

PUBLIC SCHOOLS MERIT GRAND JURY PROBE

Dear Attorney General:

In the wake of the Pennsylvania grand jury report on the Catholic clergy, many states are considering a similar probe of offending priests. They should do so, providing they also investigate the clergy of all other religions, private non-sectarian institutions, and public sector entities. Not to do so would be manifestly unjust and indefensible.

No attorney general or lawmaker would convene a grand jury on criminal behavior and then decide to focus exclusively on African American neighborhoods. They would have to include white-collar crimes, the kinds of acts that are mostly committed by affluent whites.

That is why it smacks of bigotry to single out the Catholic Church when investigating the sexual abuse of minors: We don't own this problem, and indeed there is less of a problem *today* with this issue in the Catholic Church than in any institution in society, religious or secular.

For the last two years for which we have data, .005% of the Catholic clergy have had a credible accusation made against them. In the case of Pennsylvania, all the offending priests are either dead or have been thrown out of the priesthood. The same pattern exists elsewhere.

If you want to pursue molesters, you must begin by launching a grand jury probe of the public schools. And that means they must be explicitly mentioned in any bill that would suspend the statute of limitations; otherwise they will be exempted under the antiquated doctrine of sovereign immunity. There are many good reasons why the public schools command scrutiny.

Consider two investigations of sexual abuse in the public schools. Published nine years apart, by two separate media outlets, they found that when it comes to removing abusers from the teaching profession, little has changed.

In October 2007, the Associated Press (AP) published a series of articles, "Sexual misconduct plagues US schools," based on its investigation. It found that between 2001-2005, 2,570 educators had their teaching credentials revoked because of sexual misconduct. It detailed 1,801 cases of abuse: more than 80 percent of the victims were students, and most of the offenders were public school teachers.

What happened to the molesters? "Most of the abuse never gets reported," the AP said. Moreover, far too many of the offending educators were able to remain in the teaching profession. Often this was done by simply moving the "mobile molesters" to another school or district, a practice so widespread that it's called "passing the trash."

In December 2016, *USA Today* published its own series on abuse in the public schools. It found that "passing the trash" was still the norm: abusive teachers were able to move to new teaching jobs, or to other employment working with youth.

USA Today found the same resistance to change as reported by AP: (a) "Administrators have pursued quiet settlements rather than public discipline" (b) "Unions have resisted reforms," and (c) "Lawmakers have ignored a federal mandate to add safeguards at the state level."

USA Today also found the same reasons why change proved elusive: (a) It cited "examples in every state" of secrecy agreements, many of which were "cemented in legally binding contracts"; the agreements even committed school districts to be neutral or even to offer *positive* employment recommendations for educators who leave under abuse allegations (b) most states refused to abide by a 2015 federal

law requiring states to ban such secrecy agreements (only five states—Connecticut, Texas, Missouri, Oregon and Pennsylvania—had such bans in place), and (c) incredibly, the federal government still “does not maintain a database of teachers who have sexually abused children.”

Regarding the last point, in 2009 Congress tried to rectify this by passing the Student Protection Act. It would have required the U.S. Department of Education to maintain a national database of educators terminated from a public or private school, or sanctioned by a state government, for sexual misconduct with a student. But, *USA Today* found, it “died amid fierce opposition from national teachers organizations, which had concerns about due process for teachers accused of misconduct.”

In conclusion, if a grand jury investigation of Catholic dioceses is warranted, then fairness dictates that the public schools be subjected to one as well. Indeed, they should be your first priority.

Sincerely,

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President