

**HOUSE . . . . . No. 194**

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**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>1/18/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/24/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/7/2023</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>3/8/2023</i>

**HOUSE . . . . . No. 194**

By Representative Lawn of Watertown, a petition (accompanied by bill, House, No. 194) 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 241 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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.<sup>01</sup> “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.