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AND THE WORKFORCE

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January 30, 2014

The Honorable John Kline, Chairman  
Committee on Education and the Workforce  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Kline:

I respectfully request that you convene hearings in February and March of this year to provide all of our members with the opportunity to explore in depth the significant concerns around child sexual abuse that fall within this Committee's oversight and legislative jurisdiction.

Today, the U.S. Government Accountability Office (GAO) released publicly the results of its examination of efforts to address child sexual abuse by school personnel.<sup>1</sup> This report is the second GAO report to our Committee on child abuse issues<sup>2</sup> calling attention to shortcomings in existing state and local child abuse reporting laws and policies, as well as to ignorance at the school district level about existing laws and regulations addressing roles and responsibilities for preventing abuse. The report's findings document other challenges in protecting children's safety that we must address in the remaining months of this Congress.

In its new report, GAO concluded that the federal government is well positioned to provide resources and expertise to improve how state and local entities prevent and respond to sexual abuse of children by school personnel, revealing key state and local policy omissions that could benefit from federal assistance. Specifically, the report found inconsistent and confusing state laws and school district policies regarding school employees' mandatory reporting of and sexual misconduct and abuse of students by school personnel, which can result in a failure to report to proper law enforcement or delayed reporting, which may interfere with investigations. The report further found a lack of required school staff training on sex abuse prevention in many states; codes of conduct that in many states do not apply to all school staff and exclude important child sex abuse prevention warning signs; incomplete federal data collection on incidents of sex abuse

<sup>1</sup> See U.S. Government Accountability Office. *Child Welfare – Federal Agencies can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel*, GAO-14-42. January 2014.

<sup>2</sup> See U.S. Government Accountability Office. *K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct*, GAO-11-200. December 2010; available at <http://gao.gov/products/GAO-11-200>.

of students in schools; weak monitoring of key policies in many states; and poor coordination among multiple federal agencies.

The GAO report also documented poor school district implementation and compliance with federal Title IX<sup>3</sup> requirements to protect students from sexual harassment and abuse by school employees. The report found low levels of awareness and significant confusion within most of the districts GAO visited about the applicability of Title IX requirements to sexual abuse of students. Specifically, GAO recommends that the U.S. Department of Education clarify, update, and disseminate information to K-12 personnel on the relevance of Title IX requirements to staff-to-student sex abuse in schools. As you know, Title IX prohibits discrimination on the basis of gender and bans sexual harassment in any federally funded education program or activity. Current guidance provided by Education's Office of Civil Rights (OCR) states that a school's responsibilities under Title IX include preventing sex abuse. In its response to the GAO report, the Department states that OCR is developing supplemental guidance to make clear that Title IX applies to sexual harassment at the K-12 and postsecondary levels, as well as making other clarifications.

In closing, we must take every available and reasonable step we can to ensure that the individuals and institutions with whom we entrust our children every day protect them from abuse. I first wrote to you in November 2011<sup>4</sup> and then again in June 2012<sup>5</sup> to request that we work together to gather our Committee members and hold hearings on a range of child sexual abuse issues. In July 2012, you formally responded to my requests and stated that "[r]est assured, I share your goal of protecting children from abuse and will keep your request in mind as we gather more information about the efficacy of current federal laws."<sup>6</sup>

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<sup>3</sup> Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et seq.

<sup>4</sup> See letter from Congressman George Miller, Senior Democrat, Committee on Education and the Workforce, to Chairman John Kline, Committee on Education and the Workforce (November 17, 2011); available at <http://democrats.edworkforce.house.gov/press-release/miller-calls-hearings-wake-heinous-abuse-claims-penn-state-and-citadel>.

<sup>5</sup> See letter from Congressman George Miller, Senior Democrat, Committee on Education and the Workforce, to Chairman John Kline, Committee on Education and the Workforce (June 26, 2012); available at <http://democrats.edworkforce.house.gov/sites/democrats.edworkforce.house.gov/files/documents/112/pdf/letters/6-26-12%20Ltr%20to%20Kline%20re%20Child%20Abuse.pdf>.

<sup>6</sup> See letter from Chairman John Kline, Committee on Education and the Workforce to Congressman George Miller, Senior Democrat, Committee on Education and the Workforce, (July 13, 2012); available at <http://democrats.edworkforce.house.gov/sites/democrats.edworkforce.house.gov/files/documents/12.7.13-KlineLtrtoGMre7.12ltronPennState.pdf>.

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January 30, 2014  
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More than two years have passed since that first request, and incidences of child sexual abuse at schools have not abated. While our bipartisan work together this past fall on House passage of critical child safety laws, including the E. Clay Shaw, Jr. Missing Children's Assistance Reauthorization Act of 2013<sup>7</sup> and the Protecting Students from Sexual and Violent Predators Act<sup>8</sup> background check bill, were victories on many levels, we need to accomplish much more to end such abuse. It is in that bipartisan spirit that I request we now schedule hearings on sexual misconduct and abuse of students by school personnel and other adults in positions of trust. This is a first step in ensuring that Congress is examining all federal approaches that can protect children from sex abuse and harassment in schools and other settings outside their homes.

I am prepared to work with you in scheduling such hearings, as well as, other committee action on these critically important issues.

Sincerely,



**GEORGE MILLER**  
Senior Democratic Member

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<sup>7</sup> Pub. L. No. 113-38, 127 Stat. 527, (2013).

<sup>8</sup> H.R. 2083, 113<sup>th</sup> Cong., 1<sup>st</sup> Sess. (2013).