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**Passing the Trash: Absence of state compliance puts students at risk for abuse and misconduct.**

**Nothing Is More Important Than Their Safety, School Children Deserve Better**

WASHINGTON — U.S. Department of Education (Department) continues to promise that this administration will address state policies to ensure safe learning environments for American children. Advocacy organizations like S.E.S.A.M.E. (Stop Educator Sexual Abuse, Misconduct and Exploitation), are demanding the Department of Education live up to that promise by doing more to protect children in K-12 schools from sexual predators. Today, S.E.S.A.M.E., together with U.S. Senator Joe Manchin of West Virginia and Senator Patrick J. Toomey of Pennsylvania urge the enforcement of [ESEA Sec. 8546](https://www.sesamenet.org/_files/ugd/b75d1b_cc808a161bbd4ccaba9462e03c4fd0cf.pdf) alongside a call for the release of the final report from The Study of State Policies to Prohibit Aiding and Abetting Sexual Misconduct in Schools (Study). Funded by the U.S. Department of Education in 2019, release of this report will strengthen the foundation for prevention strategies to standardize protections for K-12 students, requiring states to ban confidential agreements and all forms of concealment in cases of educators involved in sexual misconduct with students and prohibit districts from helping an employee obtain new employment at another school if the district knows about or has credible information on the sexual misconduct. This practice is dubbed, “passing the trash.” Read Sens. Toomey and Manchin letter [here](http://ct.symplicity.com/t/too/983503aeae13adebb65e3a084211bc2a/2524191663/realurl=https:/www.toomey.senate.gov/imo/media/doc/toomey_manchin.pdf). See S.E.S.A.M.E.’s attached letter.

Over 6 years ago, U.S. Senators Patrick J. Toomey and Joe Manchin sought legislation to terminate the practice of “passing the trash” with only a handful of states like Pennsylvania, already had laws on the books to prohibit the practice.

“*Despite the passage of this requirement seven years ago, three-quarters of all states have not enacted policies to protect students from abusive teachers yet continue to receive federal funding,”* said Senator Toomey.

On June 27, 2018, Jason Botel, Principal Deputy Assistant Secretary, Office of Elementary and Secondary Education sent a letter to all Chief State Education Officers reminding them of their duty to comply with ESEA Sec. 8546. He states, “*The U.S. Department of Education is committed to ensuring State and local compliance with the requirements of section 8546. Failure to meet these requirements may result in the Department taking appropriate enforcement action. In addition, should the LEA or school receiving funds under the ESEA fail to meet these requirements, the SEA under a State-administered program has a range of other enforcement actions at its disposal with respect to noncompliance by an LEA, including placing appropriate special conditions on an LEA’s Title I, Part A grant of withholding an LEA’s Title I, Part A funds.*” So far not one state has suffered this consequence for non-compliance. Read full letter [here](https://www.sesamenet.org/_files/ugd/b75d1b_6dc6fd10533a42ca89b07fd2c5025f98.pdf).

As a result of the Department’s protracted delay of enforcement of Section 8546 and release of the study report, three quarters of the United States remain in non-compliant status and continue to “pass the trash” perpetuating the unsafe school environment that facilitates a growing pool of mobile molesters, enablers, and deliberate endangerment of school children.

As a committed supporter of policies that prevent child sexual abuse in schools S.E.S.A.M.E. is frustrated by the lack of state action knowing enablers protect their institutions and the perpetrators at the expense of student victims. “*It’s heartbreaking and outrageous that our children continue to suffer because of lack of enforcement of this provision*,” Terri Miller, President of S.E.S.A.M.E. said, whose organization has provided expertise to the Department of Education’s Study.

* According to the U.S. Department of Education, nearly 1 in 10 K-12 students is the target of educator sexual misconduct sometime during his or her academic career (2004).
* At least 1 in 4 U.S. school districts have dealt with a case of sexual abuse by a staff member in the past decade, while more than 3 million current K-12 students have endured sexual touching or assault, according to a report from the American Association of University Women Educational Foundation (2000).
* According to the Government Accountability Office (GAO) in 2010, one child sexual predator can have as many as 73 victims in their lifetime. “*A typical sexual predator employed in our schools makes his or her way through three different school employment settings before being stopped*.” (Dean Pickett, Conference of School Attorneys, 1999).

“*It is incumbent upon the Department of Education to exercise due diligence to ensure protections are in place and people placed in classrooms are qualified and deemed fit to serve our children. The department must protect the rights of students to preserve an environment conducive to learning-free from harassment, discrimination, and sexual misconduct. We must get away from a culture of silence and STOP sexual predation in its tracks*.” said Terri Miller

***About S.E.S.A.M.E. (Stop Educator Sexual Abuse, Misconduct & Exploitation)***

S.E.S.A.M.E.is a non-profit organization established in 1996, to provide much needed support to victims/survivors, their families and professionals involved in educator sexual abuse/misconduct cases. S.E.S.A.M.E. is the leading voice for the prevention of sexual exploitation, abuse, and harassment of students by teachers and other school staff.