

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola

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 to protect children from adults in positions of authority or trust.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to protect children from adults in positions of authority or trust.

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. The General Laws are hereby amended by inserting after chapter 119A the
2 following chapter:-

3 CHAPTER 119B. CHILD SEXUAL ABUSE PREVENTION

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

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

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

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

15 “Department, the Massachusetts department of elementary and secondary education.

16 “Employee”, 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 a
19 former school employee, the reasons for separation.

20 “Mandated reporter”, 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 sexual or romantic invitation;

29 dating or soliciting dates;

30 engaging in sexualized or romantic dialogue;

31 making sexually suggestive comments;
32 self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
33 any sexual, indecent, romantic or erotic contact with a minor or student.

34 Section 2. School Abuse Prevention Policies

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

40 (b) The department, in consultation with the office of the child advocate, the department
41 of children and families and the department of early education and care shall create the abuse
42 prevention policy for schools across the Commonwealth.

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

45 Section 3. School Employee Sexual Abuse Prevention Education

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

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

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

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

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

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

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

63 (b) The department shall use tested, research-based instructional materials that meet the
64 requirements of subsection (a). The mode of delivery for the trainings may include in-person or
65 e-learning instruction.

66 (c) The department shall adapt, implement and maintain an existing evidence-based
67 online or in-person training course to satisfy the requirements of subsection (b); provided,
68 however, that if the department cannot find an existing program to adapt to this purpose, then the
69 department shall create, implement, maintain and update such a training program; provided
70 further, that such training program shall be provided to schools at no cost.

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

73 (e) The department shall make the abuse prevention policy publicly available on its
74 website.

75 Section 4. Youth Sexual Abuse Education

76 (a) Every school that serves elementary or secondary school students and every youth-
77 serving organization shall provide age-appropriate instruction to help students and children
78 served by such schools:

79 (1) recognize and report inappropriate behavior in adults that may indicate that they pose
80 a sexual risk to minors

81 (2) recognize and report inappropriate behaviors in other children that may indicate that
82 they pose a sexual risk to children and youth

83 (3) learn how to develop healthy and respectful interpersonal relationships, including
84 appropriate body boundaries and privacy rules;

85 (4) learn how to communicate effectively to trusted adults and any concerns they do have
86 about body boundaries or privacy violations

87 (5) learn about available school and community resources to prevent and respond to
88 sexual abuse; and

89 (6) recognize and understand the consequences of false, inaccurate, or exaggerated
90 reports and the importance of children reporting honestly to the best of their ability.

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

97 SECTION 2. Chapter 268 of the General Laws is hereby amended by inserting after
98 section 21A the following new section:-

99 Section 21B. A person over the age of 21 who is employed by or contracts with a public
100 or private school, the department of elementary and secondary education, the department of
101 youth services, the department of children and families, the department of mental health, the
102 department of developmental services or a private institution that provides services to clients of
103 such departments, who is a teacher, administrator or a person in a similar position of authority in
104 the school, department or institution and, in the course of such employment or contract or as a
105 result thereof, engages in, within or outside of the school, department or institution, sexual
106 relations with a person who is (i) under the age of 19, has not received a high school diploma,
107 general educational development certificate or equivalent document and is served by the school,
108 department or institution; or (ii) under the age of 22, has special needs under chapter 71B, has
109 not received a high school diploma, general educational development certificate or equivalent
110 document and is served by the school, department or institution, shall have a cause of action
111 against such an employee or contractor, under chapter 260, section 4C. In a civil action
112 commenced under said section, a person served by such school, department or institution shall be
113 deemed incapable of consent to sexual relations with such an employee or contractor.

114 SECTION 3. Chapter 268 is hereby further amended by inserting after section 21B the
115 following new section:-

116 Section 21C. A person over the age of 21 who is employed by or contracts with a public
117 or private school, the department of elementary and secondary education, the department of
118 youth services, the department of children and families, the department of mental health, the
119 department of developmental services or a private institution that provides services to clients of
120 such departments, such as an administrator, teacher, counselor, coach, bus driver, or a person in a
121 position of authority in the school, department, or institution, and in the course of such
122 employment or contract or as a result thereof, engages in, within or outside of the school,
123 department or institution, sexual relations with a person who is: (i) under the age of 19, has not
124 received a high school diploma, general educational development certificate or equivalent
125 document and is served by the school, department or institution; or (ii) under the age of 22, has
126 special needs under chapter 71B, has not received a high school diploma, general educational
127 development certificate or equivalent document and is served by the school, department or
128 institution, shall be punished by imprisonment in a state prison for not more than 5 years or in a
129 jail or house of corrections for not more than 2 ½ years, by a fine of \$10,000 or by both such fine
130 and imprisonment. Registration as a sex offender shall be required. In the case of a teacher or
131 other licensed professional, revocation of the teaching certificate or professional license shall
132 also be required. In a prosecution commenced under this section, an individual served by such
133 school, department or institution shall be deemed incapable of consent to sexual relations with
134 the person.