

Community seeks action against educator sexual misconduct

Evaluating the new MCPS Child Abuse and Neglect policy

Angela Edwards had a strange feeling about John Vigna. She, along with other parents at Cloverly Elementary School in Silver Spring, would tell their kids, “Don’t hug teachers. Don’t hug that specific teacher.” There was something about him that she could not quite pinpoint, and when her daughter had him as a teacher years ago, Edwards felt the need to sit in on classes. Years later, when her son attended Cloverly, that feeling lingered. Nothing had changed.

After a body safety class for sexual abuse prevention in the fall of 2015, one young girl went home and told her parents that Vigna had been inappropriately touching her. Her parents then reported the account to the police. This led to the discovery of another alleged victim in the same classroom. Vigna was arrested in June 2016 on sexual abuse charges committed against students at the school.

Then, three more students came forward. Two girls said that Vigna had sexually abused them during the 2013-2014 and 2015-2016 school years. Later, a woman in her twenties revealed her own experience of sexual abuse from Vigna when she attended Cloverly from 2000 to 2002.

The body safety classes that prompted these reports were part of a larger initiative by the county to update its Child Abuse and Neglect policy. This policy, which was updated on June 29, 2015, made changes in student and staff training. This came as a response to a series of high profile sexual misconduct cases in MCPS. Each situation highlighted a lack of effective MCPS policies aimed at preventing educator sexual misconduct against students.

MCPS created an employee code of conduct in 2015 and worked to ensure that all allegations of sexual misconduct were reported properly. Despite these strides, questions remain, and both parents and experts in the field are concerned about the effectiveness and implementation of the county’s policy. “They’ve done a lot of good work so far, but they still have a lot left to do,” says Jennifer Alvaro, a social worker and MCPS parent.

Know your rights

Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in federally funded education programs, also protects students against sexual misconduct by school employees.

In 2001, the Office of Civil Rights (OCR) released guidelines to help ensure that schools fulfill their obligation to students under Title IX to prevent sexual misconduct. One of the many recommendations in the guidelines is that each school should have “at least one employee to coordinate [the school’s] efforts to comply with and carry out its responsibilities under Title IX.”

Under the county’s current child abuse and neglect policy, all MCPS employees, contractors, and volunteers are personally required to report any suspicions of child abuse and neglect directly to Child Protective Services (CPS).

“[Schools] should have a Title IX officer who is trained in how to handle these cases, how to recognize them, and what to do if there is a report,” Billie-Jo Grant says. Grant is part of the board of directors for Stop Educator Sexual Abuse, Misconduct & Exploitation (SESAME), a national nonprofit organization devoted to researching and preventing sexual misconduct by educators against students.

In past cases of sexual misconduct by staff in MCPS, problems arose in both the reporting and investigation of the allegations. A teacher at Kemp Mill Elementary School, Daniel Picca, was fired in 2011 for insubordination and misconduct. For 17 years prior to his termination, Picca was bounced around the school system, while principals and supervisors attempted to correct his repeated inappropriate behavior towards students.

He started as a teacher at Candlewood Elementary School in 1985, but the first allegation against Picca came in 1993 from the principal of Rachel Carson Elementary School, where he was accused of asking a young boy to sit on his lap. In 1994, he formed a “Strong Boys Club,” where Picca “would direct the boys to take off their shirts and feel their muscles.”

Former MCPS Superintendent Paul Vance issued a reprimand of Picca’s conduct in 1995, but then transferred him to Luxmanor Elementary School from Rachel Carson with a warning to conduct himself in a “in a responsible and professional manner.”

CPS conducted an investigation of Picca in 1995, and the Office of Administrative Hearings found him to be responsible for child abuse. Despite multiple attempts to repeal the ruling, the charge remained on Picca’s record. However, MCPS was not aware of these findings until 2010.

When Picca was transferred to Kemp Mill for the 2000-2001 school year, complaints of inappropriate behaviors continued until May 2010, when a colleague reported Picca for inappropriate conduct. Former Superintendent Jerry Weast recommended that Picca be fired, but Picca resisted the allegations. In May 2011, the State Board of Education upheld the recommendation and encouraged all schools to be more vigilant of these behaviors. “It would be prudent for school systems to review their personnel records to be sure there are no cases, like this one, lurking in their schools,” the state Board said in a report about the case.

Before the creation of the county’s Child Abuse and Neglect policy in 2015, allegations of sexual misconduct were often reported to school officials or the principal, who could conduct internal investigations and decide whether or not to report the incident to the police. In Picca’s case, principals and superintendents received reports of his unacceptable behavior, and even though he was charged with child abuse by CPS, he was never removed as a teacher.

MCPS schools do not have individual Title IX officers, but under OCR guidelines, every student and parent in the community should know who their school's Title IX officer is and how to contact them. Montgomery County has a compliance officer in the Office of the Chief Academic Officer who can be contacted. "It should be widely publicized. The Title IX policy should be posted and the Title IX officer's name and number should be on the bottom of that in the school office, in the school cafeteria, in school bathrooms so that everybody is very clear on

who to contact when something like this happens,” Terri Miller, the director of the board for SESAME, says.

A curriculum for students

Many school systems treat the issue of sexual misconduct on a case by case basis, rather than evaluating what can be done on the county level to prevent future misconduct cases. Miller says that school systems rarely have a policy in place to specifically prevent educator sexual misconduct.

Joan Tabachnick is a fellow with the Department of Justice’s Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking and an expert in sexual violence prevention. According to Tabachnick, the body safety classes currently being implemented in MCPS are a step in the right direction. “These programs ... are actually head and shoulders above what a lot of other school systems are doing, which doesn’t mean to say that there’s not more that can be done. A lot of schools are keeping their heads in the sand about this,” Tabachnick says.

The annual body safety classes are in place in all elementary schools across the county. According to Derek Turner, a spokesperson for MCPS, all middle school students, as well as ninth and tenth grade students, must receive body safety lessons by May 30. The program, which differs among grade levels will expand to all students, including eleventh and twelfth grade students, by the end of the 2017-18 school year.

Counselors have the option of creating their own curriculum for the body safety classes. “The counselor can choose to do it for however they think works best for the school community. Part of it is that we want to have these opportunities tailored to the schools that are delivering them,” Turner says.

Sarah Kanter, a counselor from Bells Mill Elementary School, relies on lessons created by other counselors and approved by county officials, rather than an MCPS curriculum. “What [the county] said is that all school counselors need to teach lessons on personal body safety, and so to do that, some of the counselors created lessons, starting back in kindergarten all the way through fifth grade,” Kanter says.

The county provided “Personal Body Safety Lessons Objectives” for kindergarten, first grade, third grade, and fifth grade for counselors to base their lessons on. The objectives do not specifically indicate to teach students to identify staff members as potential abusers, focusing more on parental abuse.

Katie Stauss is a parent at Cloverly, and her son is a fifth grade student at the school. When he was in fourth grade, Stauss’ son and other classmates were read a book about a girl who was being sexually abused by her father and given a presentation on four types of abuse. Students were told they could report concerns to “any trusted adult.”

In Grant’s experience, many schools fail to explicitly discuss educator sexual

misconduct. "Body safety is different than giving examples of crossing boundaries with students, and a lot of programs that I've seen don't look at that specifically. They don't give examples," Grant says.

At the high school level, Blair principal Renay Johnson says that MCPS issued a directive to schools last summer saying that every student would have to be educated on body safety. "When the lessons were rolled out to resource counselors and administration, it was geared for sixth grade. It was not high school appropriate," Johnson says. Johnson found that the material was not complex enough to address the varying needs of high school students.

In response, county officials said that curriculum would be used for middle schools, and high schools would receive different lessons. Blair counselors were unable to provide any additional information about the content of the high school child abuse and neglect presentation, but must still comply with the May 30 deadline.

Staff training

Staff can play a crucial role in the sexual misconduct prevention process, so that the main responsibility of reporting sexual misconduct does not fall on students. "Our experts tell us that if school personnel is trained on how to recognize the early warning signs, those grooming behaviors, that they can prevent physical sexual abuse from happening. Because once grooming begins, physical sexual abuse will happen within two to three months," Miller, a member of the board of directors for SESAME, says. Grooming behaviors involve establishing an emotional connection with a child, so that they will be less likely to object to sexual abuse.

The employee code of conduct created in 2015 set guidelines for appropriate relationships and behaviors with students both online and in person. In addition, employees, contractors, such as school fire technicians, and volunteers, such as parent chaperones, must complete a new online training for identifying and reporting sexual abuse of minors.

Miller believes that online training alone is not enough. "We believe there needs to be in-person training in addition to [online training], and it needs to be ongoing ... because in trainings like this, they can go right to the test without really watching. There is no accountability," Miller says.

All school employees received in-person instruction before the start of the 2015-16 school year, and Johnson trained new employees at the beginning of the 2016-17 school year. Regarding the in-person training, Blair health teacher John McDonald says, "I don't remember it being extremely informative beyond what we had to do online."

For effective training, Miller highly recommends repetition. "The best training is to, first of all, make it mandatory and make it annual," Miller says. Grant agrees and says it is not enough to identify teachers as potential abusers, but lessons must give examples on specific boundary-crossing behaviors.

According to McDonald, the training teachers received did not focus on teacher behavior or specific boundary crossing behavior. "I remember it being abuse that the student might experience outside of school, and for teachers to learn to identify that," he says. "It wasn't from the standpoint that teachers would abuse and neglect students."

From the outside, looking in

At Cloverly, several months passed before the school notified students and parents of the reason Vigna had been placed on administrative leave. The community was not aware of Vigna's alleged crimes until the school released a letter in July 2016, one month after Vigna's arrest and six months after he first left the school.

The school's administration and MCPS officials, along with a member of the police Special Victims Unit, held a community meeting in November 2016 after new charges were raised against Vigna. Many parents questioned why the county waited until three more girls came forward to hold a community meeting. "What a lot of parents are wondering is: why did it take five alleged victims for them to come out when there were two before, and they didn't respond to that?" Cloverly parent Theresa Phillips asks.

As Vigna had not yet gone on trial, the school wanted to remain objective on his case. They resisted requests from parents to have professionals come speak to students and parents at the school. "The communication and support was extremely lacking, and it seemed like they wanted to sort of taper over it or hope that we would all forget," Stauss says.

Eventually, after persistence from parents, the county allowed the Tree House Child Advocacy Center (Tree House CAC) and a school psychologist from MCPS to come to Cloverly and teach parents how to identify signs of abuse and how to speak to young students about this issue. "[They] gave us a ... more detailed and more comprehensive viewpoint on how to keep our children safe from these sorts of events," Cloverly PTA president Bradford Behr says.

Cloverly parent Theresa Phillips found that learning from experts who work with these cases on a daily basis was extremely helpful. Though, she feels MCPS took a long time to respond to requests for the seminar. Phillips believes the seminar would have been more effective if it had been held earlier. "We had [the seminar] in March [2017], and the arrest was made in June [2016]. So it took them a long time to give support to our school," Phillips says. "Tree House was willing from the beginning. They just weren't welcome."

Phillips advises the county to be more proactive in supporting the school community with these cases, especially in light of recent cases of sexual misconduct by MCPS staff. "I would definitely tell MCPS that they need to act immediately and get to the school and provide support for them," Phillips says. "MCPS really let us down this year."