders (Campanile and Montero, 2001). In many instances, agreements are made to avoid legal battles with the alleged abuser (Shakeshaft and Cohan, 1994). .

Several investigative reports have publicized individual cases and the response by districts to allegations of educator sexual misconduct. For instance, O'Hagen and Willmsen report that of 159 Washington state coaches "who were reprimanded, warned, or let go in the past decade because of sexual misconduct . . . at least 98 of them continued coaching or teaching afterward." (Dec. 15, 2003) Many school districts make confidential agreements with abusers, trading a positive recommendation for a resignation. O'Hagan (2004) details two examples of coaches in Washington that illustrate this practice.

> In 1995, a Sharples Alternative School student accused tutor Sione Hefa of going to her home at 3 a.m. and forcing her to have sex with him. "At one point, he held her neck with his arm so she couldn't get up," according to investigative notes. "She kept telling him she did not want to have sex with him."
>
> When the district investigated, Hefa refused to answer questions, citing his Fifth Amendment rights. His Seattle Education Association representative denied the accusations.
>
> The district's human-resources director later told Hefa in a letter: "The District investigation revealed that you went to the home of one of your female students at 3:00 a.m. on Sunday, January 22, 1995, you were let inside, and that you forced her to have sex with you."

> Records indicate the district suspected that Hefa may have victimized other girls. After negotiations, the district allowed Hefa to resign, promising in writing not to tell future employers about the allegations.

In another example, O'Hagen (2004) reports that a Seattle educator, Luke Markishtum, had two decades of complaints of sex with students and providing alcohol and marijuana to students prior to his arrest for smuggling six tons of marijuana into the state. The district paid Markishtum the remainder of his salary that year, agreed to keep the record secret, and gave him an additional $69,000.

There is little data on sentencing within states or across states. An analysis of state of Nevada sentences in educator sexual abuse cases between 1994 and 2003 illustrates the lack of uniformity of response and consequences. In several instances, teachers were allowed to resign from their positions after being found guilty of sexually abusing a student and received no criminal penalty. One abuser received life in prison with the possibility of parole within five years, while an offender in a similar case was given up to 5 years probation. We know little about the legal consequences for abusers.

10.2 Consequences for targets. The school or district rarely prescribes a therapeutic and healing intervention for targets of educator sexual misconduct or for others in the school. I have found no descriptions of policies and procedures that debrief other students or their parents. Neither have I been able to locate any suggestions for types of support a targeted student should receive from the school. Most school officials report that if action is taken against the abuser, they have done all that is necessary (Shakeshaft and Cohan, 1993).

Limited data from interviews, newspaper reports, and court documents indicate that there is often a negative public response to the student who is seeking protection from educator sexual misconduct. Student targets report that other teachers single them out for threats. Additionally, it is not uncommon for educators and the public to come to the assistance of the accused educator (Shakeshaft and Cohan, 1993).

11.0 UNION AND PROFESSIONAL ORGANIZATION ROLES

11.1 Actions of teacher unions. Until recently, teacher unions in many states have actively opposed legislation that would require positive identification (e.g., finger-printing) of teachers convicted of sexual abuse of students. In most states, teachers who are already employed are exempt from regulations such as fingerprint identification.

There is no research that documents teacher union attempts to identify predators among their members

11.2 Actions of professional organizations. Administrative professional organizations have hosted workshops and talks at annual meetings on the topic of educator sexual abuse and the *School Administrator*, the official publication of the American Association of School Administrators, published an issue devoted to the topic. However, specific guidance and direction to members has not been formal nor did I find evidence that professional organizations for teachers have addressed the topic for their members.

12.0 PREVENTION OF EDUCATOR SEXUAL MISCONDUCT

Educator sexual misconduct has not been systematically addressed in schools. While the advent of money damages to targets of sexual harassment, a result of Title IX legislation, and newspaper and other media coverage have prodded some school district officials to acknowledge educator sexual misconduct, educator sexual misconduct is still occurring. Some believe that the rights of adults are favored over the safety of children (Sesame, 2003; Shoop, 2003).

Because so little has been done to prevent educator sexual misconduct, it is not surprising that there are no studies of the effectiveness of prevention programs or legislation. However, although not empirically documented, there are practices that many believe are likely to reduce educator sexual misconduct. In New York City, under the leadership of the late Edward F. Stancik who was special commissioner for investigations, a commission assembled a list of 35 recommendations for reducing educator sexual misconduct (Final Report of the Joint Commission of the Chancellor and Special Commissioner, October 1994). Follow-up investigations indicate that these recommendations have not been implemented.

The following recommendations are based upon all of the literature reviewed for this report. These suggestions are ones most often included in the professional literature. While there are no studies that examine the effectiveness of these strategies, best practice advice identifies these practices as possibly creating a climate in which educator sexual misconduct is reduced or eliminated.

12.1 Develop district and school level policies. All school districts need written policies prohibiting educator sexual misconduct and inappropriate educator-student relationships to include consensual relationships between staff and students. The behaviors prohibited should be described in the policy so that there is no ambiguity about what types of actions are unacceptable. In addition to making clear the prohibitions against adult-to-student sex, the group United Educators (2004) has suggested that policies should include reference to:

- Descriptions of educationally appropriate touching.
- Limitations on closed-door and after-hours activities with only one student.
- Investigatory rights without formal complaint.
- Required reporting by other teachers and employees.
- Required reports of any criminal investigation or conviction during period of employment.
- Required chaperones, at least one male and one female, for off-site trips.
- Deadlines for reporting allegations with the option for waiving the time limit.

12.2 Hiring practices. A common form should be used for all applications which includes questions on work history, identification that will facilitate background checks, and all information on criminal history. The form should include a statement that incomplete or false information can result in termination. Interviewers should be trained to identify red flags in applicant backgrounds.

12.3 Screen employees. Screening applicants requires multiple methods that include references, background checks, license information, and application information. Prior to making an employment offer, personnel information from the current employer should be reviewed.

Background checks with fingerprint screens should be completed for all current and new employees. Where collective bargaining agreements prohibit screening of current employees, steps should be taken to change these restrictions. While screening will not identify the majority of educators who have or will sexually abuse, it signals seriousness on the part of the district. To make background screens more effective, those who hire should check for gaps in employment, inquire into reasons for movement between schools or districts, contact school personnel in previous sites reaching beyond those listed as references, ask direct questions, and search DWI offenses. The social security numbers of new hires need to be verified. Finally, all offers of employment should Include a probationary period.

12.4 Assign a case coordinator and centralize information. Appoint a case coordinator who handles all incidents of educator sexual misconduct. In the most effective structure, the case coordinator is outside of district control but with regulatory authority within the district.

One reason that educator sexual misconduct continues is that in most schools and school districts there is no one person to whom all rumors, allegations, or complaints are channeled. As a result, patterns of behavior are often not detected. Selecting one person to whom all school personnel must report any rumor, allegation, complaint, or suspicion is helpful in insuring that no student falls through the crack and patterns of misconduct are quickly and effectively identified. However, because the designated employee may engage in misconduct, a school district or school may want to assign more than one employee to handle allegations of educator sexual misconduct and have these employees coordinate their efforts to identify any patterns of behavior. Also, each school receiving Federal financial assistance must designate at least one employee to coordinate its Title IX obligations. Schools also are required by the Title IX regulations to publish a policy that prohibits sex discrimination and grievance procedures providing for prompt and equitable resolution of sex discrimination complaints. .

Record all allegations and outcomes in employee personnel file. Do not agree to expunge molestation findings.

12.5 Report all allegations to both child protection and law enforcement agencies. The majority of allegations of educator sexual misconduct are not reported to the police by the school districts. District policy should require that the allegation be reported to both the police and child protection agencies. Consult police immediately and build relationships for shared investigation.

12.6 Develop thorough investigative practices. Train regional investigators who can respond quickly to allegations. Ensure that investigations are completed within 48 hours and reports are presented to school authorities, students, and parents. Define the roles of all parties in the investigation including their notification responsibilities. Do

not terminate investigation if employee resigns. Complete investigation and file report internally, with criminal justice authorities, and with state licensing entities.

12.7 Educate employees. With rare exceptions, sexual abuse prevention training for educators and school staff—whether preprofessional or while on the job—does not include educator sexual misconduct. These programs focus on what to do when sexual or any other kind of abuse or maltreatment is suspected from a source outside the school. Therefore, additional training for educators and other staff about educator sexual misconduct is important. Training outlines the behaviors that are not acceptable so that everyone—both those who abuse and those who do not abuse—are working from the same set of expectations. By making expectations explicit and public, school decision makers are also helping educators understand their own responsibility in reporting behavior that does not conform to those expectations. Thus, the training will educate employees about unacceptable behavior and to remind them of their responsibility to report abuse.

12.8 Educate students. Like staff, students need to understand the boundaries that educators should not cross. This is important both for students who might be targeted and for students who observe such behaviors. Both sets of students need to know that such behavior is prohibited and that there is a person to whom they can and should report such incidents. Materials and programs that have been developed to protect students from sexual abuse rarely include examples of predators who are educators. Students need to know that educators might cross boundaries and what to do if this happens.

12.9 Be aware of signs of educator sexual misconduct. To increase the possibilities for identification of educator sexual misconduct, educators, parents, and students need to know:

Any employee, including volunteers, might molest.

Educator sexual predators are often well liked and considered excellent teachers.

Special education students or other vulnerable students are often targets of sexual predators.

Adults who have access to students before or after school or in private situations are more likely to sexually abuse students than those who don’t (coaches, music teachers, etc.).

Physical signs of sexual abuse include difficulty walking or sitting, torn clothing, stained or bloodied underwear, pain or itching in the genital area, venereal disease, pregnancy, and changes in weight.

Behavior indicators in students might include age inappropriate sexual behavior, late arrivals to class, changes in personality, and increased time at school with one adult.

Rumors are an important source of information on educator sexual misconduct.

Behaviors of adults who molest include close personal relationships with students, time alone with students, time before or after school with students, time in private spaces with students, flirtatious behavior with students, and off-color remarks in class.

12.10 Change state educator certification regulations. State certification requirements for educators need to include required training on educator sexual abuse. New entrants to the field need to understand the professional expectations and ethics in regard to student relationships.

12.11 Provide adequate state registry. In most cases where educators cross boundaries, the educator does not lose her or his license. Therefore, a national list of educators by state who sexually abuse, which is maintained by the state certification office, would be a place where future employers or parents can turn to check backgrounds.

12.12 Provide adequate federal registry. Currently there is no electronic federal registry that can be accessed to search for educators who have had certification and licenses suspended. Nor is there central place that lists those who engage in sexual misconduct.

12.13 Enact and standardize state policies and statutes. State laws which prohibit educators who abuse their positions of trust should be implemented to include any student, no matter what age, in an educational institution. Criminal background checks using FBI and state records along with fingerprinting should be required by all states and the information stored in a federal repository that can be accessed easily. State laws should require school officials to report any alleged sexual misconduct or the resignation or suspension of educators accused of sexual misconduct to state education officials. Laws protecting school officials from lawsuits for job references given should be in place in every state. The age of consent should be standardized across states as should the definition of what constitutes child sexual abuse.

12.14 Enact laws giving immunity to public employees who provide references. State laws that protect employers who give good-faith references on former employees will help increase the information exchange across districts. Although state personnel laws already protect former employers in this process, additional laws will increase feelings of security.

12.15 Expand Title IX. Make the damage intent of Title IX clear, using Title VII parameters in deciding liability.

13.0 SUMMARY OF EXISTING STUDIES AND RECOMMENDATIONS FOR ADDITIONAL ANALYSIS

Educator sexual misconduct is woefully under-studied. We have scant data on incidence and even less on descriptions of predators and targets. There are many questions that call for answers. Table 19 summarizes the research (or lack of research) synthesized in this report and suggests possible responses in each of the categories.

The report recommends a series of studies to deepen the understanding of educator sexual misconduct and strategies to prevent the abuse of students.

Table 19. Educator Sexual Misconduct: Data Available And Needs for Future Research

Topic	Studies Available	Recommendations for Future Study
Prevalence	Limited national data	Nationwide study, representative sample of households with children 12 and older. Questions on prevalence, patterns, outcomes, descriptions of targets, descriptions of predators, reporting patterns, effects on academic performance, and effects on social interactions.
Offenders	No profile data	Study of educators convicted of sexual misconduct with students. Random sample of educators, using newspaper stories and court files to identify predators. Telephone, face-to-face, and paper-and-pencil surveys. Representative sample of teachers to determine false accusations.
Targets	Limited data on profile, patterns, effects	Study of children who have been targets of educator sexual misconduct. Questions on patterns, experiences with schools, and experiences with law enforcement. Parent involvement in stopping abuse.
Patterns	Limited data on patterns	Content analysis of court documents; survey data from households.
Effects on targets	Limited data	Longitudinal and retrospective studies of students abused by educators..
Effects on other students	No data	Study of schools in which educator sexual misconduct has occurred. What was the effect on other students, other teachers, and parents? On the reputation of the school? On administrators? What were the financial effects?
School and district responses	Little data on effective prevention strategies	Study of prevention strategies. What is different in schools and districts without educator sexual misconduct vs. those with substantial sexual misconduct?
Consequences for offenders	Little data on distribution or gravity of legal consequences.	Examination of sentencing records of convicted educators. Comparison of laws across states for consequences of same actions.
Public responses	Little data on public response to allegations	Survey of households; response to allegations; cases studies of public and school responses to allegations.
Responses of professional organizations	Little data on professional organization educational support	Survey studies.
Investigative practices	Little data on most effective	Observational, interview, survey studies.

	investigative practices	
Legal analyses	No analyses of the development of legal arguments, policies, regulations, and laws	Analysis of relationships between Title VII, Title VI and Title IX decisions; comparison of state laws; analysis of the efficacy of federal and state responses.

Appendix I
Newspaper, News Wire, and Broadcast References

Newspaper Accounts

Abuse case ends in mistrial. (2003, June 20). *The Baltimore Sun*.
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Appendix II
Surveys and Studies on Child Sexual Abuse

STUDY	DESCRIPTION	RELEVANT
Adapted Oregon Youth Risk Behavior Survey (1993)	Self report survey of 2,332students in 25 schools in grades 9-12. Reports physical and sexual abuse.	No relevant data.
Alberta Adult Victimization Survey, (Gomez, et al., 2000) Alberta Law Foundation	Random sample of 10,000 adults in Alberta Canada were surveyed about whether they had been victimized. Telephone surveys of 56 adults who reported they had been victimized examined seriousness of incident, experience with police, filing a victim impact statement, and access to services provided to victims.	No relevant data.
Alberta Youth Victimization, Crime, and Delinquency Survey (Gomez, et al., 1999) Canadian Research Institute for Law and the Family, Calgary	A representative sample of 490 Edmonton 7th to 12th grade students was asked about victimization including being "touched against one's will."	No relevant data.
Child and Adolescent Psychiatric Assessment (CAPA)—Traumatic Life Events Section (Amaya-Jackson, et al., 2000; Angold et al., 1995; Costello et al., 1996)	Interview instrument for children and parents to assess child's psychiatric symptoms, functional impairment, demographics, and family structure and functioning.	No relevant data
Childhood Experiences of Violence Questionnaire (Walsh and MacMillan, 1999)	No Information	No relevant data
Child Maltreatment—2001. Administration for Children and Families, DHHS	Based on all known cases referred to state Child Protective Services and forwarded to NCANDS, this reports sexual abuse. Nonfamily perpetrator characteristics are reported only as "non-parent."	No relevant data.
Children's Report of Exposure to Violence (Cooley, Turner, and Beidel, 1995)	Study of development of a self-report instrument assessing exposure to community violence. Development included administration of the survey to 228 public school students ages 9-15.	No relevant data
Conflict Tactics Scales—Parent	Instrument which measures	No

STUDY	DESCRIPTION	RELEVANT
Child Version (Straus et al., 1998)	aggression and physical assault scale, nonviolent discipline scale, scale for neglect, and questions on discipline methods and sexual abuse. Development included administration to 1,000 participants who were parents of children from infancy to 17 years old.	relevant data
Determining Our Viewpoints of Violent Events	Self report scale for children that documents attitudes toward violence.	No relevant data
Exposure to Violence in Minority School-Based Adolescents	The study administered the 14-item exposure to violence screening instrument to 94 sixth- to eighth-graders in a NYC parochial school.	No relevant data
Exposure to Violence Screening Measure	Survey of 352 10-19 year old inner-city teenagers	No relevant data
Exposure to Violence Subscale of Chicago Stress and Coping Interview	Survey of 245 African-American and Latinos aged 11-15 and caregivers.	No relevant data
Fast Response Survey System (FRSS) Principal/School Disciplinarian Survey National Center for Education Statistics (Violence and Discipline Problems in U.S. Public Schools: 1996-1997; Violence and Crime at School, FRSS Principal/School Disciplinarian Survey 1996)	The FRSS is a survey system designed to collect small amounts of information on issues in a short time. The 1997 survey focused on incidents of crimes and offenses that happen in schools. The sample for FRSS includes 1,234 public school principals selected from the 1993-1994 NCES Common Core of Data Public School Universe File. Study reports the number of incidents of rape or other sexual battery report to school and/or law enforcement officials.	No relevant data.
Finland Prevalence Study 1990	National representative self report survey of 7,349 children ages 15 and 16 on violence. Include sexual violence.	No relevant data
Great Smokey Mountains Study (1993-1995)	Face to race and telephone study of 1,422 children in grades 9 through college. Includes questions on sexual abuse.	No relevant data
Indicators of School Crime and	Reports made every year from	No

STUDY	DESCRIPTION	RELEVANT
Safety, National Center for Education Statistics and Bureau of Justice Statistics, October 2000 (NCJ 196753).	1997 to 2000. Synthesis of data from four data sets: Fast Response Survey System: Principal/School Disciplinarian Survey on School Violence (1997); National Household Education Survey (1993, school and safety supplement), National Crime Victimization Survey (1992-99); School Crime Supplement to the NCVS (1989, 1995, 1999); School Associated Violent Death Study (1992-1994; 1994-1999); Youth Risk Behavior Survey (1993, 1995, 1997, 1999); and School and Staffing Survey (1993-94, Teacher victimization supplement.). Data on rape and sexual battery.	relevant data
Juvenile Victimization Questionnaire (Hamby and Finkelhor, 1999)	Reports data on 35 offenses against children and youth (8 – 17) six general areas (e.g., "sexual assault").	No relevant data
Longitudinal Studies on Child Abuse and Neglect (LONGSCAN) Questionnaire Children's Bureau, U.S. Dept. of Health and Human Services	Reports on 1,70 maltreated children.	No relevant data
Maltreatment and the Academic and Social Adjustment of School Children National Data Archive on Child Abuse and Neglect, 1987-88, 2000	Data (1987-88) on abuse of 8,600 children, including sexual abuse and on K-12 school and adjustment consequences. Effects of child sexual abuse.	No relevant data
Management of Sex Offenders by Probation and Parole Agencies in the United States, 1994 National Institute of Justice / Inter-University Consortium for Political and Social Research (ICPSR) (Kim, 1994)	Examined various ways states approach and sanction sex crimes (i.e., child sexual abuse, incest, and sexual assault) and sex offenders.	No relevant data
Metropolitan Life Survey of the American Teacher, 1999: Violence in America's Public Schools—Five Years Later Teacher Survey, Student Survey, Law Enforcement Officer Survey	Survey of students, teachers and law enforcement officials on violence in public schools. Excluded data collection about sexual abuse or harassment	No relevant data

STUDY	DESCRIPTION	RELEVANT
(Binns and Markow, 1999) Louis Harris and Associates, Inc.		
Minnesota Adolescent Health Survey University of Minnesota, 1987	Survey of 36,254 students in grades 7 to 12. Issues of sexual contact.	No relevant data
Monitoring the Future 2001, 2002 , 2003 Victimization Questions National Institute of Drug Abuse 1978 through 2002 (Bachman, O'Malley, and Johnston, 1978; Wells and Rank, 1995)	Annual national survey of attitudes, behaviors and values of 12,000-15,000 secondary students about drug use and other risk behaviors.	No relevant data
My Exposure to Violence (My ETV) (Selner-O-Hagan et al., 1998)	Structured interview protocol that includes 6 scales covering both lifetime and past year victimization, witnessing of violence, and total exposure. Development study interviewed 80 participants, ages 9 to 24.	No relevant data
National American Indian Adolescent Health Survey 1991	Survey of 13,454 students grades 7-12 from 55 tribes in 8 of the 12 Indian Health Service areas. Questions include incidents of risk behavior and victimization.	No relevant data
National Crime Victimization Survey Bureau of Justice Statistics School Crime Supplement Bureau of Justice Statistics and NCES	This is the primary source of information on crime victimization and victims of crime in the U.S. for people ages 12 and older. The annual survey, begun in 1972, collects data on many crimes including rape and sexual assault and includes crimes reported as well as those not reported to police The School Crime Supplement was included in 1989, 1995, and 1999 to document crimes in schools as well as traveling to and from school (NCES). Sample size differs by year but ranges from 8,398 to 10,449. Rape is reported separately but not other sexual abuse or harassment. No information on perpetrators.	No relevant data
National Household Education	A data collection system that	No

STUDY	DESCRIPTION	RELEVANT
Survey, 1991, 1993, 1995, 1996, 1999, 2001, 2003 National Center for Education Statistics	provides descriptive data on the condition of education in the U.S. It is a bi-annual series that describes homes and parents but does not deal with sexual abuse. (The 1993 Household Education Survey focused on general school safety, not sexual abuse.)	relevant data
National Incidence Studies National Center on Child Abuse and Neglect. NIS-3, 1993. Third National Incidence Study of Child Abuse and Neglect, National Center on Child Abuse and Neglect, DHHS (Sedlak, Hantman, Schulta, 1997)	Three studies (NIS-1, NIS-2, NIS3) that report data from child protection agencies and others on child abuse, sexual abuse and maltreatment. Information about perpetrators includes only "care-taker" and "non-relative."	No relevant data
National Institutes of Mental Health Community Violence Project 1990	Study of 77 students, ages 6 to 10 and 51 students ages 10 to 18. Questions in small group format.	No relevant data
National Longitudinal Study of Adolescent Health (NICHHD) 1998	Analyzes social context for wellness and health including sexual activity. Data are from 90,000 students in school and 20,000 students at home. No information on perpetrators of abuse.	No relevant data
National Survey of Adolescents in the United States, (1993-1995) Victimization questions (Kilpatrick et al., 2000)	National household sample of 4,023 adolescents ages 12 to 17. Includes questions regarding history of sexual assault, physical assault, and harsh physical discipline including a description of the event and perpetrator, extent of injuries, age at abuse. Did not identify perpetrators by job title.	No relevant data
National Survey of Family Growth National Center for Health Statistics 1973, 1976, 1988, and 1995. (Abma, Driscoll, and Moore, 1998)	These surveys were based on personal interviews conducted in the homes of a national sample of women and men 15-44 years of age. Focus on experience in the family and victimization.	No relevant data
National Violence Against Women Survey 1995-1996	Surveys of 8,000 women and 8,005 men 18 and older on incidents of violence. Survey	No relevant data

STUDY	DESCRIPTION	RELEVANT
National Institutes of Justice and Center for Policy Research (Tjaden and Thoennes, 1998)	includes sexual abuse questions.	
National Youth Survey (1977-1981)	Face to face interviews of a U.S. sample of 1,725 students (depends upon year). Some questions on sexual assault.	No relevant data
National Youth Victimization Prevention Programs: A National Survey of Children's Exposure and Reactions. Family Research Laboratory, New Hampshire University, Durham (1992-1993)	Telephone interviews with 2,000 youth (10-16) to measure their exposure to victimization prevention programs. Information on sexual abuse, but not on educator predators.	No relevant data
Ontario Health Supplement Survey 1990-1991	Self report survey of 1,891 young people that reports physical and sexual abuse.	No relevant data
Parenting Among Women Sexually Abused in Childhood NDACAN,	Study of women sexually abused and their parenting behaviors	No relevant data
Perceptions of Peer Support Scale (Kochenderfer and Ladd, 1996)	Self-report survey of 1,891 children ages 15 – 24 that includes incidents of physical and sexual abuse.	No relevant data
Recent Exposure to Physical Violence	A 22-item scale that asks children questions about experiences with violence, either as victims or witnesses.	No relevant data
School Associated Violent Death Study Centers for Disease Control and Prevention U.S. Department of Education U.S. Department of Justice 1992-1994; 1994-1999;	Two studies (1992-1994; 1994-1999) that examine school associated violent deaths. Data from school and police officials. No information about sexual perpetrators.	No relevant data
Schools and Staffing Survey (SASS) NCES 1993-1994	Three surveys (1987-88; 1990-91; 1993-94) that provide national and state level data on public and private schools, principal, school districts and teachers. The 1993-94 survey provided information on teacher victimization. .	No relevant data
Screen for Adolescent Violence Exposure (Hastings and Kelley, 1997)	Survey developed using 1,250 inner city adolescents that examines traumatic violence, indirect violence, and	No relevant data

STUDY	DESCRIPTION	RELEVANT
	physical/verbal violence.	
Sexual Abuse of Deaf Children in the Residential Setting, Mark Lineberger, mtlinebe@uncg.edu	Estimates prevalence of problem but no information on perpetrators.	No relevant data
Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics National Center for Juvenile Justice July 2000 (NCJ 182990) Howard N. Snyder	Data (through 1996) from law enforcement agencies in 12 states about 60,000 incidents of four categories of sexual assault. Specificity of perpetrator data stops at "non-residential" and "acquaintance."	No relevant data
Sexual Experiences Survey	Instrument for assessing degrees of sexual aggression among male offenders and female victims.	No relevant data
Social Experience Questionnaire – Self Report	The questionnaire has been used to measure the reports of 474 third- to sixth-graders of the frequency of their victimization by peers, only. No adult perpetrator information.	No relevant data
Survey of Children's Exposure to Violence (Richters and Martinez, 1993) Violence Institute of New Jersey	As part of an NIMH project on community violence, this 15-item structured interview was developed for 436 African-American 6- to 14-year-old students. No data collection on specific perpetrators.	No relevant data
Survey of Probation and Parole National Institute of Justice 1994	Data from probation and parole officers who manage sex offenders. No data on school-related offenses or offenders.	No relevant data
Violence Against Women Survey, 1996	Retrospective data collected from 8,000 female and 8,000 male victims of violence, rape and sexual assault including characterization of perpetrator as "acquaintance" or not.	No relevant data
Violence Exposure Scale for Children (Fox and Leavitt, 1995)	Scale to determine how much violence children experience	No relevant data
Violence in America's Public Schools Five Years Later: Metropolitan Life Survey of the American Teacher, 1999: (Binns and Markow, 1999) Louis Harris and Associates, Inc.	Survey of students, teachers and law enforcement officials but excluded data collection about sexual abuse or harassment.	No relevant data

STUDY	DESCRIPTION	RELEVANT
Violence Screening Survey 1990	Study of 1,011 students in 6 inner city schools, ages 10 to 19. Self report survey in incidents of violence.	No relevant data
Voice of Connecticut Youth 1996	Self report survey of 12,402 young people in 7th-, 9th-, and 11th-grade students. Includes sexual behavior questions	No relevant data
Washington State Adolescent Abuse Study (1999)	Self report survey of 4,790 students in 44 schools in grades 1, 10, and 12. Includes questions on physical and sexual molestation.	No relevant data
Youth Risk Behavior Surveillance System, Centers for Disease Control, 1993, 1995, 1997, 1999, 2001	Developed by the Centers for Disease Control and prevention to monitor the prevalence of youth behaviors that most influence health, this system includes data from a national sample of students in grades 9 to 12. Surveys ask about sexual attacks and harassment.	No relevant data

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