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**Sexual Abuse of Children in U.S. Schools:
A Case Study of Presentation High School**

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Abstract

To date, there have been no comprehensive national studies on sexual violence committed by educators against students. Additionally, there is currently no federal office or agency mandated with collecting and examining statistics on allegations of this type of misconduct. In 2017, Kathryn Leehane, an alumna of Presentation High School in San Jose, California, penned an op-ed about her own experience with this misconduct. What followed was an onslaught of stories from other alumni indicating that Kathryn's experience was not an isolated incident. It was a patterned behavior of the school for abuse to occur and the school to silence victims and support abusers. Moreover, this is a behavior which is not just unique to Presentation, but is prevalent in institutions across the country and the globe.

This paper examines educator sexual abuse as a violation of children's rights, particularly the rights to protection, safe education, and self-representation through a case study of the scandal at Presentation High School. With this case study and by applying a human rights framework to the issue, the paper explores the prevalence of this misconduct and the characteristics of institutions, such as a private Catholic high school, that permit them to ignore abuse and children's rights in favor of protecting the institution's own reputation.

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I. Introduction

This thesis will focus on violence against children, particularly sexual abuse and harassment perpetrated by educators against students. This will be an examination of the issue through a human rights framework as a violation of a child's right to protection, safe education, and self-representation. The rights of children have long been recognized by international human rights law, with the first concrete acknowledgement in 1924 with the Geneva Declaration of the Rights of the Child.¹ Since this initial declaration, human rights law on children's rights has expanded to recognize a child's full participation in his or her own rights. By adapting rights specifically to children, human rights law takes into account their vulnerability and fragility, which requires specific support and action from others, such as schools and educators, as well as their voice and participation to ensure the status of children as autonomous individuals.

The country of focus will be the United States, particularly the State of California, through a case study of allegations of educator sexual misconduct at Presentation High School in San Jose, California. I will examine the topic of educator sexual misconduct itself as well as the prevalence of schools underreporting incidents of abuse to law enforcement or child welfare agencies and how amounts to a grave human rights violation that has been routinely ignored or minimized.

Over the past decade there have been a number of cases of educator misconduct at public and private schools across the country that have made headlines, such as in Chicago,² New York³

¹ "Geneva Declaration of the Rights of the Child of 1924, Adopted Sept. 26, 1924, League of Nations O.J. Spec. Supp. 21, at 43 (1924).," University of Minnesota Human Rights Library, accessed December 8, 2019, <http://hrlibrary.umn.edu/instree/childrights.html>

² Hannah Leone and David Jackson, "Extraordinary and Appalling' Handling of Sexual Violence Cases in Chicago Public Schools Leads to Federal Oversight," *chicagotribune.com*, September 12, 2019, <https://www.chicagotribune.com/news/breaking/ct-chicago-public-schools-federal-resolution-sexual-misconduct-20190912-c74uguy67rd4pp2dyjgfr647u4-story.html>

, New England⁴, and Colorado⁵. Rather than focus abstractly on the issue broadly, I have chosen to focus on the specific case of Presentation High School in part because of the activism and detailed documentation surrounding the allegations, but also due to my personal familiarity with the institution. I attended Presentation High School school from 2007 to 2011. The educator sexual misconduct at Presentation High School and subsequent accusations, responses and coverage of these incidents have also been well-documented, which offers strong resources with which to cover this topic.

Statement of Positionality

In relation to this qualitative research, it is important to acknowledge my identity and relationship to this issue, as the researcher. I am a twenty-seven year old white woman who was raised in the Catholic faith. I do not believe my age, gender, nor race will play a significant role in possible biases. However, my identity with the Catholic faith could factor into my description or interpretation of the case study, since Presentation High School is a Catholic affiliated school. Although none of the accusations of educator sexual misconduct at Presentation High School have been made against clergy or Church appointed staff, religion and Catholic principles are topics deeply ingrained in this case. Therefore, my identity could affect interpretation of data. Despite this, my arguments for and belief in human rights for all supersedes any faith I follow and I am confident it does not jeopardize my analysis.

³ Ginia Bellafante, "At Elite Prep School, Abuse Case Won't Go Away," The New York Times, December 9, 2011, accessed April 20, 2019,

<https://www.nytimes.com/2011/12/11/nyregion/at-elite-prep-school-abuse-case-wont-go-away.html>.

⁴ Benjamin Wallace, "How St. George's Atonement for Its Sex-Abuse Scandals Turned Ugly," The Hive, August 04, 2016, accessed April 25, 2019, <https://www.vanityfair.com/news/2016/07/st-georges-sex-abuse-scandals>.

⁵ Elizabeth A. Harris, "In a Brief Prep School Career, a Growing List of Sexual Misconduct Allegations," The New York Times, June 1, 2017, accessed April 27, 2019,

<https://www.nytimes.com/2017/06/01/nyregion/choate-frederic-lyman-sexual-misconduct-allegations.html>.

Moreover, as stated in the previous section, and most importantly, I have a personal connection to the Presentation High School case study, since I am a former student and a member of the community. I chose this specific case study, in part, due to this personal experience. I felt the personal connection could offer unique insight into the case and into a very sensitive issue, make it easier to connect with the research participants, and produce a better understanding. However, conversely, this identity and my personal experiences or knowledge of educator sexual misconduct while I was a student, although I did not have the vocabulary or understanding of this issue that I do now, could give me a certain bias against the educational institution. I hope this acknowledgment of reflexivity helps to clarify and contextualize my position in relation to the research.

Brief Summary of the Presentation High School Scandal

To contextualize the paper, I offer a brief initial summary of the allegations of educator sexual misconduct at Presentation High School, further details of which will be examined later in the thesis.

In October 2017, a former Presentation student, Kathryn Leehane, penned an op-ed in the Washington Post in which she detailed her personal experience with educator sexual misconduct.⁶ In the article she mentioned no specifics - not naming the school or educators - however, once the article began circulating online, many people in the Presentation High School community recognized the references and conduct of the teacher she described and subsequently came forward with their own experiences as witnesses or victims to similar misconduct. Slowly,

⁶ Kathryn Leehane, "When the Legal System Fails Sexual Assault Victims, We Have to Find Our Own Closure," The Washington Post, October 20, 2017, accessed April 25, 2019, https://www.washingtonpost.com/outlook/the-courts-regularly-fail-sexual-assault-victims-so-we-have-to-find-our-own-closure/2017/10/20/d476099a-b42d-11e7-be94-fabb0f1e9ffb_story.html?noredirect=on&utm_term=.55fd43c28981.

Kathryn and other alumni formed the group “Make Pres Safe” to spread awareness and demand accountability from the school. To date, the group has documented dozens of cases of educator sexual misconduct dating as far back as the early 1970s. Despite laws that impose a legal obligation on mandated reporters, such as teachers, counselors and other school personnel, educator sexual misconduct remains widely underreported or all together unreported. Throughout the country in both public and private educational institutions, there persists a narrative of protecting the educator and school over the student.⁷

Objective

Through my thesis, utilizing the case study as a mechanism to contextualize the issue in real-life scenario, I will examine educator sexual misconduct, framing it as violence against children and, therefore, a human rights violation. I will examine the prevalence of this misconduct and of rampant underreporting by school administrators, who have knowledge or reasonable suspicions of educator sexual misconduct that have been brought forth by victims and witnesses to the appropriate authorities, despite laws that make this reporting compulsory.

Research Question

The overarching question for my thesis is: How is violence against children permitted at Presentation High School, an institution that prides itself on its commitment to and teaching of the importance of human dignity and social justice? Further, are there characteristics of institutions that make it more possible for children’s rights to be violated within them? What factors, attitudes, and/or practices contribute to the ability of institutions to ignore accusations of abuse in favor of protecting their own reputation over protecting children?

⁷ Noreen Farrel, Jennifer Reisch, and Keasara Williams, "Ending Harassment Now: Keeping Our Kids Safe at School," Equal Rights Advocates, 2015, 3, accessed April 26, 2019, <http://www.equalrights.org/wp-content/uploads/2015/06/era-title-ix-report.pdf>.

Methodology

This study adopts a qualitative research approach, conducting interviews with victims and witness of educators sexual abuse at Presentation High School, who have spoken out publicly and become activists through the “Make Pres Safe” group. The study will also look at the documentation of these cases of educator sexual misconduct collected and organized by the “Make Pres Safe” group, including written statements, video statements, pertinent communication between students, parents and school administration (emails, letters and other correspondence), as well as media reporting. I will also examine the conduct policies of the institution itself and of its adherence to the Catholic social teaching of human rights. The case of Presentaiton will be contextualized within scandal of systemic sexual abuse of children by the Catholic Church, which will be crucial to understanding how violations of children’s rights can be perpetuated within an institution.

II. Educator Sexual Misconduct

Definitions & Terms

The literature on the topic of educator sexual misconduct uses a range of words and phrases to describe this misconduct. For my work, in order to synthesize these terms, I will use the term “educator sexual misconduct,”⁸ which comes from Charol Shakeshaft’s report to the US Department of Education. Shakeshaft reasons that the phrase acts as an overarching term that covers the range of behaviors that could be enacted against students.⁹ Shakeshaft gives the succinct definition for this term as, “behavior by an educator that is directed at a student and

⁸ United States of America, Department of Education, Office of the Under Secretary, Educator Sexual Misconduct: A Synthesis of Existing Literature, by Charol Shakeshaft (Washington, D.C, 2004), 2.

⁹ Ibid, 2.

intended to sexually arouse or titillate the educator or the child.”¹⁰ This behavior can be physical, verbal, or visual. This definition covers the variety of behaviors employed in this misconduct and the range of accusations brought forth in the Presentation case.¹¹

To be consistent I will also use Shakeshaft’s definitions for “student” and “educator.” “Student” is described as “any person, whatever age, in an educational institution up through 12th grade.”¹² “Educator” will be defined as persons over 18 that a student encounters in a school setting or with which a student has a school-related relationship such as “teachers, counselors, school administrators, secretaries, bus drivers, coaches, parent volunteers for student activities, lunchroom attendants, tutors, music teachers, special education aides.”¹³ This is an expansive definition to encompass the various employee relationships students can, and did in the Presentation case, encounter in the school setting.¹⁴

Prevalence of Educator Sexual Misconduct

There have been no comprehensive national studies designed specifically to examine the prevalence of educator sexual misconduct in public and private K-12 schools. Considering that statistics show that 10% of all child abuse is committed by someone other than a relative and that children spend majority of their days, when they are not at home, in school, it is curious that this topic has not been more deeply investigated.¹⁵ In 2015, an estimated 683,000 children were

¹⁰ Ibid, 1.

¹¹ “Timeline of Sexual Abuse Allegations at Presentation High School,” Make Pres Safe (Make Pres Safe, 2018), <http://makepressafe.com/timeline/>.

¹² United States of America, Department of Education, Office of the Under Secretary, Educator Sexual Misconduct: A Synthesis of Existing Literature, by Charol Shakeshaft (Washington, D.C, 2004), 1.

¹³ Ibid, 6.

¹⁴ “Timeline of Sexual Abuse Allegations at Presentation High School,” 2018.

¹⁵ “National Statistics on Child Abuse,” National Childrens Alliance, 2015, accessed April 28, 2019, <https://www.nationalchildrensalliance.org/media-room/nca-digital-media-kit/national-statistics-on-child-abuse/>.

victims of child abuse, which would mean, based on the statistics, as many as 68,300 children could have been abused by someone other than a relative.¹⁶

Likewise there is no federal office or agency mandated with collecting statistics on allegations of educator sexual misconduct. Moreover, since the federal government often mistakenly views student sexual assault as a “higher education problem,” the government also has not put forth any laws requiring elementary and secondary schools to track student sexual assaults.¹⁷ There are thirty-two states and the District of Columbia who document or maintain some information regarding student sexual assault, but these records are often incomplete or inconsistent.¹⁸ The State of California only requires records from public schools and the schools only need to document incidents of sexual assault *committed* by students. Therefore, schools are not required to keep records of any allegations or cases of educator sexual misconduct, since these assaults are not committed by students.

With such inconsistent or non-existent data collection and a lack of recognition by the federal government of the gravity of this issue, attempting to measure this problem nationwide would face incredible hurdles in attempts to organize the information to produce a comprehensive and accurate study. Researchers face considerable challenges from the lack of a centralized national reporting system to the vast number of law enforcement at the local, state and federal level, and educational organizations that are involved in the investigation of claims of this issue.

¹⁶ Ibid.

¹⁷ Katie Yahnke, “Investigating Sexual Harassment in K-12 Schools,” i-Sight, March 15, 2019, <https://i-sight.com/resources/investigating-sexual-harassment-in-k-12-schools/>

¹⁸ Emily Schmall and Reese Dunklin, “Student Sex Assault Reports and How They Vary by State,” AP NEWS (Associated Press, May 5, 2017), <https://apnews.com/b2a44eadc69441dd9f9aca711e848761/Student-sex-assault-reports-and-how-they-vary-by-state>)

Most of the information currently available on educator sexual misconduct comes from reports in the media.¹⁹ In 2014, the media reported that 459 educators were arrested for sex crimes against children. In 2015 this number rose to 498, which breaks down to nearly three cases per day.²⁰ However, these numbers are likely an underestimate of the total cases, since not all cases get reported to law enforcement or child protective services. This is true for Presentation High School, in which no incidents of educator sexual misconduct was reported to or resulted in any action from law enforcement. However, although there were no formal reports to the authorities, for Presentation, the media became an important tool for victims to share their stories and finally shed light on the decades long prevalence of this issue in the school.²¹

Despite and limitations and lack of government prioritization of this issue, and thanks to the work of a small group of researchers, there has been some information and data uncovered. This data points to signs that this type of abuse is not rare in the United States - or globally with reports from countries ranging from Canada²² to Senegal.²³ The American Association of University Women Educational Foundation (AAUW) published a study entitled “Hostile Hallways,” on examining bullying, teasing and sexual harassment in schools. By contacting principals at randomly selected schools and randomly selecting grades and classes within those schools, who agreed to participate, researchers surveyed a national sample of 2,064 students

¹⁹ James Knoll, "Teacher Sexual Misconduct: Grooming Patterns and Female Offenders," *Journal of Child Sexual Abuse* 19, no. 4 (July 08, 2010): accessed February 21, 2019, doi:10.1080/10538712.2010.495047.

²⁰ Molly M. Henschel and Billie-Jo Grant, “Exposing School Employee Sexual Abuse and Misconduct: Shedding Light on a Sensitive Issue,” *Journal of Child Sexual Abuse* 28, no. 1 (June 20, 2018): pp. 26-45, <https://doi.org/10.1080/10538712.2018.1483459>.

²¹ “About MPS,” Make Pres Safe (Make Pres Safe, 2018), <http://makepressafe.com/about-us/>.

²² “The Prevalence of Sexual Abuse by K-12 School Personnel in Canada, 1997–2017,” *Journal of Child Sexual Abuse* 28, no. 1 (December 2018): pp. 46-66, <https://doi.org/10.1080/10538712.2018.1477218>.

²³ “‘It’s Not Normal’: Sexual Exploitation, Harassment and Abuse in Secondary Schools in Senegal,” *Human Rights Watch* (Human Rights Watch, May 14, 2019), <https://www.hrw.org/report/2018/10/18/its-not-normal/sexual-exploitation-harassment-and-abuse-secondary-schools-senegal>.

grades 8 through 11 in the Fall of 2000. The survey posed questions regarding the students' experiences of educator sexual misconduct, particularly who committed this misconduct.²⁴

In her 2004 "synthesis of existing literature," which was reported to the Department of Education, Charol Shakeshaft performed a secondary analysis of the data collected in this AAUW study, since it was the only study of this topic "based upon data from a representative national sample."²⁵ Shakeshaft, from the data collected by AAUW and Harris Interactive, indicated

"that 9.6% of all students in grades 8 to 11 report contact and/or noncontact educator sexual misconduct that was unwanted. 8.7% report only non-contact sexual misconduct and 6.7% experienced only contact misconduct... Of students who experienced any kind of sexual misconduct in schools, 21% were targets of educators"²⁶

According to Shakeshaft almost 10% of the students surveyed reported being victims of some form of educator sexual misconduct. If this figure is applied more broadly, Shakeshaft found that, since the AAUW study represents a national sample, then it would accurately represent the experiences of all K-12 students. Therefore, she estimated that "more than 4.5 million students are subject to sexual misconduct by an employee of a school sometime between kindergarten and 12th grade."²⁷ This figure was based on 2004 school population statistics. If these population numbers were updated to the latest publically available figures (2019), this number would jump

²⁴ Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School, report, American Association of University Women Educational Foundation (Washington, D.C.: AAUW Educational Foundation, 2001), 2.

²⁵ United States of America, Department of Education, Office of the Under Secretary, Educator Sexual Misconduct: A Synthesis of Existing Literature, by Charol Shakeshaft (Washington, D.C, 2004), 4.

²⁶ Ibid, 17-18.

²⁷ Ibid, 18.

to more than 5.6 million students who would experience educator sexual misconduct sometime between grades K through 12.²⁸

Reporting Gap

Despite mandated reporting laws and potential punishment for not reporting, the majority of cases of educator sexual misconduct goes unreported to law enforcement and child protective authorities. Only an estimated 5% of educator sexual misconduct that is known to school employees is reported.²⁹ School employees and administrators are often apprehensive to report suspicion or knowledge of educator sexual misconduct out of fear for the damage to the reputation of the educator, school, etc. A 1994 study conducted in New York found that only 1% of 225 cases of educator sexual misconduct that school superintendents reported to researchers was reported to law enforcement or child protective services.³⁰ There is often a culture of protecting the adult over the child. The adults (the perpetrator as well as those who are made uncomfortable by potential ramifications of reporting) are valued over the rights of children to a safe school environment.

Over forty people³¹ have come forward as being victims of educator sexual misconduct while students at Presentation High School. Twenty of those incidents have been detailed and made public on the Make Pres Safe website, which only shares information on those who have consented to their story being made public. All of these public accusations were reported to

²⁸ “Digest of Education Statistics, 2018,” National Center for Education Statistics (NCES) Home Page, a part of the U.S. Department of Education (U.S Department of Education, 2019), https://nces.ed.gov/programs/digest/d18/tables/dt18_105.20.asp.

²⁹ United States of America, Department of Justice, Office of Justice Programs, Case Study of K-12 School Employee Sexual Misconduct, by Billie-Jo Grant, Stephanie B. Wilkerson, DeKoven Pelton, Anne Crosby, and Molly Henschel (Charlottesville, VA, 2017), 5.

³⁰ Charol Shakeshaft and Audrey Cohan, “Sexual Abuse of Students in Schools,” *The Phi Delta Kappan* 76, no. 7 (March 1995): pp. 512-520, <http://www.jstor.org/stable/20405388>.

³¹ “Making Presentation High School Safe,” Make Pres Safe, accessed December 8, 2019, <http://makepressafe.com/help/>

mandated reporters at the school, such as principals, vice-principals, counselors, deans, etc.³² The school did not report any of these accusations to police or child protective authorities for further investigation. Instead, the reports were either ignored or handled internally and victims were often made to feel like they were not believed, accused of causing problems, or even that the incident had really “just been a dream.”³³ One teacher, Tara Komar, who worked for the school for fourteen years, described the rumors and reports of educator sexual misconduct getting swept under the rug or accused educators leaving silently as “part of the environment there.”

Passing the Trash

It is a common practice for schools to avoid public scrutiny by negotiating private settlements or scrubbing personnel files so as to erase the educator’s record when they leave the school. By dismissing these educators discreetly, school administrations abdicate any responsibility to its students and greater community and allow educators to have the opportunity of seeking employment at another institution. This is a practice commonly called “passing the trash.”³⁴ Without any criminal convictions or disciplinary reports of sexual misconduct on his or her record, an educator can, and commonly does, pursue employment elsewhere and has the opportunity to potentially abuse more children.³⁵ A 2010 study by the U.S. Government Accountability Office (GAO) found that an educator-offender will pass through three different

³² “Timeline of Sexual Abuse Allegations at Presentation High School,” Make Pres Safe (Make Pres Safe, 2018), <http://makepressafe.com/timeline/>.

³³ “Statement from Jane Doe,” Make Pres Safe (Make Pres Safe, 2018), <http://makepressafe.com/statement-jane-doe/>.

³⁴ Charles J. Hobson, *Passing the Trash: a Parents Guide to Combat Sexual Abuse/Harassment of Their Children in School* (Charleston, SC: CreateSpace, 2012).

³⁵ Billie-Jo Grant, Stephanie Wilkerson, and Molly Henschel, “Passing the Trash: Absence of State Laws Allows for Continued Sexual Abuse of K–12 Students by School Employees,” *Journal of Child Sexual Abuse* 28, no. 1 (June 2018): doi:10.1080/10538712.2018.1483460

school districts before being stopped. The study also found that a single offender can have as many as 73 victims in his or her lifetime.³⁶

As previously mentioned, no educator accused of sexual misconduct at Presentation High School was reported to authorities or formerly investigated. In all cases, accused educators were allowed to leave silently (most were permitted to finish out the school year, if not their contract). Thus, these educators were given the option to seek employment at another educational institution where he or she could commit further abuse.

In at least one of the Presentation High School incidents, this is exactly what happened. Jeffrey Hicks was employed by Presentation as a performing arts director during the 2003-2004 school year. In that time he was caught kissing a 16-year-old student. The incident was reported to the school principal and Hicks admitted to having an “inappropriate relationship”³⁷ with the student. Instead of complying with mandated reporter laws, the school allowed Hicks to finish out the school year and even direct the school’s performing arts camp that following summer. He was then permitted to leave silently and secure employment at another school in the area teaching science and sex education. Hicks was convicted of being in possession of child pornography and exchanging sexual messages with a 14-year-old student in 2014.³⁸ The year prior the principal of Presentation had attempted to rehire Jeffrey Hicks to direct a theater project known as the “Blue Plaid Players,” but was met with protest from parents, teachers, and alumni

³⁶ United States., Government Accountability Office., K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct: Report to the Chairman, Committee on Education and Labor, House of Representatives (Washington, D.C.: U.S. Govt. Accountability Office, 2010).

³⁷ Vicky Nguyen, Michael Bott, and Mark Villarreal, “Mom Says San Jose School Covered Up Sexual Abuse of Daughter,” NBC Bay Area (NBC Bay Area, January 9, 2019), <https://www.nbcbayarea.com/investigations/Mom-of-Former-Presentation-High-Student-Says-School-Failed-to-Call-Police-after-Teacher-Caught-Kissing-her-Daughter-481095661.html>.

³⁸ Ibid.

and was ultimately not hired. Although in this position Hicks would not have been working directly with students, he would have still been permitted back on campus and been given access to potentially abuse students. Not reporting offenses to the authorities not only dismisses the safety of students at the current institution, it puts students in the wider community at risk.

Disparities in Laws & Policies

At the Federal Level

From 1972 up to 2015 legislation has continually expanded the definitions of child abuse and neglect and who qualifies as a mandated reporter, particularly in educational institutions. In addition, there has been an increasing number of laws addressing “aiding and abetting” an abuser. In 1972 there was the Title IX Educational Amendment, which prohibits any and all sexual discrimination, including harassment, in all public and private schools that are recipients of federal funds.³⁹ In 1974 came the Child Abuse Prevention and Treatment Act (CAPTA) that requires states to comply with a set of child protection requirements, such as requirements for states to establish mandatory reporting laws, implement screening processes, and promptly investigate reports of child abuse. In 1992, the United States Supreme Court, in *Franklin v. Gwinnett County Public Schools*, held that monetary damages could be awarded in Title IX cases and students who are subject sexual harassment and/or abuse could sue for monetary damages.⁴⁰ In 1998 the court further clarified this ruling with *Gerbser v. Lago Vista I. S. D.* by establishing that the school district would only be liable for the sexual misconduct of an educator if the school district had actual notice of the misconduct and acted with “deliberate indifference”

³⁹ United States of America, Department of Justice, Office of Justice Programs, Case Study of K-12 School Employee Sexual Misconduct, by Billie-Jo Grant, Stephanie B. Wilkerson, DeKoven Pelton, Anne Crosby, and Molly Henschel (Charlottesville, VA, 2017).

⁴⁰ "Franklin v. Gwinnett County Public Schools." Oyez. Accessed October 4, 2019. <https://www.oyez.org/cases/1991/90-918>.

toward such misconduct. This is a standard that was met in a majority of the Presentation High School cases. In 2006 the Adam Walsh Protection Act came about, which provides legislation mandating states to establish sex offender registries and requires that the Department of Justice conduct criminal history checks for employees who work with children at the request of public or private schools.⁴¹

Further in 2015, President Obama signed the the Every Student Succeeds Act (ESSA) which reauthorized the Elementary and Secondary Education Act (ESEA) of 1965. This act contains two provisions critical to addressing educator sexual misconduct. That act dictates that states must:

- (1) Ban the aiding and abetting of school employee sexual abuse and misconduct, and
- (2) Ban confidentiality agreements between school employees and administration in cases of sexual abuse and misconduct⁴²

These provisions not only require that incidents of educator sexual misconduct are to the proper authorities⁴³ and bans “passing the trash,” but it also mandates that States pass laws directly addressing the issue of educator sexual misconduct. This addition to the legislation was particularly significant because it recognized the issue of abusers being permitted to leave quietly and o obtain employment at another school. Banning this at the federal was purposeful to send a message to states that this could no longer be tolerated.

⁴¹ United States of America, Department of Justice, Office of Justice Programs, Case Study of K-12 School Employee Sexual Misconduct, by Billie-Jo Grant, Stephanie B. Wilkerson, DeKoven Pelton, Anne Crosby, and Molly Henschel (Charlottesville, VA, 2017).

⁴² Billie-Jo Grant, Stephanie Wilkerson, and Molly Henschel, “Passing the Trash: Absence of State Laws Allows for Continued Sexual Abuse of K–12 Students by School Employees,” *Journal of Child Sexual Abuse* 28, no. 1 (December 2018): pp. 84-104, <https://doi.org/10.1080/10538712.2018.1483460>.

⁴³ Elementary and Secondary Education Act of 1965 [As Amended Through P.L. 115–224, Enacted July 31, 2018] (2018).

At the State Level

Laws at the state level, as the studies of Clark⁴⁴ and Abboud et al.⁴⁵ have pointed out, vary widely as it pertains to educator sexual misconduct. In 2011, Clark compared state laws on educator sexual misconduct and found that, at the time, there were 8 states that criminalized all forms of educator-student relationships.⁴⁶ He found there were 28 states with legislation containing language criminalizing educator-student relationship under certain conditions, based on the age of the student or the age difference between educator and student.⁴⁷ Finally, there were 14 states that had laws simply criminalizing adult-child relationships, but that did not specifically address educators.

In 2017, Abboud et al., building off of Clark's work, reexamined all the states for statutes addressing educator sexual misconduct. They found that there has been an increase since 2011 with 29 states that now have statutes specifically addressing educator sexual misconduct - a more than 50% increase.⁴⁸ This shows an increased awareness of this problem and could have been particularly boosted by the ESSA and reauthorization of the ESEA in 2015. Although there has been this increase, there are still 21 states that do not have statutes or specific language pertaining to educator sexual misconduct. A lack of specific legislation against educator sexual misconduct could be a factor that leads to confusion or underreporting by educational institutions to law enforcement despite the mandated reporting laws. By not having clear cut laws legislation

⁴⁴ Joseph P. Clark, "A Legislative and Judicial Analysis of Sexual Relationships between American Secondary Students and Their Teachers" (dissertation, 2011).

⁴⁵ Mia J. Abboud et al., "Educator Sexual Misconduct: A Statutory Analysis," *Criminal Justice Policy Review*, 2018, p. 088740341880656, <https://doi.org/10.1177/0887403418806564>.

⁴⁶ Joseph P. Clark, "A Legislative and Judicial Analysis of Sexual Relationships between American Secondary Students and Their Teachers."

⁴⁷ *Ibid*, 44.

⁴⁸ Mia J. Abboud et al., "Educator Sexual Misconduct: A Statutory Analysis."

on educator sexual misconduct it could make easier for the administration not to report these accusations to the authorities.

One of those states lacking specific language (and the home of Presentation High School) is California. In California, under Penal Code 273d PC, child abuse, including any imposition of physical injury or “cruel punishment,” is illegal. Further, California law states that mandatory reporters, which includes teacher, teacher’s aides, administrators, and employees of public or private schools,⁴⁹ is legally obligated to make a report of any reasonable suspicion of child abuse. The law defines this “reasonable suspicion” any suspicion “based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.”⁵⁰ Therefore, a mandatory reporter does not need to have confirmed or first hand knowledge of sexual misconduct, which makes the obligation much more wide-sweeping than many either know or acknowledge, as is apparent in the Presentation High School Case. Consequently, by not reporting the dozens of complaints or suspicions of educator sexual misconduct, the school and its employees were violating these laws.

The most at fault for this ignorance of the law and subsequent neglect of the children who were victims of this abuse, based on reports from former Presentation employees, is the school administration and leadership. According to one former teacher, MaryJane Perryman, school employees were told to bring all concerns to counseling department to be handled by them, even in the case of calling 911 for medical emergencies.⁵¹ Perryman also said that in her time at

⁴⁹ Penal code §11165.7

⁵⁰ Penal code §11166

⁵¹ “Statement from Lauren Cerri for MaryJane Perryman,” Vimeo (Make Pres Safe, October 0, 2018), <https://vimeo.com/250366441>.

Presentation, there was never any discussion of how to formally report incidents to law enforcement or child protective services. Tara Komar, who corroborated this policy, remember that teachers at Presentation

“were instructed not to call the police. We were instructed to, if there was an issue, to tell a counselor or administration. Which was in direct violation of the law... I really didn't know. Even to the extent of calling 911... we were instructed if a student had an emergency... call the front office. The office will call 911. But they wanted to control that information. Information flow was everything.”

The school put its own reputation above the law. It was more important to the Presentation administration to protect itself and its standing in the community than the children was charged with protecting. As a result of this corrupt hierarchy of values, the rights of children were violated repeatedly for “the good of the school.”

When the laws and the statistics of the prevalence and underreporting of educator sexual misconduct are laid out together it is clear that there is an extreme disconnect. As a result, those who have the least control, the children, are suffering the most. The laws are inconsistent between states, for the states that do have legislation, the lack of a federal reporting mechanisms leaves them without compulsory accountability, and a single perpetrator can abusing over 73 children across school districts. The shortcomings are leaving an extremely vulnerable without its basic human right to protection.

III. The Rights of the Child to Protection from Violence, Safe Education

In order to adopt a human rights approach to educator sexual misconduct, it must first be proven that educator sexual misconduct qualifies as a human rights violation. To do so, the issue

of educator sexual misconduct needs to be contextualized within the broader issue of violence against children. The United Nations Children’s Fund (UNICEF) asserts that all children have the right to protection from any violence, exploitation or abuse and all systems and agencies that involve children, particularly schools, should have practices and policies based on the Convention on the Rights of the Child (CRC).⁵² In doing so, a school that is a rights-based institution will “guarantee [children] safe and protective spaces for learning, free from violence and abuse...”⁵³ In looking at widespread prevalence of educator sexual misconduct across the US it is clear that schools are not being modeled as rights-based institutions as intended and, especially in the cases that are ignored by administration, a child’s right to be protected from abuse is being violated.

Children’s Rights

Convention on the Rights of the Child

The clearest and most referenced document regarding the human rights of children is the Convention on the Rights of the Child. This document followed the Declaration of the Rights of the Child, which was adopted by the UN General Assembly in 1959 and established a child’s right to protection, education, health care, shelter and good nutrition.⁵⁴ The Convention on the Rights of the Child, adopted 30 years after the Declaration in 1989, shifted the narrative of children’s rights and the way children were treated in the conversation of their rights. The Convention on the Rights of the Child framed children “as human beings with a distinct set of

⁵² "Child Friendly Schools," UNICEF - Child Friendly Schools, May 25, 2012, , accessed April 26, 2019, https://www.unicef.org/lifeskills/index_7260.html.

⁵³ Ibid.

⁵⁴ “Global Issues: Children,” United Nations (United Nations), accessed November 1, 2019, <https://www.un.org/en/sections/issues-depth/children/>

rights instead of as passive objects of care and charity.”⁵⁵ The adoption of this document established children as owners of their own rights and provided children with individual rights.

Children’s rights as established by the Convention on the Rights of the Child (CRC) are often divided into three distinct, but interconnected, categories: rights to participation, provision, and protection. A child’s right to participation entails that the child has just that - a right to participate - a right to engage in activities, express oneself, and have one’s voice heard, both individually and collectively as a valued group. Provision rights establish that a child has a right to be provided with or have access to necessary resources and services, such as healthcare. The right to protection for children translates to their right to be safeguarded from harmful practices. This paper focuses predominantly on this third category and the child’s right to protection from abuse along with caretakers’, such as educators, duty to ensure this right to protection.

According to Article 19 of the CRC, children must be protected from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”⁵⁶ Additionally, Article 34 affirms the state’s responsibility to protect children from sexual exploitation and abuse and Article 39 affirms that “States Parties shall take all appropriate measures to promote physical and psychological recovery.”⁵⁷ In looking at widespread prevalence of educator sexual misconduct across the United States it is clear that these articles are not being honored. More specifically, at Presentation High School, where allegations and cases of abuse were actively disregarded or covered up, and children were silenced and intimidated, children’s right to be protected from abuse is being flagrantly violated.

⁵⁵ Ibid.

⁵⁶ The United Nations. 1989. “Convention on the Rights of the Child.” Treaty Series 1577 (November): 3, Article 19.

⁵⁷ Ibid, Article 34.

A paramount tenet in children's rights, which is found in the CRC, is acting in the child's best interest. In article 3(1) of the CRC it states that "in all actions concerning children... the best interests of the child shall be a primary consideration."⁵⁸ Children are a particularly vulnerable group and, therefore, need special support to be able to enjoy their rights fully. This special support is the "best interest" principle. A primary consideration for the basis of a decision that will affect a child needs to be whether or not that choice is in the child's best interest, or that it best protects the child's rights to non-discrimination, to life, to survival and development, and to his or her own rights and views.⁵⁹ By failing to report offenders of educational sexual misconduct to the authorities and to continually allowing offenders to leave quietly and secure employment at other educational institutions, Presentation ignored the child's best interest and replaced it with what would be in its own best interest.

Presentation High School in no way was considering the best interests of the child. By ignoring the signs and reports of abuse within its institution, the Presentation administration left its students, and any other students who attended schools where a former Presentation educator worked after the school "passed the trash," vulnerable to not only to the abuse itself, but to the trauma and long-term effects of childhood sexual abuse. Studies show that children who are victims of sexual abuse are more likely to struggle with drugs, alcohol or other substance abuse. They are also more likely to suffer from other long-term symptoms, such as chronic headaches, fatigue, depression, anxiety, eating disorders, suicidal thoughts and attempts, fear,

⁵⁸ Ibid, Article 3.

⁵⁹ Daja Wenke, "Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases," *Promoting the Human Rights and the Best Interests of the Child in Transnational Child Protection Cases* (Stockholm: Council of Baltic Sea States Secretariat, 2015), p.20)

shame, and low self-esteem.⁶⁰ Permitting or ignoring any behavior that could lead a child to be more likely to suffer from any of these long-term symptoms is not decision-making that factors what is in that child's best interest.

Universal Declaration of Human Rights

In the Universal Declaration of Human Rights there are two articles that reference children directly: Articles 25 and 26. Article 25(2) states: “[m]otherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy the same social protection.”⁶¹ Article 26 addresses a child's right to education in calling for the right to education for all and states that education should be “directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”⁶² Broadly, the Universal Declaration of Human Rights declares that all people have the right to life, liberty and security of person.

In Article 7 the UDHR commits that “all are equal before the law and are entitled without any discrimination to equal protection of the law.”⁶³ Under the Child Sexual Abuse Awareness and Prevention Act, Educator sexual misconduct is child abuse and a crime in the United States. Under the law, those who are accused of this crime should be reported to and investigated by the appropriate law enforcement or child welfare authorities. Despite the legislation, mandated reporting laws and the wealth of media coverage that sexual educator misconduct receives, accountability is not happening and human rights violations are being permitted. Accountability

⁶⁰ Linda J. Koenig, *From Child Sexual Abuse to Adult Sexual Risk: Trauma, Revictimization, and Intervention* (Washington: American Psychological Association, 2004)

⁶¹ “Universal Declaration of Human Rights,” United Nations (United Nations, December 10, 1948), <https://www.un.org/en/universal-declaration-human-rights/>, p.article 7)

⁶² *Ibid*, article 26.

⁶³ *Ibid*, article 7.

is at the heart of the human rights agenda. Without accountability, this injustice can permeate and become part of a culture of an educational institution and undermine a child's human right to protection from harm, as seems to have occurred at Presentation High School. When Presentation High School or any institution ignores or "internally" addresses allegations of abuse or decides to "pass the trash" and allows an educator to seek employment and more victims elsewhere, it is violating a child's right to equal protection from this abuse under the law.

Sexual Violence Against Children

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict designated sexual violence against children as one of the six grave violations identified and condemned by the UN Security Council.⁶⁴ A report on these grave violations stated that "sexual violence against children, both boys and girls, are serious violations of international human rights law and may amount to grave breaches of international humanitarian law."⁶⁵ Although this thesis does not examine sexual violence against children in the context of armed conflict, its categorization as one of the gravest human rights violations in this context speaks to the overall seriousness of the issue as a human rights violation in any context.

This report by the Special Representative addresses the issue and its seriousness when it occurs during a time of armed conflict when, traditionally, human rights are infringed upon the most. However, statistics show that this violation is occurring frequently⁶⁶ in the United States - a country that has not seen armed conflict on its soil in decades. It is clear that there does not

⁶⁴ Carolyn Hamilton and Laurent Dutoit, "The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation," *The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation* (New York, NY: United Nations, 2013), pp. 1-29, p.9

⁶⁵ *Ibid*, 16.

⁶⁶ United States of America, Department of Education, Office of the Under Secretary, *Educator Sexual Misconduct: A Synthesis of Existing Literature*, by Charol Shakeshaft (Washington, D.C, 2004), 17.

need to be a heightened time of violence, combat, or political conflict for this to amount to a grave human rights violation. Yet by using this report as a foundation and the precedent of sexual violence against children as a crime against humanity,⁶⁷ it bolsters the seriousness of this issue and further condemns those who commit these heinous actions, such as perpetrators and silencers of educator sexual misconduct.

International human rights framework has recognized children as persons with the same general human rights as adults and additional rights that address needs specific to certain vulnerabilities. Children are independent - not under the ownership of a parent nor objects of charity. The current human rights framework details the rights that children must be guaranteed in order for them to achieve a healthy development into adulthood. When their rights to protection and safe education are not upheld, such as educator sexual misconduct, and the perpetrators of these abuses are held superior to the victims, this is a human rights violation. Since children are a vulnerable population, they need special support from the adults in their community, particularly from those who act as caregivers, such as parents or educators. Therefore, in order to prevent further violations in the form of educator sexual misconduct, the focus must be on the protection of the child, not the adult or the institution.

IV. The Profile of Presentation High School

A School's Duty to Children

While conducting interviews, before discussing the details of Presentation High School or prefacing anything with a human rights framework, I wanted to understand how people understood the relationship between educational institutions and children. During each interview

⁶⁷ Carolyn Hamilton and Laurent Dutordoir, "The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation," *The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation* (New York, NY: United Nations, 2013), pp. 1-29, p.17)

I asked “how would you define a school’s relationship or duty to its students?” Consistently, each person gave a response implying duties to protect, to help grow, and nurture. One former teacher mentioned the phrase “in loco parentis,” which is a legal term meaning “in place of a parent.”⁶⁸ The term refers to a person or organization, such as a school, having the responsibility to perform some of the functions or duties of a parent. When they are not in the care of their parents or guardians, children spend most of their time in schools. Parents and guardians trust that the school will safeguard their children and believe that a school has a duty to protect their children in the same way they do.

Most obviously, a school is there to fulfill children’s right to education, however, when children are in school, they still have all of their other rights. Therefore a school’s duty is not only to educate, but to ensure that children are respected, protected and opinions are heard. The school contributes to the full development of a child. The school has a responsibility to ensure that students not just learn information and regurgitate it, but that they are able to think critically and creatively. Furthermore, in addition to protecting the rights of children, an educational institution needs to provide its students with the understanding that they possess and should exercise these rights.

Religion

Presentation High School is a Catholic all-girls private school, which is owned and operated by the Sisters of the Presentation, a religious institute of Roman Catholic women. Currently, the school requires that its students take courses in the Catholic religion and attend school-wide mass regularly. Additionally, the school encourages its students to “become women

⁶⁸ “In Loco Parentis,” Legal Information Institute (Cornell Law School), accessed December 8, 2019, https://www.law.cornell.edu/wex/in_loco_parentis

of faith” through religion-focused extracurricular activities. It is nearly impossible to describe Presentation High School without its Catholic identity.

In the same way that Presentation High School cannot be separated from Catholicism, it is difficult to separate the Catholic Church from its own history of sexual abuse of children. For decades the Church has been reeling from accusations of sexual abuse, cover-ups, widespread negligence, and protecting itself rather than the children who were victims of this abuse.⁶⁹

Systemic sexual violence against children in religious institutions is not a new phenomenon, but in 2014 the Catholic Church’s abuses finally came under international scrutiny. To date, tens of hundreds of thousands of priests, deacons, and other clergy have been accused child sexual abuse across the globe.

At the UNCRC 65th session in 2014, the Committee on the Rights of the Child condemned the Holy See, which is an observer state at the UN and which had ratified the Convention on the Rights of the Child in 1990, saying that it

“has not acknowledged the extent of the crimes committed, nor taken the necessary measures to address cases of child sexual abuse and to protect children, and has adopted policies and practices which have enabled the continuation of sexual abuse by clerics and impunity for the perpetrators.”⁷⁰

⁶⁹ Madison Park and Susannah Cullinane, “Abuse Allegations Have Been Leveled at the Catholic Church for Decades,” CNN (Cable News Network, August 21, 2018), <https://www.cnn.com/2018/08/21/world/catholic-church-abuse-scandal-timeline/index.html>

⁷⁰ UN Committee on the Rights of the Child (CRC), *Concluding observations on the second periodic report of the Holy See*, 31 January 2014, CRC/C/VAT/CO/2, <https://www.refworld.org/docid/52f8a1544.html> [accessed 29 November 2019]

The children's rights record of the Holy See was being reviewed for the first time in twenty years with a shocking global scale of the abuse revealed.⁷¹ Even though the Catholic Church has acknowledged the seriousness and immense scale of the abuse, it has yet to demonstrate what action it is taking to ensure that allegations of child abuse are reported and thoroughly investigated. This immense systemic sexual violence against children and the somewhat irresolute response that only came after there was global public outcry sets a dangerous precedent for how institutions can treat children and their human rights.

None of the reported educator sexual misconduct at Presentation High School was allegedly perpetrated by any clergy member of the Church; however, the Catholic Church's abuse scandal has left a dark mark on every Catholic-affiliated institution and Presentation High School is no different. It is hard not to see a mirroring of the Church's history with a pattern of abuse in the scandal at Presentation. The most poignant and devastating aspect of this mirroring, other than the abuse itself, of course, is the culture of silence and protecting perpetrators at the expense of children. Educator sexual misconduct is an egregious violation of a child's rights, but it is only permitted and can endure by a network of protection. This network is a root cause that cannot be allowed to continue. If the root causes that allow abuse to exist in the first place are not challenged, nothing can be solved. Abuse does not occur without support, which is why I believe we so often see systemic sexual abuse of children in insulated institutions, such as the Catholic Church, or a prestigious all-girls Catholic High School.

Another noteworthy and somewhat encouraging connection between these two scandals is the effect that developments in the Catholic Church scandal had on the scandal at Presentation.

⁷¹ "Child Sexual Abuse and the Holy See: The Need for Justice, Accountability and Reform," Child Sexual Abuse and the Holy See: The Need for Justice, Accountability and Reform (The Child Rights International Network, 2015)

One development in particular was the report of the grand jury investigation into the Dioceses of the Catholic Church in Pennsylvania. This report, released in 2018, was over 800 pages of victim testimony and details of decades of abuse by clergy and other church officials.⁷² The report listed over 300 perpetrators and 1,000 victims and was an undeniable condemnation of serious violations committed and covered up by the Church.⁷³ Such a damning revelation had a ripple effect through to Presentation. One former teacher described the effect of the report saying it “blew up the whole thing all over again” and that this report contributed to why the school president, Mary Miller, who had been at the school in some professional capacity for 41 years, finally stepped down. Miller was a driving force in these cover-ups and culture of silence. She was promoted to school president in July of 2018. The scandal broke in October of 2017.⁷⁴

A second and very striking contributing factor to this change in leadership came, surprisingly, from the Church itself. After a friend had suggested she speak to him based on a homily he had given on recent scandals of sexual abuse, Kathryn Leehane, along with Cheryl Hodgkin Marshall, another Presentation alum active in the Make Pres Safe group, met with Father Brendan McGuire. Fr. Brendan was the Vicar General of the Diocese of San José and the priest at a local parish at the time. Fr. Brendan told Kathryn and Cheryl he “wanted to be their voice” and said he would advocate for them. He also alluded that next time they spoke there would be “some sort of public announcement.” That announcement was President Mary Miller’s resignation. After his meeting with Kathryn and Cheryl, Fr. Brendan met with Bishop Patrick J.

⁷² “Report I of the 40th Statewide Investigating Grand Jury,” Report I of the 40th Statewide Investigating Grand Jury (Office of the Attorney General Commonwealth of Pennsylvania, 2018), pp. 1-884

⁷³ Ibid, 1, 9.

⁷⁴ “About MPS.” Make Pres Safe. Make Pres Safe, 2018. <http://makepressafe.com/about-us/>.

McGrath, the bishop of the Diocese of San Jose and kept to his word and acted as their voice to the bishop.

After his meeting with Fr. Brendan, Bishop McGrath, according to multiple interviewees, approached the Sisters of the Presentation, the owners of the school, and gave them an ultimatum: either Mary Miller leaves or the school loses its affiliation with the Catholic Church. This was the extreme lengths that it took to see a change in leadership at the school - a threat to strip away something that was so essential to its identity - that finally overcame protecting abusers. Mary Miller resigned in September 2018 almost a full year after the scandal had broken.

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A Commitment to Social Justice

Intertwined with the school's message of faith is its commitment to social justice and Catholic social teaching. The school has the motto of "Not Words But Deeds" and boasts that this mission helps the school put its "faith into action, tackling social justice and human rights issues through service"⁷⁶ The school hosts fundraisers and food drives, "immersion trips" for students to help and learn more about disadvantaged communities, and encourages students perform community service. Phrases, such as "human dignity" or "the dignity of every human," and "social justice," can be found dozens of times on the school's website detailing how they encourage their students to be women of faith and service. However, a common thread within all of these opportunities for recognizing human dignity is an inherent othering. Any commitment to social justice is one that is outward facing to other communities. There is no recognition, despite the scandal that has been ongoing, that this lens should be turned inwards at the institution itself.

⁷⁵ Ibid.

⁷⁶ "The Presentation Difference," Presentation High School, accessed December 8, 2019, <https://www.presentationhs.org/admissions/the-presentation-difference>)

Tara Komar, a former English teacher at Presentation, spoke about the discourse among faculty and school administration surrounding the ongoing scandal. She recounted that “there was absolutely no discussion of social justice related to this scandal.” Instead of the usual motto of “Not Words, But Deeds,” Tara recalled that the motto became closer to “Deny. These women are lying.” In what was a true teachable moment, the underlying values of the institution came forward, which was one of self-preservation over all else. The school’s mission was decidedly absent in a place that it could have been most meaningful to its community.

A recent addition to the school’s website and to the school is the school’s Office for the Prevention of Student Bullying, Harassment & Abuse. Notably absent from this page is morality language of innate human rights or social justice or even any mention of the school motto. Another eye-catching item on this page is the “Faculty Policies Relating to Students” section. This section specifically details expectations of conduct from educators as well as the legal obligation of mandated reporting if there is any reasonable suspicion of abuse. It is obvious that this new office was created, at least in part, due to the allegations of educator sexual misconduct at the school and, yet, there is no acknowledgement of the legacy of abuse that preceded and subsequent outcry that nearly demanded its creation. Unlike other schools with similar scandals and histories of systemic abuse,⁷⁷ Presentation, from what can be found on its website - the most public-facing element of the school - makes no clear acknowledgement of the allegations of educator sexual misconduct or how it is atoning for past abuse and neglect.

⁷⁷“Child Abuse Prevention & Reporting,” Horace Mann School, accessed December 8, 2019, <https://www.horacemann.org/our-school/child-abuse-information>)

The Abuse Scandal

As previously mentioned, the educator sexual misconduct scandal at Presentation High School came to the surface October of 2017 by the bravery of Presentation alum Kathryn Leehane, who wrote an op-ed in the Washington Post entitled, “When the Legal System Fails Sexual Assault Victims, We Have to Find Our Own Closure”⁷⁸ about her personal experience of being a victim of educator sexual misconduct. “I was just writing an article about closure,” she said in our interview. Instead of closure, what Kathryn found was that her experience was not uncommon. Despite offering no specifics in the article about what school or what teacher she was writing about, the article opened what she described as “a giant can of worms.” What ensued over the past two years has been an onslaught of victims and witnesses to educator sexual misconduct at Presentation High School sharing their stories.

The following two charts are timelines and brief details of the scandal and the history of abuse that has been reported to the school since the early 1970s. This information was compiled using information provided on the Make Pres Safe website and interviews with witnesses. It is important to understand the trajectory of the scandal from an op-ed written in pursuit of closure and containing no specifics into the exposure of a grave history of systemic sexual misconduct, cover-ups and coerced silence until the final announcement of an external investigation in September 2019, which has yet to come to any conclusions.

| Timeline of the Educator Sexual Misconduct Scandal at Presentation High School | | |
|---|--|--|
| Date | Event | Important Notes |
| October 20, 2017 | Kathryn Leehane’s publishes the OpEd “When the Legal System Fails Sexual Assault Victims, We Have to Find Our Own Closure” in The Washington Post. | No specific detail about the school or the teacher was given in this article |

⁷⁸ Kathryn Leehane, "When the Legal System Fails Sexual Assault Victims, We Have to Find Our Own Closure," The Washington Post.

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|-------------------|---|---|
| October 25, 2017 | In response to the OpEd and subsequent reports of similar experiences concerned alumnae create private #PresentationToo Facebook group | |
| October 30, 2017 | After multiple alumni come forward with detailing experiences of and witnessing educator sexual misconduct, a petition was created by alumni urging Presentation to launch an independent investigation. | This petition has been signed by over 7,000 people |
| November 3, 2017 | Presentation makes its first public response to Kathryn Leehane's article with a statement from Principal Mary Miller | The letter states that "the school conducted an investigation more than 25 years ago into this matter" but "due to privacy and confidentiality concerns" the school could not "disclose details" |
| November 15, 2017 | The Presentation Board of Directors issues a public statement about the allegations | In the letter the board states that they "unequivocally stand behind Mary Miller's integrity and leadership" |
| November 18, 2017 | Kathryn Leehane, Cheryl Hodgins Marshall, a Pres alum, and B. Robert Allard, a lawyer offering Leehane pro-bono legal advice, request a meeting with the Presentation Board to share what they've learned regarding multiple allegations of educator sexual misconduct. The PHS lawyer does not respond to that request (or subsequent ones) until Nov 27 | The Presentation lawyer does not respond to that request, or subsequent requests, until November 27 when the request is denied. |
| November 22, 2017 | Principal Mary Miller issues a statement in response to a press conference held by Kathryn Leehane and Cheryl Hodgins Marshall | In the statement Presentation said it "strongly disputes claims... that we have not acted properly in the handling of reporting allegations of inappropriate behavior in the history of our school" |
| December 14, 2017 | The Presentation Board of Directors issues a letter to the school alumni | The board uses this letter to address its "measured response" to the allegations levelled against the school, stating that this response "should not be misconstrued as guilt or as an affirmation of what has been claimed." |
| December 14, 2017 | Presentation's lawyer denies additional requests by Kathryn to meet with the Board. | |
| December 19, 2017 | Additional survivors and witnesses of educator sexual misconduct at Presentation hold a press conference | All of these witnesses speak to a culture of abuse, cover-ups and silence. |
| December 21, 2017 | Principal Mary Miller issues a statement | In the statement the principal called the statements in the 12/19 press conference and other public allegations "false, unfounded, misleading and half-truths" |
| January 11, 2017 | The "Make Pres Safe" launches its website and social media channels | |
| January 31, 2018 | All Presentation staff are required to complete an online Mandated Reporter training. | According to Presentation former staff, this was the first time this training was required |

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|--------------------|--|---|
| February 3, 2018 | Alumnae group, #PresentationToo, announces donation freeze until Presentation agrees to an independent investigation. | |
| March 11, 2018 | The Make Pres Safe advocacy group sent a letter to Presentation donors urging them to temporarily withhold donations until the school agrees to an independent investigation | The letter gave a brief timeline of allegations, asked for a donation freeze and advised that victims "just want safety to be the top priority for all students" |
| March 2018 | Make Pres Safe puts out multiple press releases about educator sexual misconduct | |
| April 30, 2019 | Member of Make Pres Safe attend mediation with Presentation officials | Details of conversations in mediation are confidential. MPS and Presentation reached no agreement. |
| May 25, 2019 | Presentation Board Chair Marian Stuckey announced her retirement. | Marian Stuckey was named by multiple victims of having knowledge of past abuse |
| July 2018 | Principal Mary Miller is promoted to school president. | |
| August 10, 2018 | A victim of educator sexual misconduct during her time at Presentation filed a lawsuit against Mary Miller and Jeff Hicks. | Jeff Hicks assaulted a Presentation student during the 2003-2004 school year. Heater director, Jeff Hicks confessed this abuse to Mary Miller. Hicks was allowed to finish the school year and teach during the summer session. After leaving Presentation, Hicks was secured a job at another school where he committed further abuse and was later convicted of sex crimes. |
| September 2018 | President Mary Miller announces her resignation | In the resignation letter Miller cited that "the allegations of past sexual abuse continue to be a distraction" |
| November 2018 | Kathryn Leehane and Cheryl Hodgin Marshall met with members of the Presentation Board of Directors to share their information, offer recommendations, and resources. The board does not act on any of the information. | The board did not act on any of the information or recommendations |
| May-August 2019 | Kathryn Leehane continues to speak publicly about Presentation's history of systemic abuse and seek justice for victims | |
| July 2019 | Presentation appoints a new president, Holly Jenkins | |
| September 26, 2019 | Presentation High School announces that it is launching an external investigation | In this announcement, the school issues its first words of apology for any abuse that occurred |
| October 1, 2019 | Make Pres Safe issues a statement about the announcement of an external investigation | MPS notes that this investigation "does not absolve the San Jose Police Department or the... District Attorney's Office from investigating and prosecuting multiple crimes that are still within the criminal statute of limitations" |

It is necessary to understand not only the timeline of the scandal but also of the public allegations of educator sexual misconduct that span an almost 50 year time period and nearly the entire existence of the school from the early 1970s to 2017. In every single allegation detailed in the timeline below the school was notified of the misconduct either by the victim, witnesses, or the victim’s parents. Additionally, in every single instance the school did not notify the authorities of the reported educator sexual misconduct or of any suspicion of such misconduct as required by law.

| Timeline of Educator Sexual Misconduct at Presentation High School | | | |
|---|---|---|---|
| Date | Allegation of Misconduct | Reports to the School | School's Response |
| Early 1970s | A religion teacher made crude comments about girls’ uniform and other sexually-explicit remarks. | A parent complained to the administration. The student was removed from the class, but the teacher remained | The student was removed from the class, but the teacher remained |
| 1977-1978 | An English teacher had an inappropriate relationship with a 16-year-old student. | The student's parents contacted the school. | No action was taken. |
| 1980-1982 | Multiple students were sexually harassed and/or assaulted by a Spanish teacher. One student moved in with this teacher upon graduation. | The misconduct was reported to the administration. | The school did not contact the authorities. |
| 1984-1985 | A 15-year-old student was innapropriately touched and shown pornography by a Spanish teacher, John Fernandez. The student reported this to the administration, including then-Vice Principal Mary Miller. She was never asked about it again by anyone. The authorities were not contacted, and the student was ultimately asked to leave the school. | The student reported this misconduct to the administration, including then-Vice Principal Mary Miller. | The student was never asked about the abuse again by anyone. The authorities were not contacted, and the student was ultimately asked to leave the school. |
| 1984-1986 | Student Leslie Peddicord Gelfand was repeatedly subjected to sexual misconduct by Spanish teacher John Fernandez between the ages of 14 to 16. | Her parents reported the sexual abuse via a letter to the administration. | Principal Marian Stuckey never replied to the letter nor did she or any investigator ask Leslie about the allegations. John Fernandez was informed of the accusations and later confronted Leslie about the letter. |
| 1987-1988 | A 15-year-old student quit the Junior Varsity soccer team because of coach | In 1991 the student sent a letter to Marian Stuckey describing the | The student never received a response and the school took no |

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| | and Spanish teacher John Fernandez's sexual misconduct. She never received a response. | inappropriate behavior. | action on her complaints. |
| 1990 | A 16-year old student was sexually assaulted by Spanish teacher, John Fernandez. | The student told her peer, Cheryl, who notified their religion teacher. The teacher questioned the student and she recounted the sexual assault. Instead of contacting the police, the teacher notified principal Marian Stuckey. After her meeting with the Principal, the student and Cheryl documented the sexual assault on paper. They both went to Vice Principal Mary Miller to report the abuse again. After reading the student's recount of the abuse, VP Miller told the student that unless she was willing to stand in a court of law in front of John Fernandez and her family and repeat the words on the paper, she needed to stop talking about the incident. | Marian Stuckey called the student and her parents to her office and questioned the student about the sexual assault. Marian Stuckey suggested that the student had dreamt the entire assault. The authorities were not notified. No action was taken against the teacher. |
| 1990 | 17-year-old Kathryn Alderete Leehane was inappropriately touched and shown pornography by Spanish teacher, John Fernandez | Between 1993-1998 Kathryn reported the abuse she experienced to multiple mandated reporters multiple times, including Marian Stuckey, Mary Miller, multiple teachers, and an official at the Diocese of San Jose. | During the 1995-1996 school year John Fernandez was awarded "Teacher of the Year." In 2017, the Presentation High School spokesperson confirmed that the school never reported any allegations of abuse by John Fernandez to the police or child protective services. |
| 1995-1996 | A 15-year-old girl was inappropriately touched by her math teacher multiple times. | The student and another student reported the misconduct to a Presentation dean. The girls were never asked about the incident again by anyone. | The school never followed up with the student about the alleged misconduct or reported the educator to the authorities. |
| 2003-2004 | A 16-year-old girl was propositioned and inappropriately touched by the school Community Involvement Director. | The victim and her peer, Ellen Bailey, reported his misconduct to principal Mary Miller. The teacher left, came back briefly (much to the surprise of his victim), and left again. Instead of contacting authorities as required by law, PHS hired a private investigator to conduct their own internal investigation. Meanwhile, the | Instead of contacting authorities as required by law, the school hired a private investigator to conduct their own internal investigation. The accused educator left the school and secured work at a nearby school. Multiple teachers quit at the end of the school year protesting how the sexual abuse report was mishandled by the |

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| | | accused teacher secured work at a nearby school. Multiple teachers quit at the end of the school year protesting how the sexual abuse report was mishandled by the administration. | administration. |
| 2003-2004 | An English teacher drugged and sexually assaulted a student who worked with him on the school newspaper. | The student warned fellow students working on the school newspaper about this teacher and what had happened to her. Two students from the newspaper reported this to the school principal. | This teacher abruptly left Presentation and went on to teach at a nearby school. The school did not report this incident to the authorities. |
| 2003-2004 | Theater director, Jeff Hicks, sexually assaulted a 16-year-old student | Jeff Hicks confessed the assault to Principal Miller. Miller called the victim's parents into her office where she and Gloria Hernandez told them to ask their daughter whether she was willing to stand in a court of law and explain everything that happened. Jeff Hicks was allowed to finish the school year and teach during the summer session where he continued to engage in predatory behavior | Mary Miller called the victim's parents into her office where she and told them to ask their daughter whether she was willing to stand in a court of law and explain everything that happened. Jeff Hicks was allowed to finish the school year and teach during the summer session where he continued to engage in predatory behavior In 2013 Principal Mary Miller re-hired Hicks but after protests from parents, teachers and alums, the offer was rescinded. |
| 2006-2007 | A 14-year-old student was inappropriately touched and harassed by her math teacher. | The student reported the misconduct to her counselor, Rosemary Healy. | Rosemary Healy told the student that she was not the first to complain about the teacher and to wait out the year. Healy did not contact the authorities or file a CPS report. The math teacher was allowed to finish the school year, and multiple girls endured harassment and abuse until he left. |
| 2006-2007 | A 14-year-old student, Shelby Rusconi, experienced and witnessed a math teacher engaging in sexual misconduct and inappropriately touching student. and her mother, Connie Rusconi, complained to Mary Miller that her . Mary Miller dismissed the mother's complaint and allowed the teacher to finish the school year. | Shelby and her mother, Connie Rusconi, complained to principal Mary Miller about this misconduct. | Mary Miller did not take any action on these reports and the teacher was allowed to finish the school year. |

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| 2013-2014 | 14-year-old student Grace Leonis was shown excessive attention, inappropriately touched, sent sexually-explicit texts, nude photos, a declaration of love, and was sexually assaulted by a school Water polo coach, Jenna Roe. | Multiple students reported inappropriate behavior. Grace's mother also reported inappropriate behavior to the swim coach. | Jenna Roe remained on staff despite these reports to the athletic director, the swim coach, multiple counselors, and Mary Miller. The sexual misconduct was not reported to the authorities. |
| 2016-2017 | A student was harassed and inappropriately touched by a co-curricular coach | Multiple witnesses, including a chaperone reported this misconduct to school officials. | The school ignored reports of the coach's misconduct until after the scandal broke. In November 2017 the educator was placed on leave. |

V. Findings & Discussion

Summary of Findings

Together these timelines create a complete image of an epidemic of educator sexual misconduct and a network of protection that permitted it to perpetuate. Within this image, a number of themes regarding sexual abuse of children in an institution emerge. The themes include: the community's innate trust in the institution, the sacrifice of children's rights for the protection of the institution, and the necessity of media and social media to reveal the truth and force accountability.

Community Trust

The allegations and reports of abuse stayed uncovered because Presentation High School, both at the time of initial reports and in the wake of the scandal, took advantage of the trust of its students and community. Victims and witnesses who reported misconduct indicated that they had previously deeply trusted the institution, saying things such as "I thought they would take care of me" or "I believed the school would live out its Catholic values." Often, even when recounting how they were ignored and the trauma they suffered, they prefaced their accounts with disclaimers of love and appreciation for the school. Nearly every single person

who has come forward with an allegation coupled that report with words of hope and admiration for the school, a strongly held belief that “the school is better than this.”

The school understood and had an insidious practice of weaponizing this trust. When victims and witnesses came to school officials with reports of misconduct, Presentation used its position of authority to contrive a “we know best” narrative. Telling students to simply “wait out the year” or suggesting that the assault did not occur and it was “simply a dream.” This constitutes further abuse because it exploits the child and the trusting relationship between the child and the school. As the single trusted authority in every situation, school officials bullied their way to the outcome that was most beneficial for the institution’s reputation. This was not only true for its students, but for its educators as well. As previously mentioned, multiple teachers reported that the school administration warned its staff to only report issues to a counselor or administration, “even to the extent of calling 911.” The school administration wanted to control all situations in order to reduce any risk or liability.

Taking advantage of community trust also extended to the scandal itself. Nearly all the public statements the school made amid the scandal referred to the “outpouring of support” it received from the community and included reminders of the school’s reputation as an institution that “empowers women” and that is committed to “rights and justice.” The school understood its position of power by the fact that the community had already deemed it credible. Presentation High School is well known as an institution of high academic standards, Catholic morals, and community service. Therefore, it became a school that was a pillar of the community that had a (seemingly) glowing track record of educational excellence and advocating social justice , which was pitted against former students who had no or much less recognition and credibility in the

community. In public statements the school vilified survivors and called their reports of abuse “false, unfounded, misleading and half-truths.”⁷⁹ Behind closed doors, the vilification only escalated with attacks on social media, hate mail being sent to those who spoke against the school, and even Kathryn Leehane’s family history of mental illness being used against her.

Sacrifice of Children’s Rights

Through these acts of self-preservation, Presentation sacrificed the safety of children for protection of the school’s reputation. Presentation made its students’ human rights disposable. In this case, and so often in cases systemic abuse of children, there is a refrain of “if I reported it and I was wrong, I would have ruined that teacher’s life.” Instead the response should be “if I didn’t report it and I was right, I could have ruined the life of a child.” Any incident of child sexual abuse or harrassment is a public threat, beacuse data shows that an abuser rarely targets just one child.⁸⁰ Therefore, when the Presentation ignored, neglected, or silenced reports of abuse, it was not only a violation of the child who was victimized, but it violated the rights of all children who could have been vulnerable to further abuse at the hands of the perpetrator because he or she was not stopped. This is clear in the case of Spanish teacher John Fernandez, whose misconduct was first reported to the school in 1984, but without any action from the school or reports to the authorities, he abused at least four other students. Further the case of Jeff Hicks shows how it can be a violation of children in other communities, since this educator was permitted to leave Presentation with a clean record and secure a job at another school where he abused at least one other student.

⁷⁹ Mary Miller (San Jose, CA, n.d.)

⁸⁰ “K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct,” Government Accountability Office §, accessed December 8, 2019, <https://www.gao.gov/assets/320/313251.pdf>

While children suffered, abusers thrived. Presentation students who reported misconduct were removed from classes, asked to leave the school, or confronted by their abusers, while the educators were praised with accolades, such as “Teacher of the Year,” permitted to chaperone overnight trips with students, or given recommendations that preserved their reputations and helped them secure employment at other schools. When Presentation High School responded to these criminal acts and violations of human rights by overlooking, ignoring, “handling” them internally, or by “passing their trash” to another school, the institution was complicit in this violation. The inevitable result is that children will not receive the support or protection they have a right to, and many children will have a potential to be future victims.

Social Media & Media to Reveal Truth

In order to finally reveal these violations and combat the counter-messaging of a powerful institution like Presentation, advocates have an important tool to uncover buried secrets and cut through the school’s veil of credibility: social media and the media. As we see so commonly with educator sexual misconduct, and allegations of sexual abuse elsewhere, such as with the scandal of the Catholic Church or the #MeToo Movement, the media and social media are invaluable to breaking through the deafening silence that is so often perpetuated by powerful institutions. The Presentation scandal originally began to emerge because of simultaneous media and social media. Kathryn Leehane wrote an op-ed, which was then circulated by friends and family on Facebook. This sparked conversations in comment sections and on re-posts of Presentation alumni recognizing the school Leehane was writing about, sharing their own experiences or similar incidents they witnessed.

Eventually this evolved into the #PresentationToo Facebook group, which became a

forum for connecting survivors and facilitating conversations about Presentation's history of educator sexual misconduct, secrets, cover-ups and silence. Social media offered solidarity in a situation where victims often feel like the only one. Victims of sexual violence, especially those who were victims of assault as children, feel isolated or alone in their trauma,⁸¹ but social media offers a safe space where survivors can connect and realize there is a community of shared experiences. Unlike these women, Presentation did not have a strong social media presence and this was not a natural platform for them to utilize. The school's trusting community did not extend fully into this cyberspace. Certainly, supporters of the school used their personal social media accounts in attempts to slander or discredit the accusations, but this did not have the same authority behind it.

Just as crucial as social media was for advocates to shed light on the allegations so was coverage by the media. Between November 2017 through September 2019 there were twenty-seven television news segments and fifteen written news articles covering this scandal. This is one way that the high profile status of Presentation High School worked in favor of those seeking truth: it was newsworthy. As previously mentioned, most of the information we have about educator sexual misconduct comes from media reporting. The media has stepped in to protect children when institutions fail to. However, the media's interest is often short-lived. It only covers a scandal when there is a breaking development, such as someone new coming forward or a prominent figure stepping down. Also, since the media often has an interest in personal or salacious details, less attention is placed on the structural reasons as to why this

⁸¹ Joseph J. Peters, "Children Who Are Victims of Sexual Assault and the Psychology of Offenders," *American Journal of Psychotherapy*, April 30, 2018, <https://psychotherapy.psychiatryonline.org/doi/abs/10.1176/appi.psychotherapy.1976.30.3.398>

institution has failed to protect children for so long and how has gotten away with it. Therefore, although the media coverage was extensive and seemed to come from sincere concern for the community, it cannot uncover or articulate how and why this, or any other institution committing systemic sexual abuse of children, is able to do so. More attention needs to be paid to the characteristics of institutions that breed systemic abuse.

Through a qualitative study involving semi-structured interviews and review of press coverage and primary source material from current and former Presentation High School staff and students, this study found that educator sexual misconduct was permitted to occur and children's rights were violated and neglected because this school is a highly insulated institution. Through a cycle of reports, cover-ups, silence, and community ignorance, the abuse and misconduct at Presentation remained nearly undetected for over forty years. Having a widely professed mission of social justice which is tied to Catholicism - another extremely powerful institution - and performing public service works to live out that mission, which garnered community trust, the school maintained a reputation of infallibility. Therefore, when children or witnesses reported abuse, it was easy to use that reputation to silence accusations and discretely dismiss abusers. Soon this negligence became routine and violations of children's rights were being sublimated by a tradition of protecting and promoting the school's reputation. Without brave survivors and witnesses coming forward to challenge this normalizing of human suffering, this would have remained a tradition of Presentation High School: no words and no deeds.

VI. Conclusion

Considering the narrow scope of research and lack of data available on educator sexual misconduct, this study contributes to the literature by providing a case study of a Catholic School

in the United States. From the research that is available, it shows that sexual educator misconduct is largely underreported⁸² and predators commonly are allowed to discreetly leave a school with a recommendation and secure a job at another school where they are able to abuse more children.⁸³ This case is no different: none of the reports or suspicions of educator sexual misconduct were reported and every teacher accused, if they were asked to leave the school, was able to do so silently with the option to pursue employment at another school.

What happened at Presentation High School is, unfortunately, not uncommon. At least 10% of all students in their K-12 schooling experience will be a victim of educator sexual misconduct.⁸⁴ Nearly everyday there is a report in the media about an educator's inappropriate misconduct with one or multiple students.⁸⁵ Majority of educators are not abusing students, but majority of educators who abuse students are able to do so because of structural support within the institution where they work. That is not to say that institutions support the sexual abuse of children, but that an institution often places an imbalanced value on its own reputation. Particularly, an institution, such as Presentation High School or the Catholic Church, who have a mission that is rooted in protecting human dignity of all or social justice, there seems to be an "ends justify the means" mentality. By protecting the reputation of the institution, it is allowed to continue to do impactful work and benefit the community. However, by adopting this consequentialist approach, the institutions makes children's rights expendable.

⁸² Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School, report, American Association of University Women Educational Foundation (Washington, D.C.: AAUW Educational Foundation, 2001), 2.

⁸³ Billie-Jo Grant, Stephanie Wilkerson, and Molly Henschel, "Passing the Trash: Absence of State Laws Allows for Continued Sexual Abuse of K–12 Students by School Employees," *Journal of Child Sexual Abuse* 28, no. 1 (June 2018): doi:10.1080/10538712.2018.1483460

⁸⁴ Shakeshaft

⁸⁵ media

It is clear that accountability for protecting children’s rights in school is lacking. And, unlike how it is often depicted in the international human rights framework, this is not just a grave and rampant problem occurring in times of conflict or unrest.⁸⁶ There does not need to be an atmosphere of violence or suspended rights for this grave human rights violation to merit critical attention and intervention. There is so much still understudied and unknown about the prevalence and root causes of educator sexual misconduct and to begin eradicating it, there needs to be swift action.

To begin to start bridging the gap, there must be national data collection and a national offender database. The pervasive practice of “passing the trash” to limit scrutiny and protect the institution’s reputation is permitted because there is no record of offenses or disciplinary action. The Department of Education in its Office for Civil Rights collects data on sexual harassment committed student to student, but it neglects to collect data on harrassment committed by adults against students.⁸⁷ Clearly there is the infrastructure for this tracking, but there needs to be the understanding of the widespread nature of this violation. Children are a vulnerable population and their full accessibility to human rights require specific support and action from others. By demanding accountability from abusers and the institutions that safeguard them, children and their rights can be better protected.

⁸⁶ Carolyn Hamilton and Laurent Dutordoir, “The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation,” *The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation* (New York, NY: United Nations, 2013), pp. 1-29.)

⁸⁷ “Legislation,” S.E.S.A.M.E. (Stop Educator Sexual Abuse Misconduct & Exploitation), accessed December 8, 2019, <https://www.sesamenet.org/legislation>

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