

# Preventing and Addressing Student Sexual Abuse by School Staff in Breakthrough Montessori Public Charter Schools

Updated: August 2023

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## I. Introduction

The School Safety Omnibus Amendment Act of 2018 (SSOAA) requires schools to adopt and implement a policy that prevents and addresses student sexual abuse by school staff.<sup>1</sup> It also requires schools to provide training for staff at the time of hiring and at a minimum every two years thereafter on sexual misconduct, student sexual abuse, and child abuse. Additionally, schools must provide training and information for parents/guardians on an annual basis regarding child abuse, sexual misconduct, and student sexual abuse. *Breakthrough Montessori PCS* is committed to implementing best practices to prevent and respond to student sexual abuse.

*Breakthrough Montessori PCS's* policy includes requirements for preventing student sexual abuse as well as procedures for responding to allegations of student sexual abuse. For a list of definitions of key terms used throughout this policy, please consult [Appendix A](#).

Breakthrough is committed to the safety and security of its students, as part of its commitment to providing students with an individualized, holistic learning environment. In order to ensure student safety, the following protocols and procedures are non-negotiable.

### A. Scope of Policy

This policy applies to all schools within *Breakthrough Montessori PCS* and all school staff and students enrolled in *Breakthrough Montessori PCS*, regardless of sexual orientation or gender identity. All employees, contractors, and agents of the school shall adhere to this policy. The policy applies to all actions that occur between school staff and students.

This policy describes steps that *Breakthrough Montessori PCS* staff are required to take when they possess knowledge of actual or alleged sexual misconduct, sexual abuse, sexual contact, and/or sexual acts between students and staff, consistent with DC Official Code § 4-1321.01, *et seq.*<sup>2</sup> This policy does not replace *Breakthrough Montessori PCS* human resources policies for investigating and taking personnel action for misconduct that does not rise to the level of an investigation by the Child and Family Services Agency (CFSA) or the Metropolitan Police Department (MPD).

### B. Prohibition of Student Sexual Abuse by School Staff

*Breakthrough Montessori PCS* prohibits actions of student sexual abuse by school staff. Any behavior by school staff toward a student that is unwelcome conduct of a sexual nature and would reasonably cause the student to feel uncomfortable is prohibited, regardless of whether such behavior is complained of by the student, the behavior is overtly sexual, or such behavior could constitute a crime. These behaviors may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or

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<sup>1</sup> School Safety Omnibus Amendment Act of 2018: <http://iims.dccouncil.us/Download/40929/B22-0951-SignedAct.pdf>. Codified at DC Official Code § 38-951.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>.

<sup>2</sup> DC Official Code § 4-1321.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

physical conduct of a sexual nature.<sup>3</sup> The school takes seriously all allegations of student sexual abuse. When the school knows or reasonably should know that such an act has occurred, the school shall take immediate action and follow the procedures outlined in this policy. The school shall act upon any knowledge of abuse, regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

### C. Key Considerations

Situations that involve allegations of student sexual abuse by school staff are highly sensitive and often complex. Schools shall always contact the CFSA hotline at (202) 671-SAFE or MPD at 911 if they are uncertain about how to proceed with a situation. CFSA and MPD are available to consult with schools, and the two agencies closely collaborate with each other to ensure the proper response and protection of students.

## II. Preventing Student Sexual Abuse by School Staff

### A. Informing the School Community about the Policy

At least once per school year, schools shall provide students, families, and school personnel with this policy and information about where complaints may be filed. In order to ensure that students and families are adequately informed about the policy and procedures, the school shall make this policy available in the following locations: on the school's website, in the main office, in the school health suite, in the office of the school counselor and school social worker, and in the parent and student handbooks.

<sup>4</sup> Schools shall inform students of this policy in a developmentally appropriate manner. Schools are encouraged to use health curricula as a means to open conversations related to safety and sexual abuse.<sup>5</sup> This policy shall also be included in the Breakthrough staff handbook.

### B. Training

*Breakthrough Montessori PCS* recognizes the importance of educating its employees and families regarding the prevention of sexual abuse between staff and students.

In addition to [mandated reporter training](#),<sup>6</sup> school staff shall receive training on sexual misconduct, sexual abuse, and child abuse upon hiring and biennially thereafter.<sup>7</sup> Staff training shall include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;

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<sup>3</sup> Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 2. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>4</sup> Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 20. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>5</sup> Please see OSSE's "Curricula Guide for Meeting DC Health Education Standards and School Safety Omnibus Amendment Act of 2018 (SSOAA) Requirements" for a list of curricula that meet SSOAA's requirements: <https://osse.dc.gov/page/school-safety-omnibus-amendment-act-2018-ssaaa#resources>

<sup>6</sup> Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

<sup>7</sup> DC Official Code § 38-951.02(c)(1). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse; and
- Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse.<sup>8</sup>

Training and information on sexual misconduct, sexual abuse, and child abuse shall also be made available for parents/guardians annually.<sup>9</sup> Training for parents/guardians shall include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;
- Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse; and
- School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.<sup>10</sup>

### C. Screening

Breakthrough uses screening as a key step in its abuse prevention process. Screening procedures include the following:

**1. Staff.** All full time and part time staff will be screened. Behaviorally-based abuse-prevention questions will be asked during all interviews, and references will be checked.

**2. Volunteers.**

- Volunteers who may spend time alone with Breakthrough students outside of their immediate family (field trip volunteers, parents accompanying children on “going out”s, etc.) must be screened using a background check prior to participating in the activity
- Volunteers who do not spend time alone with children (family members doing special activities with students, students volunteering for Monday afternoons activities, etc.) must read and sign the Breakthrough Abuse Prevention Policy. Volunteers who are not background checked may

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<sup>8</sup> DC Official Code § 38-951.02(c)(1). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>9</sup> DC Official Code § 38-951.02(c)(2). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>10</sup> DC Official Code § 38-951.02(c)(2). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

not spend time alone with students, including accompanying students to the bathroom or watching the class while a staff member accompanies a child or children to the bathroom.

- c. Observers do not need to be screened with a background check, but may not spend time in areas other than the classroom observation chair and the school waiting area, and should have no interaction with children.

#### D. Interactions between School Staff and Students

*Breakthrough Montessori PCS* shall always view any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system as unwelcome and nonconsensual.<sup>11</sup>

When meeting or communicating with a student one-on-one, school staff shall follow the following guidelines:

- To the maximum extent possible, meet in a public place where both the staff member and the student are in full view of others.
- Avoid physical contact that can be misinterpreted.
- If meeting in a room or office, leave the door open or move to an area that can be clearly observed by others if passing by. If the door must be closed due to a confidential setting (e.g., a mental health counseling session), then ensure that the window is not blocked so that anyone walking by can view into the room.
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
- Always email students from school-issued email addresses. When sending or replying to emails and text messages from students, copy a supervisor and/or the students' parent/guardian.

Breakthrough staff are required to sign the staff handbook stating that they understand and will honor the following code of conduct.

##### 1. Appropriate Physical Interactions.

A policy that clearly defines appropriate physical interactions protects all parties. The Breakthrough Montessori policy for appropriate and inappropriate physical interactions is the following:

Appropriate Physical Interactions	Inappropriate Physical Interactions
Side hugs. Shoulder-to-shoulder or "temple" hugs.	Full frontal hugs. Upper body hugs without specifically asking student permission.

<sup>11</sup> DC Official Code § 22–3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<p>Upper body hugs for primary and lower elementary students, when initiated by the child or when permission is asked.</p> <p>Pats on the shoulder or back.</p> <p>Handshakes.</p> <p>“High-fives” and hand slaps.</p> <p>Verbal praise.</p> <p>Pats on the head when culturally appropriate.</p> <p>Touching hands, shoulders, and arms.</p> <p>Arms around shoulders.</p> <p>Holding hands (with smaller children or in escorting situations).</p> <p>Carrying a younger child.</p>	<p>Children sitting on adults’ laps.</p> <p>Kisses of any kind.</p> <p>Touching stomach, bottom, chest or genital areas.</p> <p>Showing affection in isolated areas of the building.</p> <p>Staff sleeping in bed with a child.</p> <p>Touching knees or legs.</p> <p>Wrestling.</p> <p>Piggyback rides.</p> <p>Tickling.</p> <p>Allowing a child to cling to a staff leg without attempting to remove said child.</p> <p>Any type of massage given by or to a child.</p> <p>Any form of affection that is unwanted by the child or the staff.</p> <p>Compliments that relate to physique or body development.</p>
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**2. Appropriate Verbal Interactions.**

A policy that clearly defines appropriate verbal interactions protects all parties. The Breakthrough Montessori policy for appropriate and inappropriate verbal interactions is the following:

Appropriate Verbal Interactions	Inappropriate Verbal Interactions
<p>Positive reinforcement.</p> <p>Appropriate jokes.</p> <p>Encouragement.</p> <p>Praise / Acknowledgement of student success.</p> <p>Explanation of instructional content.</p> <p>Respectful reminders of expected behavior.</p>	<p>Name calling.</p> <p>Discussing sexual encounters or in any way involving children in the personal problems or issues of staff.</p> <p>Telling secrets.</p> <p>Cursing.</p> <p>Telling off-color or sexual jokes.</p> <p>Shaming.</p> <p>Belittling.</p> <p>Making derogatory remarks.</p> <p>Using harsh language that may frighten, threaten or humiliate children.</p> <p>Making derogatory remarks about the child or about his/her family.</p>

**3. Inappropriate Discipline Practices.**

A policy that clearly defines inappropriate discipline practices protects all parties. The Breakthrough Montessori policy for inappropriate discipline practices is the following:



Inappropriate Discipline Practices	
Hitting. Spanking. Shaking. Slapping. Using physical exercise as a consequence. Withholding food, light, or medical care. Name calling. Shoving. Pulling hair or ears.	Biting. Pinching. Shaming. Using derogatory remarks. Ostracizing. Using mechanical, tape, or rope restraints. Punishment for toileting accidents. Yelling angrily.

#### 4. One-to-one situations

Most abuse happens when children and adults are alone one-to-one. Breakthrough Montessori aims to reduce or eliminate these situations, however, we recognize that they are sometimes unavoidable. The Breakthrough Montessori policy on one-to-one adult-child interactions is the following:

*Staff must take the following precautions in order to minimize the risk of abuse or allegations of abuse:*

- Avoid physical affection that can be misinterpreted. Limit affection to pats on the shoulder, high-fives, and handshakes.
- Document any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
- Do not stay in a room with a windowless, closed door if students are present. Leave the door open or move to an area that can be easily observed by others passing by.
- Inform other staff (i.e., administrators, other staff) that you are alone with one child.
- Ask other staff to randomly drop in.

*Certain one-to-one situations require additional precautions beyond the above:*

- When helping young children to change clothes,
  - leave the bathroom door open
  - encourage children to perform as many actions independently as possible (e.g. touch them as little as possible)
  - Narrate your actions to children before touching them (e.g. “okay, John, now I’m going to help you to take off your wet pants. Is that OK?”)
  - If you need to clean a child’s private parts, call another adult to be a witness.
- When escorting a student back from the park,
  - When feasible, accompany the student with the student’s class
  - When feasible, students should walk back with at least two adults
  - When an adult must walk back from the park alone with a student, that adult should radio the front desk to note their departure from the group and then check in with the front desk upon arrival

- If a child is in crisis and must be left alone with one adult at the park, that adult should keep the front desk updated (i.e. time left alone with student, time student is recovered and ready to walk back, time arrived back at school)

### 5. Gift giving.

Molesters routinely groom children by giving them gifts as a way to endear themselves to children. Sometimes they instruct the child to keep the gifts a secret; this then starts to teach the child to keep secrets between the molester and the child. For this reason, staff should only give gifts to a single child (or any group of children less than the complete group of children that the staff member works with) under the following circumstances:

- Administration must be made aware of and approve the gift.
- Parents must be notified.

### 6. Contact outside of regular school activities.

Many cases of abuse occur off-site and outside of regularly scheduled school activities. Contacts outside of regularly scheduled activities may put students, staff, and the school at increased risk. Breakthrough strongly discourages personnel from contacting students outside of regular school activities. However, under some circumstances, school personnel may find it beneficial to a student to spend time with the student outside of regularly scheduled school activities. The Breakthrough Montessori policies for appropriate contact outside of school hours are:

Appropriate outside contact	Inappropriate outside contact
Taking groups of children out for dinner after a school sponsored event. Taking groups of children to a sporting activity. Attending functions at the child's home, with parents there. Home visits, with parents there. Having groups of children in the home of an employee, with 2+ unrelated employees present.	Taking one child on an outing without the parents' written permission. Visiting one child or multiple children in the child's home, without a parent being present. Babysitting one or multiple Breakthrough children. Tutoring one or multiple Breakthrough students outside of school. Entertaining one child in the home of an employee. Individual child spending the night with an employee.

To ensure the safety of all involved, school personnel must adhere to the following practices when engaging in appropriate outside contact:

- All contact must be approved in writing by the appropriate school administrator in advance of the contact. The school personnel making the request must describe the purpose of the contact, the nature of the activity, when the contact will occur, where the contact will occur, and the names of other students and adults who will be present.

- The parent(s) of the students involved must also be notified in writing, with a copy of the notification supplied to the school administrator.
- At least one other unrelated Breakthrough employee must be present and parents should be invited to attend any approved children's activities in the home of a Breakthrough employee.
- School personnel are strongly discouraged at all times from spending time alone with a lone student.
- School personnel may not babysit students or their siblings, or otherwise spend time in students' homes without parents present, including during the summer.
- Under no circumstances may school personnel and students share sleeping quarters.
- Under no circumstances may school personnel disrobe in the presence of students.
- From time to time, school administrators must question students who spend time with school personnel outside of regularly scheduled school activities to describe the activities.

## 7. Electronic Communications Policy.

Any electronic communication with students, including the use of social networking websites, social networking or texting apps, instant messaging, texting, and blogging or leaving comments on blogs, is prohibited.

- All personal social networking profiles and blogs of school personnel must be private and inaccessible to students.
- School personnel with personal profiles on social networking sites may not request to be friends with students or approve friend requests from students.
- School personnel are prohibited from emailing students using their personal email accounts or calling students using their personal phones.
- All email communications with students should occur on Breakthrough email accounts, and be copied and/or forwarded to supervisory personnel and parents or guardians.
- No photos of students should be posted on staff members' personal social media accounts.

## 8. Transporting Students.

Transporting students either individually or in small groups may increase the risk of abuse or false allegations of abuse because a staff person may be alone with a student or may make unauthorized stops with a student, e.g., to the staff person's home. Breakthrough Montessori strongly discourages personnel from transporting students outside of regular school activities.

For this reason, all students participating in field trips or "going outs" must take public transportation, chartered buses, or be transported in their own parent or guardian's vehicle.

Under some circumstances, a staff member may find it necessary to transport a child. To ensure the safety of all involved, school personnel must adhere to the following practices:

- Staff must use the "rule of three" when transporting children in vehicles. At least two adults are required to transport a single child or group of children.
- Children must never be transported without written permission from a parent.
- Children should be transported directly to their destination. No unauthorized stops should be made.

- Staff must document beginning and ending time and mileage, the names of students and staff who are involved in transportation, purpose of the transportation, and destination.
- Staff should avoid unnecessary physical contact with children while in vehicles.
- Administrators must be informed.

## 9. Student to Student Interactions.

Most incidents of serious student-to-student abuse are preceded by more subtle incidents like name-calling, taunting, or rough-housing. Interrupting these interactions early, and establishing well-known standards of conduct, can keep the school environment safe. Breakthrough Montessori recognizes that the following interactions are high-risk and should be prohibited:

- Hazing.
- Bullying.
- Derogatory name-calling.
- Games of truth or dare.
- Singling out one adult or child for differential treatment.
- Ridicule or humiliation.

For more information, please see Breakthrough’s Policy to Prevent and Address Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

## 10. “Going out.”

The going out process is an integral part of the Montessori elementary classroom experience. Going out is when students who complete research on a topic of interest plan a personal or small group field trip in order to learn more about the topic. In order to protect students and staff during this process, certain regulations must be followed:

- In order to participate in a going out, all students must have a permission slip signed by a parent or guardian that specifies the adults that will be accompanying the group.
- All going out groups must be supervised by more than one adult. These adults can be two school staff members, a school staff member and a parent of one of the students, or a school staff member and background-checked volunteer.
- When on going outs, adults and children should stay in a group. One adult should never be alone with a child or group of children.
- Students should be encouraged to use the bathroom at the same time, with a same-gender adult waiting in the common area of the bathroom, or an opposite-gender adult waiting outside the bathroom
- Students and adults must use public transportation in order to reach all destinations, or be transported by their own family members.

## 11. Leaving Campus

Breakthrough staff members are permitted to leave the property of BMPCS only in the following circumstances:

- To go to the the Takoma Playground for regularly scheduled recess;

- To participate in a going-out (see section 10), provided permission has been granted in writing by students' parents;
- To participate in a field trip, provided permission has been granted in writing by student's parents;
- To evacuate students from the building in the event of an emergency or drill

Other than these circumstances, staff members are prohibited from leaving BMPCS property with a student or group of students.

## E. Prohibition Against Assisting Employment of Perpetrators of Child Sexual Abuse Offenses

In addition to the prohibition outlined in SSOAA,<sup>12</sup> the Every Student Succeeds Act (ESSA) also includes provisions that prevent school staff from assisting in the employment of perpetrators of child sexual abuse.<sup>13</sup> School employees, contractors, and agents are prohibited from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.<sup>14</sup> This means that staff members may not help perpetrators by giving recommendations to prospective employers. This prohibition shall not apply if the information giving rise to probable cause has been reported to a law enforcement agency with jurisdiction over the alleged sexual misconduct or sexual assault and any other appropriate authorities as required by federal and District law and one of the following conditions is true:

1. The matter has been officially closed, or the United States Attorney's Office for the District of Columbia or MPD has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a minor or student in violation of District or federal law; or
2. The employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct or abuse; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor, or agent within four years of the date on which the information was reported to the United States Attorney's Office for the District of Columbia or the MPD.

Any school employee, contractor, or agent who knowingly assists another school employee, contractor, or agent who is known or believed to have engaged in sexual misconduct regarding a minor or student shall

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<sup>12</sup> DC Official Code § 32.1131.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/32/chapters/11A/#>

<sup>13</sup> 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section7926&num=0&edition=prelim>

<sup>14</sup> 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section7926&num=0&edition=prelim>

be subject to appropriate disciplinary action in accordance with the Breakthrough Montessori PCS staff handbook, up to and including termination of employment.

The Breakthrough Montessori PCS human resources department shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any subsequent investigation for all school employees, contractors, or agents. The Breakthrough Montessori PCS human resources department shall provide this information when contacted by another LEA or school that is considering hiring the applicant.<sup>15</sup>

## F. MONITORING AND SUPERVISION

Monitoring and supervision are critical functions of abuse prevention that provide protection to students, staff, and the school. Breakthrough has developed the following policies to ensure that all school personnel understand their role in this process

1. **Administrative oversight.** School administrators regularly monitor students and staff in all school activities to make sure that classrooms are well-managed and policies are being observed.
2. **Outside activities.** All school programs that occur outside of the classroom must be supervised by at least two unrelated adults.
3. **Interaction between students from different levels.** In most incidents of a child abusing another child, the children are from different age groups. Each program involving students from different levels (e.g. primary and lower elementary) is responsible for establishing specific guidelines for additional monitoring and supervision
4. **Bathrooms.** Most abuse in schools occurs in bathrooms. All personnel must be aware of the following bathroom policies:
  - Personnel must monitor the bathrooms during transition periods to ensure that students are not lingering in the bathroom.
  - Given that Montessori includes mixed-age groupings, personnel should be very aware of when students of varying ages (e.g. 6 year olds and 9 year olds) are in the bathroom together, and ensure that students do not linger.
  - For bathrooms that are outside of the classroom, only one student should leave the classroom for the bathroom at a time.
  - For bathrooms that are inside elementary classrooms, only one student should be inside the bathroom at a time.
  - For multi-stall bathrooms that are inside primary classrooms, children may use separate stalls simultaneously, but should be monitored by classroom staff.
  - For group bathroom trips, whether in school or at the park, adults should line the students up outside the bathroom and send the children in groups equal to the number

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<sup>15</sup> DC Official Code § 38-951.03(b). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

of stalls or urinals in the bathroom. As one student exits, another may enter, until all students have finished.

- Exceptions to this policy should only be extended for emergencies
- Make note of any students who abuse the exception
- All staff, including security personnel, should routinely stick their heads into multi-stall bathrooms and announce their presence at various times throughout the day as they travel through the school.

## G. PRE-EXISTING RELATIONSHIPS AND STAFF WHO ARE BREAKTHROUGH PARENTS

We understand that staff may have pre-existing relationships with families who match with the Breakthrough lottery. Furthermore, we want students who have staff parents to develop the same rich relationships and have the same opportunities as other students. The following are precautions put in place to ensure that the school environment remains a safe place for all students and adults.

Some considerations for both staff who have pre-existing relationships and staff who are Breakthrough parents:

1. **Pre-existing relationship declaration.** Any staff members who have relationships with Breakthrough families that pre-date their hire date and/or the family's enrollment date should fill out a pre-existing relationship declaration form. This helps ensure transparency, prevent rumors, and protect staff.
2. **Boundaries.** Please ensure that the proper boundaries are drawn by adults while in school settings. For example, if Ms. X is friends with a student's mom, and the student calls her by her nickname, Ms. X should explain to the student that she needs to be called "Ms. X" in the school setting.

The following interactions are appropriate for staff whose children attend Breakthrough Montessori PCS (henceforth called "staff parents"), with the following restrictions:

1. **Car rides.** Staff parents may give their children's friends rides in their car if their own children are also in the car.
  - a. The additional Breakthrough student(s) should sit in the back seat.
  - b. Consider informing an administrator when this occurs for additional transparency
  - c. If the interaction happens regularly (e.g. carpooling) one email to administrators is sufficient to inform administrators of the recurring event.
2. **Playdates.** Staff parents may have their children's friends to their house for playdates, or meet at locations outside of school, without the other child(ren)'s parents present, if their own children are participating in the playdate.
  - a. Please follow the "rule of three" - 2 or more children must always be present with an adult. There should be no 1:1 interactions
  - b. Consider informing an administrator when this occurs for additional transparency
3. **Sleepovers.** Staff parents may have their children's friends spend the night with their children at the staff member's house.
  - a. Administrators must be notified ahead of time

- b. Rules prohibiting 1:1 interactions apply (rule of three, bathroom rules, etc.)
  - c. Students should not enter adults' rooms
4. **Trips / Vacations.** Staff parents may invite their children's friends on vacations or trips.
- a. Administrators must be notified, and the staff parent must provide proof that the students' parents have given permission (a note, a screenshot of a text message, etc.)
  - b. Rules prohibiting 1:1 interactions apply
  - c. Students should not sleep in the same bed as a staff member

The following interactions are appropriate for staff who have pre-existing relationships (henceforth called "Staff Friends") with the student(s) listed on the pre-existing relationship form (henceforth called "Form Students"), with the following restrictions :

1. **Car rides.** Staff Friends may give Form Students rides in their car provided that:
  - a. The "rule of three" is followed - two adults to one child, or two children to one adult.
  - b. Consider informing an administrator to ensure additional transparency
  - c. If the interaction happens regularly (e.g. carpooling) one email to administrators is sufficient to inform administrators of the recurring event.
2. **Playdates.** Staff Friends may have Form Students over for playdates, or meet them in other locations, provided that the Staff Friend's own child is present.
  - a. Please follow the "rule of three" - 2 or more children must always be present with an adult. There should be no 1:1 interactions
  - b. Consider informing an administrator when this occurs for additional transparency
3. **Sleepovers.** Staff Friends may have Form Students who are their own children's friends for sleepovers at the Staff Friend's house, provided the Staff Friend's children are also present.
  - a. Administrators must be notified ahead of time
  - b. Rules prohibiting 1:1 interactions apply (rule of three, bathroom rules, etc.)
  - c. Students should not enter adults' rooms
4. **Trips / Vacations.** Staff Friends may invite Form Students who are their own children's friends on vacations or trips, provided that the Staff Friend's children are also attending.
  - a. Administrators must be notified, and the staff parent must provide proof that the students' parents have given permission (a note, a screenshot of a text message, etc.)
  - b. Rules prohibiting 1:1 interactions apply
  - c. Students should not sleep in the same bed as a staff member
5. **Drop off / Pick up.** Staff Friends may drop off or pick up Form Students from school in case of emergency, provided:
  - a. Administration is notified by slack or email
  - b. Please follow the "rule of three" and other rules prohibiting 1:1 interactions.

### III. Addressing Student Sexual Abuse by School Staff

The following sections detail avenues and requirements for reporting as well as key considerations for schools.



## A. Reporting Violations of the Abuse Prevention Policy

Once a concern has been expressed about the treatment of a student or an allegation of abuse has been made, steps should be taken immediately to reduce any subsequent risk to the student, to the accused staff member, and to the school. Breakthrough Montessori has developed the following policies to encourage reporting, appropriately manage investigations, and standardize sanctioning for inappropriate behaviors.

Inappropriate behaviors or policy violations that relate to interactions with students should be reported in writing to one of the following:

- Immediate supervisor
- Principal
- Executive Director

Email a specific and verifiable letter of concern. If raising an issue of concern, all employees should exercise care to ensure the accuracy of the information disclosed. If after investigation, any concerns raised are found to be without substance and to have been made for malicious or frivolous reasons, the person raising the concern could be subject to disciplinary action.

All reports of suspicious or inappropriate behavior with children and youth will be taken seriously. Breakthrough Montessori's procedures will be carefully followed to ensure that the rights of all those involved are protected. All reports will be responded to by a member of the school's leadership team (either the principal or executive director). It is Breakthrough Montessori's role to:

- Immediately report the suspicious or inappropriate behavior to a direct supervisor, principal or the executive director.
- Discuss suspicious or inappropriate behavior with the staff involved.
- Provide the staff with feedback and follow the progressive disciplinary procedure if necessary.
- Document the steps that were taken.
- Require that the results of the response are reviewed and approved by administration.
- If appropriate, develop a corrective action plan to prevent a recurrence.
- If at any point in gathering information about suspicious or inappropriate behavior a concern arises that there is a possibility of abuse, the procedures in Part B: Reporting Student Sexual Abuse will be followed.

## B. Reporting Student Sexual Abuse

### 1. Student, Parent, and Guardian Reporting

Students, parents, guardians, and other individuals are encouraged to file complaints as soon as possible after the alleged act. No time limit shall be placed upon when a complaint may be filed. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Complaints shall be filed with the Breakthrough Montessori PCS Title IX Coordinator:

*Ino Okoawo*  
*Director of Operations*  
*ino@breakthroughmontessori.org*

202-276-2408 .

The name, office address, and contact information for the Title IX Coordinator shall also be available in the main office. If a student, parent, guardian, or other individual files a report of student sexual abuse with a school staff member other than the Title IX Coordinator, then that school staff member shall immediately follow mandated reporter requirements to alert MPD by calling 911. The staff member shall then report the information to the Title IX Coordinator.

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MPD by calling 911. Even if MPD is investigating, the school shall continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools shall not delay their investigation while the MPD investigation occurs. However, schools shall refrain from interviewing any involved parties until after MPD has conducted its interviews.

If a reporting student decides against filing a formal complaint, the school shall still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school shall investigate any incidents of misconduct involving direct observation by school staff, regardless of whether the student files a report or requests any action.<sup>16</sup> In an effort not to compromise the integrity of the law enforcement and child protective services investigation, the timing and manner of the school's investigation shall be coordinated with both of those entities.

In cases of discrimination, a student may also choose to file a complaint with the US Department of Education [Office for Civil Rights \(OCR\)](#) or the District of Columbia [Office of Human Rights \(OHR\)](#).<sup>17,18</sup>

US Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Phone: (800) 421-3481  
Fax: (202) 453-6012; TDD: (800) 877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

DC Office of Human Rights  
441 4th Street NW, Suite 570 North

Washington, DC 20001  
Phone: (202) 727-4559  
Fax: (202) 727-9589  
TTY: 711  
Email: [ohr@dc.gov](mailto:ohr@dc.gov)

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<sup>16</sup> This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 15. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>17</sup> Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

<sup>18</sup> Office of Human Rights: <https://ohr.dc.gov/service/file-discrimination-complaint>

## 2. Mandated Reporting by School Staff

All school staff have the duty to report the complaint to appropriate school officials.<sup>19</sup> Additionally, all mandated reporters of Breakthrough Montessori PCS are required to report any information of neglect and abuse of a child to MPD by calling 911 or to CFSA by calling (202) 671-SAFE.<sup>20,21</sup> For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#).<sup>22</sup> CFSA shall only be contacted if the alleged perpetrator of the abuse is the student's parent, guardian, or custodian. In all other cases, the school staff member shall file the report with MPD by calling 911.

The report shall include as much of the following information as possible:

- The name, address, age, and gender of the student;
- The staff member allegedly perpetrating the sexual misconduct against the student;
- The nature and extent of the sexual misconduct, as the individual knows it – and any previous sexual misconduct that the individual may know about; and
- Any additional information that may be helpful.

There is no requirement that the reporter determine whether the report is substantiated. It is not the responsibility of school staff to prove that the student has been a victim of sexual misconduct or to determine whether the student is in need of protection. Criminal/child abuse and neglect investigations are the responsibility of CFSA and MPD. As such, such interviews with the student or suspected abuser shall not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student shall be made and given to the investigating agency. Interviews conducted for the purposes of determining criminal conduct or determining child abuse by anyone other than the investigating agency (MPD or CFSA) could jeopardize proper handling of a child abuse or neglect case. Interviews conducted subsequent to the end of the investigating agencies' investigation for purposes of compliance with existing law are not prohibited.

School staff shall cooperate with CFSA and MPD personnel authorized to investigate reports of sexual misconduct, including by preserving any video footage, providing access to students, providing space for CFSA or MPD to conduct interviews, and allowing for the student to be interviewed without school staff present. The school shall also provide access to the school for sexual assault victim advocates or sexual assault youth victim advocates, who may be present during the MPD interview, consistent with DC Official Code § 23-1908 and the Sexual Assault Victims' Rights Amendment Act of 2019.<sup>23</sup>

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<sup>19</sup> This sentence adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 13. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>20</sup> DC Official Code § 4-1321.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

<sup>21</sup> DC Official Code § 22-3020.52 (Pertaining to reporting requirements involving child victims of sexual abuse). Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-3020.52.html>

<sup>22</sup> Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

<sup>23</sup> DC Official Code § 23-1908. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/subchapters/II/>, as amended by the Sexual Assault Victims' Rights Amendment Act of 2019. Retrieved from: <http://lims.dccouncil.us/Legislation/B23-0067>

The school shall limit communication about the investigation to only those individuals who are required to know.

Any person making reports in good faith in an investigation of sexual misconduct between school staff and students is immune from any civil or criminal liability that otherwise might arise from those actions.  
24

Upon making the report to CFSA or MPD, school staff shall then promptly deliver the report to the Title IX Coordinator and the head of school. In an instance where the Title IX Coordinator and/or the head of school is the subject of the report, the school shall designate an alternative reporting person.

### 3. Confidentiality

The school shall discuss confidentiality standards and concerns with the reporting student. Every effort shall be taken to protect the confidentiality of reporting students in accordance with Title IX of the Education Amendments of 1972.<sup>25</sup> Some reporting students may wish to remain anonymous. The school shall inform the reporting student that a confidentiality request may limit the school's ability to respond. If the reporting student continues to request to remain anonymous, then the school shall take all reasonable steps to investigate and respond to the complaint consistent with the reporting student's request, as long as doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.<sup>26</sup>

### 4. Retaliation

Retaliation against any person who has filed a complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy is prohibited, and therefore a party engaged in retaliatory behavior shall be subject to disciplinary action. Retaliation may include, but is not limited to, harassment, threats, taunting, spreading rumors, unauthorized disclosure of the details of an investigation, ostracism, assault, destruction of property, or any negative conduct toward participants in response to an investigation and the events causing it. Anyone found to have engaged in retaliation will be subject to disciplinary or criminal action. Participants in an investigation, including victims, respondents, and witnesses, should report to the Title IX Coordinator any conduct that might reasonably constitute retaliation. If the Title IX Coordinator is the source of the retaliation, then the person alleging retaliation should contact the head of school or the designated alternative reporting person.

## B. Responding to Allegations of Student Sexual Abuse by School Staff

The school shall adhere to the following procedures when responding to allegations of student sexual abuse by school staff.

### 1. Immediate Steps

After a report has been filed with CFSA or MPD and the Title IX Coordinator, then the school shall immediately begin the following protocol.

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<sup>24</sup> DC Official Code § 22-3020.55 Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters/II-A/>

<sup>25</sup> 20 US Code §§ 1681, *et seq.* Retrieved from:

<http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter38&edition=prelim>

<sup>26</sup> This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 17. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>.

### *a. Acknowledgement of Receipt of Complaint*

Within a reasonable number of days, but in no case more than three business days, of receipt of the complaint, the school's Title IX Coordinator shall acknowledge in writing receipt of the complaint and inform the reporting student, parent, guardian, or staff member of the steps of the investigatory process.

### *b. Interim Measures to Protect the Safety of the Student Experiencing Alleged Student Sexual Abuse*

Upon becoming aware of any allegation of student sexual abuse, the school shall take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. These actions shall occur regardless of whether the incident is the subject of criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures shall only be shared with school staff who are actively involved in their implementation. The school shall formalize the actions it is taking in a written action plan. These actions may include the following:

- Altering the reporting student's and/or the accused staff member's schedule to minimize or eliminate contact between them. Preference shall always be given to maintaining the reporting student's schedule and modifying the accused staff member's schedule;
- Changing locker locations;
- Allowing the reporting student to withdraw from a class without penalty;
- Providing an escort to ensure that the reporting student feels safe throughout the school building;
- Providing academic support, such as tutoring, for the reporting student;
- Considering steps to ensure safe passage to and from school for the student;
- Providing access to the school's behavioral health team;
- Providing referrals to community-based services; and
- Placing the staff member on administrative leave while the investigation occurs.

## **2. Informing the School Community**

Breakthrough Montessori PCS shall work with MPD to determine when it is appropriate to notify the school community, including parents/guardians, of a complaint. Each complaint will be considered on a case-by-case basis, and the appropriate communication will then be developed. Breakthrough Montessori PCS shall take care not to compromise the investigation by releasing information prior to being instructed to do so by MPD. Once MPD has determined that a communication can be released, it may contain the following information:

- 1) A statement that an investigation into sexual misconduct is taking place at the school; and
- 2) Information about the administrative action taken by the school to ensure that the alleged offender, at a minimum, has no unsupervised contact with students.

In order to ensure the integrity of the investigation and to comply with confidentiality requirements, the school shall make every effort to prevent disclosure of the name of the reporting student, the name of

the accused staff member, and the name(s) of any witness(es), except as instructed by MPD.<sup>27</sup> Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.<sup>28</sup>

### 3. Impartial Procedures for Investigating Complaints

Schools shall comply with Title IX guidance to complete the school's investigation of complaints.<sup>29</sup> Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with the Breakthrough Montessori PCS grievance procedures and staff handbook.

### 4. Resources for Affected Students and Families

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat.<sup>30</sup> Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the National Center for Victims of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, dial or text 1-844-4HELPDC (1-844-443-5732) or access the online chat at [www.DCvictim.org/Chat](http://www.DCvictim.org/Chat).

Additionally, the school's behavioral health team is available to provide support for students, which may include individual counseling and referral for community-based services.

Please consult the following for lists of appropriate resources, services, and information for students and families affected by student sexual abuse.

- [Department of Behavioral Health's \(DBH\) Behavioral Resource Directory](#);<sup>31</sup>
- [MPD's Sexual Assault Resources List](#);<sup>32</sup>
- [MPD's Victim Specialists Unit](#);<sup>33</sup> and
- [OSSE's Supporting Mental Health in Schools Resources List](#).<sup>34</sup>

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<sup>27</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>28</sup> This paragraph from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 18. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>29</sup> See US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>30</sup> DC Victim Hotline: <https://ovsjg.dc.gov/page/dc-victim-hotline-now-available>

<sup>31</sup> DBH's Behavioral Resource Directory: <https://dbh.dc.gov/page/behavioral-health-resource-directory>

<sup>32</sup> MPD's Sexual Assault Resources List: <https://mpdc.dc.gov/node/137932>

<sup>33</sup> MPD's Victim Specialists Unit: <https://mpdc.dc.gov/node/141392>

<sup>34</sup> OSSE's Supporting Mental Health in Schools Resources List: <https://osse.dc.gov/page/supporting-mental-health-schools>

## Appendix A: Definitions

The following key terms and definitions apply to this policy to prevent and address student sexual abuse by school staff.

### *Accused Staff Member*

The accused staff member is the person or persons who are alleged to have committed the act resulting in the complaint. The accused staff member may be any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or during activities sponsored by the school.<sup>35</sup>

### *Child Abuse*

Child abuse is the infliction of physical or mental injury upon a child, sexual abuse or exploitation of a child, or the negligent treatment or maltreatment of a child.<sup>36</sup>

### *Child*

For the purposes of this policy, a child is any student who has not yet attained the age of 16.

### *Consent*

Consent means words or overt actions indicating a freely given agreement to a physical act within the course of an interpersonal relationship. Consent to a physical act or contact may be initially given but withdrawn at any time. Lack of verbal or physical resistance or submission by the victim due to their mental or physical incapacitation or impairment, or the use of force, threats, or coercion shall not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact shall not constitute consent to a future physical act or contact.<sup>37</sup>

*Breakthrough Montessori PCS* shall always view as unwelcome and nonconsensual any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system.<sup>38</sup>

### *Minor*

For the purposes of this policy, a minor is any student who has not yet attained the age of 18.<sup>39</sup>

### *Reporting Student*

The reporting student is the individual who reports a complaint. A parent/guardian or a school staff member may also make a report on behalf of a student.

### *Sexual Act*

A sexual act means:

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<sup>35</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>36</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>37</sup> DC Official Code § 38-824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/IV/>

<sup>38</sup> DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>39</sup> Even if a student is no longer a minor, student-teacher relationships under the age of 20 are improper and defined as sexual abuse under DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- (A) The penetration, however slight, of the anus or vulva of another by a penis;
- (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
- (C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.<sup>40</sup>

#### *Sexual Contact*

Sexual contact means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.<sup>41</sup>

#### *Sexual Misconduct*

Sexual misconduct is any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with a student. This includes:

- A sexual invitation;
- Dating or soliciting a date;
- Engaging in sexual dialogue;
- Making sexually suggestive comments;
- Describing prior sexual encounters; or
- Physical exposure of a sexual or erotic nature.<sup>42</sup>

#### *Staff*

Staff means any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or activities sponsored by a school.<sup>43</sup> The terms “school staff” and “school personnel” are used interchangeably throughout this document.

#### *Student Sexual Abuse*

Student sexual abuse means any of the following acts committed by a school staff member against a student of a school:

- **Sex trafficking of children:** To knowingly recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person who will be caused as a result to engage in a commercial sex act knowing or in reckless disregard of the fact that the person has not attained the age of 18 years.

<sup>44</sup>

Abducting or enticing a child from their home for the purposes of prostitution or harboring such a child: For the purposes of prostitution it is unlawful for any person to persuade, entice, or forcibly abduct a

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<sup>40</sup> DC Official Code § 22–3001(8). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>41</sup> DC Official Code § 22–3001.9. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>42</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>43</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>44</sup> DC Official Code § 22–1834. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-1834.html>



child under 18 years of age from his or her home or usual abode, or from the custody and control of the child's parents or guardian or to secrete or harbor any child so persuaded, enticed, or abducted from their home or usual abode or from the custody and control of the child's parents or guardian.<sup>45</sup>

- **First degree sexual abuse:** Engaging in or forcing another person to engage in or submit to a sexual act in the following manner:
  - By using force against that other person;
  - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - After rendering that other person unconscious; or
  - After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>46</sup>
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:
  - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
  - Where the person knows or has reason to know that the other person is:
    - Incapable of appraising the nature of the conduct;
    - Incapable of declining participation in that sexual act; or
    - Incapable of communicating unwillingness to engage in that sexual act.<sup>47</sup>
- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - By using force against that other person;
  - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - After rendering that person unconscious; or

After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>48</sup>

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<sup>45</sup> DC Official Code § 22-2704. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/27/>

<sup>46</sup> DC Official Code § 22-3002. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>47</sup> DC Official Code § 22-3003. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>48</sup> DC Official Code § 22-3004. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
  - Where the person knows or has reason to know that the other person is:
    - Incapable of appraising the nature of the conduct;
    - Incapable of declining participation in that sexual contact; or
    - Incapable of communicating unwillingness to engage in that sexual contact.<sup>49</sup>
- **Misdemeanor sexual abuse:** Engaging in a sexual act or sexual contact with another person when one should have knowledge or reason to know that the act was committed without that other person's permission.<sup>50</sup>
- **First degree child sexual abuse:** Being at least 4 years older than a child and engaging in a sexual act with that child or causing that child to engage in a sexual act.<sup>51</sup>
- **Second degree child sexual abuse:** Being at least 4 years older than a child and engaging in sexual contact with that child or causing that child to engage in sexual contact.<sup>52</sup>
- **First degree sexual abuse of a minor:** Being 18 years of age or older, in a significant relationship with a minor, and engaging in a sexual act with that minor or causing that minor to engage in a sexual act.<sup>53</sup>
- **Second degree sexual abuse of a minor:** Being 18 years of age or older, in a significant relationship with a minor, and engaging in a sexual contact with that minor or causing that minor to engage in a sexual contact.<sup>54</sup>
- **First degree sexual abuse of a secondary education student:** Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in a sexual act with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in a sexual act.<sup>55</sup>
- **Second degree sexual abuse of a secondary education student:** Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in sexual

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<sup>49</sup> DC Official Code § 22–3005. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>50</sup> DC Official Code § 22–3006. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>51</sup> DC Official Code § 22–3008. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>52</sup> DC Official Code § 22–3009. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>53</sup> DC Official Code § 22–3009.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>54</sup> DC Official Code § 22–3009.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>55</sup> DC Official Code § 22–3009.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

conduct with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in sexual conduct.<sup>56</sup>

- **Enticing a child or minor:**

- Being at least 4 years older than a child or being in a significant relationship with a minor and
  - Taking that child or minor to any place for the purpose of committing any offense set forth in §§ [22-3002](#) to [22-3006](#) and §§ [22-3008](#) to [22-3009.02](#), or
  - Seducing, enticing, alluring, convincing, or persuading or attempting to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact.
- Being at least 4 years older than the purported age of a person who represents himself or herself to be a child and attempting to:
  - Seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or
  - Entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact.<sup>57</sup>

- **Misdemeanor sexual abuse of a child or minor:** Being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, and engaging in sexually suggestive conduct with that child or minor.<sup>58</sup>

- **Arranging for a sexual contact with a real or fictitious child:** Engaging in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child at least 4 years younger than the person, or to arrange for another person to engage in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child of at least 4 years younger than the person.<sup>59</sup>

- **Sexual performance using minors:**

- Knowingly using a minor in a sexual performance or promoting a sexual performance by a minor.
- Knowing the character and content thereof, attending, transmitting, or possessing a sexual performance by a minor.<sup>60</sup>

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<sup>56</sup> DC Official Code § 22–3009.04. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>57</sup> DC Official Code § 22–3010. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>58</sup> DC Official Code § 22–3010.01. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>59</sup> DC Official Code § 22–3010.02. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>60</sup> DC Official Code § 22–3102. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/31/>

- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.<sup>61</sup>

*Sexually Suggestive Conduct*

Engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

- Touching a child or minor inside his or her clothing;
- Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;
- Placing one's tongue in the mouth of the child or minor; or
- Touching one's own genitalia or that of a third person.<sup>62</sup>

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<sup>61</sup> DC Official Code § 22–3018. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>62</sup> DC Official Code § 22–3010.01(b). Retrieved from:  
<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

## CODE OF CONDUCT

It is Breakthrough Montessori's mission and vision to provide high quality Montessori education - a student-centered pedagogy - to all of its students while working intentionally to ensure equity for all students and families. Our commitment as an organization is to create an environment for children that is safe, nurturing, empowering, and which promotes growth and success for the children who learn in our school. To clarify our vision of how this will be accomplished, the Code of Conduct outlines specific expectations of staff and volunteers as we strive to accomplish our mission together.

1. Children will be treated with respect at all times.
2. Children will be treated fairly regardless of race, sex, age, or religion.
3. Staff will not swear or tell off-color jokes.
4. Staff will not discuss with children their sexual encounters or in any way involve children in their personal problems or issues.
5. Staff will not use or be under the influence of alcohol or illegal drugs in the presence of children.
6. Staff will not have sexually oriented materials, including printed or Internet pornography, in the presence of children.
7. Staff will not have secrets with children.
8. Staff will avoid wearing provocative and revealing attire including midriffs, tank tops, halter tops, short shorts, or short skirts.
9. Staff will not stare or comment on any child's body.
10. Staff will adhere to uniform standards of affection.
11. Staff will avoid affection that cannot be observed.
12. Staff shall not abuse children in any way including the following:
  - a. *Physical abuse*: hitting, spanking, shaking, slapping, unnecessary restraints
  - b. *Verbal abuse*: degrade, threaten, cursing
  - c. *Sexual abuse*: inappropriate touch, exposing oneself, sexually oriented conversations
  - d. *Mental abuse*: shaming, humiliation, cruelty Neglect: withholding food, water, shelter
13. Staff will report concerns or complaints about Breakthrough Montessori staff or children to the Executive Director. Any type of abuse will not be tolerated and will result in immediate dismissal from Breakthrough Montessori. Breakthrough Montessori will fully cooperate with authorities if allegations of abuse are made and investigated.

**ACKNOWLEDGEMENT OF ABUSE PREVENTION POLICY**

I have read and agree to comply with the published policies and rules of Breakthrough Montessori Public Charter School as outlined in the School’s Abuse Prevention Policy manual.

After signing, please return this page to the Human Resources office. Thank you.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Employee

\_\_\_\_\_  
Date