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Book Review Essay: Sexual Exploitation in Schools by Robert J. Shoop

Laura R. McNeal

NASSP Bulletin 2006; 90; 343

DOI: 10.1177/0192636506295067

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Book Review Essay

Robert J. Shoop. (2004). *Sexual Exploitation in Schools*. Thousand Oaks, CA: Sage.

*Reviewed by Laura R. McNeal,
Georgia State University*

Traditionally, schools have been perceived as safe havens where students could pursue their intellectual and personal growth. Until 25 years ago, American jurisprudence was devoid of any reported case in which a court held a secondary institution liable for sexual misconduct by a teacher against a student (Horner, 1995). Those times are long gone. In present times, instances of inappropriate educator-student relationships have become commonplace in America's schools. For example, in 2005 alone, at least 35 school employees in the state of Michigan were charged or convicted of sexual misconduct with a student (Chambers, 2006). The instances of sexual abuse reported in Michigan schools were not an anomaly. This is evident by a national report (U.S. Department of Education, 2004) that examined numerous research studies that explored the prevalence of sexual misconduct in schools. The report found that instances of sexual misconduct in schools can range anywhere from 3.5% to 50.3%.

Schools throughout the country face the daunting task of addressing issues of sexual misconduct by school employees. There are numerous high profile legal cases involving inappropriate educator-student relationships such as the Mary Kay LeTourneau case in Washington and two cases in Collier County, Florida, which involved sexual misconduct by a school soccer coach and a bus driver. This unsettling trend of sexual exploitation of children in schools has permeated our educational system and thus prompted lawmakers, educators, and parents to address the endemic challenge of eliminating sexual abuse in schools. With the increased pace and scope of legal issues arising from allegations of sexual misconduct in schools, Robert J. Shoop's book *Sexual Exploitation in Schools* serves as an excellent resource that teachers, school administrators, and parents can utilize to address issues of sexual abuse.

This book begins with a vivid description of the different forms of sexual exploitation and the characteristics of individuals who engage in inappropriate sexual miscon-

Correspondence concerning this article may be sent to: lmcneal@gsu.edu.

NASSP Bulletin, Vol. 90, No. 4, December 2006 343-347

DOI: 10.1177/0192636506295067

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duct with children. The first three chapters of Shoop's book provide the reader with insightful information with respect to the type of environment that serves as a breeding ground for sexual exploitation. In these three chapters, Shoop highlights why it is important for school administrators and teachers to maintain appropriate written, verbal, visual, and physical boundaries (e.g., improper e-mails, innuendoes, and jokes) within the schooling environment. The author thoroughly explains and provides tangible examples of ways educators can establish and uphold professional boundaries when interacting with children. Shoop suggests that school districts conduct workshops on a regular basis to help school personnel maintain the appropriate ethical standards.

The next section transitions into an in-depth discussion regarding the legal context of sexual exploitation and the standard of care required by schools to provide a safe learning environment. Undoubtedly the most important section of the book, chapters 4 and 5, provide the reader with an excellent foundation in basic legal rights and responsibilities and the applicability of those rights within a schooling environment. The legal principles discussed in Shoop's book are very relevant to the current educational landscape as evidenced by the immense media attention that has been afforded to inappropriate teacher student relationships in recent years. The author's clear examples and vivid illustrations help the reader understand unfamiliar legal terminology such as *respondeat superior*. This segment of the book ends with a detailed discussion regarding the standard of care schools should maintain to reduce liability risks from Title IX, Section 1983, and constitutional challenges by injured students.

The last section of the book, chapters 6 through 9, explores the pathology of a sexual exploiter and debunks many of the misconceptions regarding the type of individuals that are more likely to be child abusers. The information in these chapters dispels many of the stereotypes that people associate with child abusers. The remaining three chapters also discuss the appropriate administrative procedures (e.g., background checks, fingerprinting, educator due process) school districts should incorporate into their existing and future policies. The information disclosed in this section provides educators with foundational knowledge on how to balance the dichotomy between educator and school district rights and responsibilities. In addition, the author succinctly summarizes the legal pitfalls school districts should avoid to minimize liability risks for sexual misconduct committed by a school employee. School leaders are also provided with invaluable insight regarding ways to integrate a sexual exploitation prevention plan into their existing policies and risk management plans. The model prevention plan in the appendix section of Shoop's book serves as an excellent resource guide for schools to use as they develop and implement their respective policies. Finally, this book concludes with a myriad of proactive steps school districts and principals can take to minimize sexual exploitation in their schools, such as the establishment of an antiexploitation policy and a centralized record keeping system for sexual misconduct complaints.

The major weakness of the book is something characteristic of most legal handbooks: The emphasis is on breadth rather than depth. This is evidenced by the author's rudimentary coverage of multifaceted legal mandates such as the Child Abuse and Neglect Prevention and Treatment Act and Section 1983 of the Civil Action for Deprivation of Rights Act. Despite these shortcomings, this book is well organized and provides the reader with sound practical strategies schools can implement to address the plethora of legal issues relating to the sexual exploitation of children within the schooling environment. Although this book should not be misconstrued as the equivalent of a licensed attorney, it is an excellent resource that school administrators and teachers can use to address sexual exploitation in schools as they navigate their way through the current educational milieu.

Legal Commentary

Given the growing sexual exploitation in schools, one would not expect the liability risks for schools to wane. According to a recent report released by the U.S. Department of Education, 1 in 10 children will encounter sexual misconduct from a school employee (2004).

As courts today continue to reconceptualize the nature and sources of duty and liability on the part of schools to provide a safe learning environment, it is imperative that school administrators and teachers gain an understanding of the causes and warning signs of sexual exploitation and the liability associated with this crime. Recent trends indicate that courts have crafted new legal rules regarding the responsibility secondary institutions owe students regarding safety and security. This is evident by reports of a rise in litigation against schools by student victims of sexual abuse on school grounds (Rankin, 1999). Courts have responded to the influx of legal challenges by detailing standards or accountability and clarifying institutional responsibilities and duties to students. As Shoop illustrated in his book, *Sexual Exploitation in Schools*, lawsuits against school districts for sexual misconduct by school employees typically base their claim on one of the following legal theories: Title IX, Section 1983, respondeat superior, negligence, or constitutional duty to protect. Courts have responded to legal claims by establishing that schools have a general responsibility to provide reasonable security against foreseeable harm (Hagel, 2001). The argument that schools have no duty or a very limited duty to protect students from risks has fallen into disfavor in courts throughout the country. For example, in the case of *Stoneking v. Bradford Areas School District* (1989), the Third Circuit ruled students have a constitutional right to be free from sexual abuse by school employees in the school setting. In a similar decision, the court in *Gebser v. Lago Vista* (1998) held that a school district's liability arises when a school official, by action or inaction, demonstrates deliberate indifference toward the teacher's sexual misconduct. Additionally, courts have responded to questions of school district liability by establishing a test to determine the personal liability of school districts

in sexual misconduct cases involving school employees. A school official and school district can be held liable for the sexual abuse of a student in the school setting if the student establishes the following: (a) the school official had information pointing toward the conclusion that a school employee was sexually abusing a student, (b) the school official demonstrated deliberate indifference by failing to take corrective action to stop the abuse, and (c) failure to take action resulted in a constitutional injury to the student (Rankin, 1999).

There are several proactive measures that school leaders can take in addition to the strategies outlined in Shoop's book *Sexual Exploitation in Schools*. First, it is recommended that schools periodically meet and review their safety policies and procedures. Second, each school district should designate a district employee to serve as an investigation coordinator to handle sexual exploitation allegations. Appointing an investigation coordinator will help ensure that all supporting materials related to sexual misconduct allegations are in a centralized location and handled by a single individual. Third, it is recommended that school officials develop an anonymous reporting system for students and school staff to report sexual abuse. Sexual misconduct often continues for extended periods of time because school employees are reluctant to get involved in lengthy criminal cases or unsure of whether the complaint is legitimate (Chambers, 2006).

Given the salience of sexual misconduct in schools it is imperative that school leaders remain vigilant in their efforts to provide a safe learning environment for students. This includes staying abreast of current legal mandates regarding institutional rights and responsibilities, periodic workshops for students and school staff to reinforce the appropriate ethical boundaries for student-teacher relationships, and expeditious responses to sexual abuse claims.

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Laura McNeal received her JD degree from Washington University, St. Louis, and a PhD in education administration from Illinois State University. Her research interests include examining how law and policy impact urban student achievement and effective school leadership. She is currently an assistant professor in the Department of Educational Policy Studies at Georgia State University.