

HOUSE No. 241

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Lawn, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the prevention of child sexual abuse in schools and youth organizations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/4/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/24/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/25/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/1/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/1/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>3/1/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/16/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/1/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/13/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>5/12/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/12/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>6/22/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/21/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>10/28/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/3/2022</i>

HOUSE No. 241

By Mr. Lawn of Watertown, a petition (accompanied by bill, House, No. 241) of John J. Lawn, Jr., and others relative to the prevention of child sexual abuse in schools and youth organizations. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the prevention of child sexual abuse in schools and youth organizations.

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 detailing a code of conduct that identifies

12 inappropriate behaviors between a school or youth serving organization employee and a student
13 or minor.

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

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

18 “Job performance” includes, but is not limited to, abilities, attendance, attitude, awards,
19 demotions, disciplinary actions, duties, effort, knowledge, promotions, skills, and. in the case of
20 a former school employee, the reasons for separation.⁰¹“Mandated reporter” means a person
21 defined as such in section 21 of chapter 119.

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

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

26 “Sexual misconduct”, any action directed towards or with a minor, regardless of the age
27 of the minor that is designed to promote a romantic or sexual relationship with the minor.

28 Such acts include, but are not limited to:

29 (a) Sexual or romantic invitation;

30 (b) Dating or soliciting dates;

31 (c) Engaging in sexualized or romantic dialogue;

- 32 (d) Making sexually suggestive comments;
- 33 (e) Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
- 34 (f) Any sexual, indecent, romantic or erotic contact with a minor or student.

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

39 Section 2. School Abuse Prevention Policies

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

45 (b) The department of elementary and secondary education, in consultation with the
46 office of the child advocate, the department of children and families, the department of early
47 education and care, and private child abuse prevention organizations, including Massachusetts
48 Citizens for Children, shall create the abuse prevention policy for schools across the
49 Commonwealth.

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

52 Section 3. Youth Serving Organizations Abuse Prevention Policies

53 (a) Every youth serving organization shall adopt the abuse prevention policy as set forth
54 by the department of children and families. The abuse prevention policy shall support the
55 prevention of sexual abuse by detailing a code of conduct that identifies appropriate and
56 inappropriate behaviors for administrators, counselors, all other employees, and students. The
57 policy shall detail the institution's procedures for meeting its obligations under section 51A of
58 chapter 119.

59 (b) The department of children and families, in consultation with the office of the child
60 advocate, the department of elementary and secondary education, the department of early
61 education and care, and private child abuse prevention organizations, including Massachusetts
62 Citizens for Children, shall create the abuse prevention policy for youth serving organizations
63 across the Commonwealth.

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

66 Section 4. School Employee Sexual Abuse Prevention Education

67 (a) All mandated reporters and school employees shall receive instruction biennially on
68 the prevention, identification, and reporting of child sexual abuse. This instruction shall include
69 comprehensive training and information to help schools and their personnel:

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

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

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

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

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

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

84 (b) The department of elementary and secondary education shall use evidence-based
85 instructional materials that meet the requirements of subsection (a). The mode of delivery for the
86 trainings may include in-person and/or online instruction.

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

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

95 (f) The department of elementary and secondary education shall make information about
96 the abuse prevention training course publicly available on its website.

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

98 (a) All mandated reporters and employees of a youth serving organization shall receive
99 instruction biennially on the prevention, identification, and reporting of child sexual abuse. This
100 instruction shall include comprehensive training and information to help youth serving
101 organizations and their personnel:

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

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

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

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

110 (5) respond to disclosures of sexual abuse or reports of behaviors violating the abuse
111 prevention policy of adults or minors in a supportive and appropriate manner that meets

112 mandated reporting requirements under section 51A of chapter 119;

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

116 (b) The department of children and families shall use evidence-based instructional
117 materials that meet the requirements of subsection (a). The mode of delivery for the trainings
118 may include in-person and/or online instruction.

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

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

127 (f) The department of children and families shall make information about the abuse
128 prevention training course publicly available on its website.

129 Section 6. Youth Sexual Abuse Education

130 (a) Every school that serves elementary or secondary school students and every youth
131 serving organization shall provide age-appropriate instruction to help students and children
132 served by such school, youth serving organization or program:

133 (1) Recognize and report behaviors in adults that violate the school or youth serving
134 organization employee code of conduct;

135 (2) Recognize and report inappropriate behaviors in other children or youth that may pose
136 a safety risk to children and youth;

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

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

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

143 (6) Recognize the importance of children reporting honestly to the best of their ability.

144 (b) The department of elementary and secondary education shall use evidence-based
145 instructional materials that meet the requirements of subsection (a) and assist schools in
146 implementing the program. The mode of delivery for the trainings may include in-person or
147 online instruction. For each training required under this section, each school shall maintain
148 records that include the names of the individuals within their school who participated in the
149 training during that year.

150 (c) The department of children and families shall use evidence-based instructional
151 materials that meet the requirements of subsection (a) and assist youth serving organizations in
152 implementing the program. The mode of delivery for the trainings may include in-person or
153 online instruction. For each training required under this section, each youth serving organization

154 shall maintain records that include the names of the individuals within their program who
155 participated in the training during that year.