

SENATE No. 2579

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, February 4, 2020.

The committee on Education, to whom were referred the petition (accompanied by bill, Senate, No. 312) of Joan B. Lovely, Bradley H. Jones, Jr., Patrick M. O'Connor, Ryan C. Fattman and other members of the General Court for legislation to prevent the sexual abuse of children and youth; and the petition (accompanied by bill, Senate, No. 322) of Patrick M. O'Connor, Patrick Joseph Kearney and Donald F. Humason, Jr. for legislation relative to the screening of prospective school employees for prior investigations into child abuse or sexual misconduct; reports recommending that the accompanying bill (Senate, No. 2579) ought to pass.

For the committee,
Jason M. Lewis

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An Act stopping harm inflicted by the exploitation of life and development.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known as the SHIELD Act.

2 SECTION 2. The General Laws, as appearing in the 2018 Official Edition, are hereby
3 amended by inserting after chapter 119A the following chapter:-

4 CHAPTER 119B. CHILD SEXUAL ABUSE PREVENTION

5 Section 1. For the purposes of this chapter, the following words and phrases shall have
6 the following meanings:-

7 “Abuse”, an act involving a minor that constitutes a sexual offense under the laws of the
8 Commonwealth or any sexual misconduct between an adult and a minor under the care of that
9 individual.

10 “Abuse prevention policy”, a policy adopted by a school or youth-serving organization
11 that supports the prevention of sexual abuse by outlining a code of conduct for employees that
12 identifies inappropriate behavior between a teacher and a minor or student.

13 “Age-appropriate”, topics, messages and teaching methods suitable to particular ages or
14 age groups of children and adolescents, based on developing cognitive, emotional, and
15 behavioral capacity typical for the age or age group

16 “Employee” means a person defined as such in section 148B of chapter 149.

17 “Job performance” includes, but is not limited to, abilities, attendance, attitude, awards,
18 demotions, disciplinary actions, duties, effort, knowledge, promotions, skills, and. in the case of
19 a former school employee, the reasons for separation.

20 “Mandated reporter” means a person defined as such in section 21 of chapter 119.

21 “Minor”, a person under 18 years of age.

22 “School”, a public or private educational institution that serves minors in the
23 Commonwealth, including an entity with the mission of providing activities and socialization for
24 minors that is operated by such an educational institution.

25 “Sexual misconduct”, any action directed towards or with a minor, regardless of the age
26 of the minor that is designed to promote a romantic or sexual relationship with the minor. Such
27 acts include, but are not limited to:

28 (a) Sexual or romantic invitation;

29 (b) Dating or soliciting dates;

30 (c) Engaging in sexualized or romantic dialogue;

31 (d) Making sexually suggestive comments;

32 (e) Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or

33 (f) Any sexual, indecent, romantic or erotic contact with a minor or student.

34 “Youth-serving organization”, a public or private entity with the mission of providing
35 activities and socialization for minors; provided, however, that this shall not include such an
36 entity operated by a public or private educational institution that serves minors in the
37 Commonwealth.

38 Section 2. School Abuse Prevention Policies

39 (a) Every school shall adopt the abuse prevention policy as set forth by the department
40 elementary and secondary education. The abuse prevention policy shall support the prevention of
41 sexual abuse by outlining a code of conduct for employees that identifies inappropriate behavior
42 for teachers and students. The policy shall also detail the institution’s procedures for meeting its
43 obligations under section 51A of chapter 119.

44 (b) The department of elementary and secondary education, in consultation with the
45 office of the child advocate, the department of children and families and the department of early
46 education and care shall create the abuse prevention policy for schools across the
47 Commonwealth.

48 (c) The department shall review the model abuse prevention policy at least once every 5
49 years to ensure it includes up-to-date information and best practices.

50 Section 3. Youth Serving Organizations Abuse Prevention Policies

51 (a) Every youth serving organization shall adopt the abuse prevention policy as set forth
52 by the department children and families. The abuse prevention policy shall support the

53 prevention of sexual abuse by outlining a code of conduct for employees that identifies
54 inappropriate behavior for teachers and students. The policy shall also detail the institution's
55 procedures for meeting its obligations under section 51A of chapter 119.

56 (b) The department of children and families, in consultation with the office of the child
57 advocate, the department of elementary and secondary education and the department of early
58 education and care shall create the abuse prevention policy for schools across the
59 Commonwealth.

60 (c) The department shall review the model abuse prevention policy at least once every 5
61 years to ensure it includes up-to-date information and best practices.

62 Section 4. School Employee Sexual Abuse Prevention Education

63 (a) All mandated reporters employed by a school shall receive instruction biennially on
64 the prevention, identification, and reporting of child sexual abuse. This instruction shall include
65 comprehensive training and information to help schools and their personnel:

66 (1) recognize, appropriately respond to and prevent behaviors violating the school abuse
67 prevention policy;

68 (2) recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or
69 abusive behaviors between minors' served by schools;

70 (3) identify the ways in which the behavioral and verbal cues for sexual abuse differ from
71 those of other abuse and neglect;

72 (4) support the healthy development of students and minors, and the building of
73 protective factors, to mitigate against their sexual victimization by adults or by other minors;

74 (5) respond to disclosures of sexual abuse or reports of behaviors violating the abuse
75 prevention policy of adults or minors in a supportive and appropriate manner that meets
76 mandated reporting requirements under section 51A of chapter 119;

77 (6) seek out community resources available to assist schools in the prevention,
78 identification, reporting and referral to treatment of cases involving the sexual abuse or
79 exploitation of minors.

80 (b) The department of elementary and secondary education shall use tested, research-
81 based instructional materials that meet the requirements of subsection (a). The mode of delivery
82 for the trainings may include in-person or e-learning instruction.

83 (c) The department of elementary and secondary education shall adapt, implement and
84 maintain an existing evidence-based online or in-person training course to satisfy the
85 requirements of subsection (b); provided, however, that if the department cannot find an existing
86 program to adapt to this purpose, then the department shall create, implement, maintain and
87 update such a training program; provided further, that such training program shall be provided to
88 schools at no cost.

89 (d) For each training required under this section, each school shall maintain records that
90 include the names of the individuals within their school.

91 (f)The department of elementary and secondary education shall make the abuse
92 prevention policy publicly available on its website.

93 Section 5. Youth Serving Organization Employee Sexual Abuse Prevention Education

94 (a) All mandated reporters employed by a youth serving organization shall receive
95 instruction biennially on the prevention, identification, and reporting of child sexual abuse. This
96 instruction shall include comprehensive training and information to help youth serving
97 organizations and their personnel:

98 (1) recognize, appropriately respond to and prevent behaviors violating the youth serving
99 organization abuse prevention policy;

100 (2) recognize, appropriately respond to, and prevent sexually inappropriate, coercive, or
101 abusive behaviors between minors' served by youth serving organization;

102 (3) identify the ways in which the behavioral and verbal cues for sexual abuse differ from
103 those of other abuse and neglect;

104 (4) support the healthy development of minors, and the building of protective factors, to
105 mitigate against their sexual victimization by adults or by other minors;

106 (5) respond to disclosures of sexual abuse or reports of behaviors violating the abuse
107 prevention policy of adults or minors in a supportive and appropriate manner that meets
108 mandated reporting requirements under section 51A of chapter 119;

109 (6) seek out community resources available to assist youth serving organizations in the
110 prevention, identification, reporting and referral to treatment of cases involving the sexual abuse
111 or exploitation of minors.

112 (b) The department of children and families shall use tested, research-based instructional
113 materials that meet the requirements of subsection (a). The mode of delivery for the trainings
114 may include in-person or e-learning instruction.

115 (c) The department children and families shall adapt, implement and maintain an existing
116 evidence-based online or in-person training course to satisfy the requirements of subsection (b);
117 provided, however, that if the department cannot find an existing program to adapt to this
118 purpose, then the department shall create, implement, maintain and update such a training
119 program; provided further, that such training program shall be provided to schools and youth-
120 serving organizations at no cost.

121 (d) For each training required under this section, each youth serving organization shall
122 maintain records that include the names of the individuals within their youth serving
123 organization.

124 (f)The department of children and families education shall make the abuse prevention
125 policy publicly available on its website.

126 Section 6. Youth Sexual Abuse Education

127 (a) Every school that serves elementary or secondary school students and every youth-
128 serving organization shall provide age-appropriate instruction to help students and children
129 served by such schools, programs, or youth-serving organizations:

130 (1) Recognize and report inappropriate behavior in adults that may indicate that they pose
131 a sexual risk to minors;

132 (2) Recognize and report inappropriate behaviors in other children that may indicate that
133 they pose a sexual risk to children and youth;

134 (3) Learn how to develop healthy and respectful interpersonal relationships, including
135 appropriate body boundaries and privacy rules;

136 (4) Learn how to communicate effectively to trusted adults any concerns they have about
137 body boundaries or privacy violations;

138 (5) Learn about available school and community resources to prevent and respond to
139 sexual abuse; and

140 (6) Recognize and understand the consequences of false, inaccurate or exaggerated
141 reports and the importance of children reporting honestly to the best of their ability.

142 (b) The department of elementary and secondary education shall use tested, research-
143 based instructional materials that meet the requirements of subsection (a) and assist schools in
144 implementing the program. The mode of delivery for the trainings may include in-person or e-
145 learning instruction. For each training required under this section, each school shall maintain
146 records that include the names of the individuals within their school who participated in the
147 training during that year. The department of elementary and secondary education shall make the
148 abuse prevention policy publicly available on its website.

149 (c) The department of children and families shall use tested, research-based instructional
150 materials that meet the requirements of subsection (a) and assist youth serving organizations in
151 implementing the program. The mode of delivery for the trainings may include in-person or e-
152 learning instruction. For each training required under this section, each youth-serving
153 organization shall maintain records that include the names of the individuals within their
154 program who participated in the training during that year. The department of children and
155 families shall make the abuse prevention policy publicly available on its website.