

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

AB 511 DOE,

Plaintiff,

v.

Index No.: 20-46602

LYNDONVILLE CENTRAL SCHOOL DISTRICT;
LYNDONVILLE ELEMENTARY SCHOOL.

Defendants.

EXPERT AFFIDAVIT OF ELIZABETH L. JEGLIC, Ph.D.

STATE OF NEW YORK)
) ss:
COUNTY OF _____)

DR. ELIZABETH L. JEGLIC, Ph.D., being duly sworn, deposes and says:

1. I am a Licensed Clinical Psychologist, professor of Psychology, and consultant in the field of sexual abuse, sexual grooming, behaviors of perpetrators and survivors of sexual abuse, and cases of historical sexual abuse and institutional responsibility for the prevention of sexual abuse. A current copy of my Curriculum Vitae is attached as **Exhibit A**.

2. I obtained my Ph.D. in Clinical Psychology and Psychological Assessment from SUNY at Binghamton in 2003. I completed a postdoctoral research fellowship at the University of Pennsylvania in 2004. (Ex. A).

3. I am currently a professor in the Psychology Department at John Jay College of Criminal Justice in New York, New York, a position I have held since 2013. Prior to being promoted to professor, I served as an associate professor (2008-2013) and an assistant professor (2003-2007) at John Jay College. (Ex. A).

4. I also work as a consultant, presenter, and trainer. I provide presentations, trainings and workshops to schools, colleges, community and parenting groups, criminal justice organizations, the military, and public and private sector companies on topics related to sexual violence prevention, sexual grooming, consent, sexual offending, sexual harassment, child abuse reporting and sex offender management. (Ex. A).

5. I also work as a researcher. A detailed list of my publications, presentations, and experience can be found in my Curriculum Vitae. (Ex. A).

6. In 2023, I was asked to review the issues in this matter and offer an opinion as to the reasonableness of the District's actions in regards to Terry Houseman including what it knew or should have known at the time of Plaintiff's alleged abuse. I thereafter conducted a review of all depositions, discovery responses, and documents produced in this matter.

7. My full report, including my analysis and conclusions, is attached as **Exhibit B**. This report and the opinions contained therein are offered to a reasonable degree of certainty, consistent with the standards and practices of my field. **Exhibit B** is incorporated into this affidavit in its entirety, as if fully set forth herein.

8. As set forth in Exhibit B, based upon my review of the evidence, and my education and expertise, I made the following determinations to a reasonable degree of certainty.

9. First, sexual abuse by educators and individuals employed in child serving organizations was not well researched or understood in the 1980s. Accordingly, it was not widely believed or understood in either the law enforcement community or the

education field that sexual abuse by educators was a threat to students that needed to be addressed. (Ex. B, p. 2).

10. The vast majority of research on child abuse concerned abuse perpetrated by parents and others in the home. (Ex. B, p. 2).

11. For example, in 1979 the U.S. Department of Health and Human Services published "The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect," which specifically addressed the role of educators in identifying abuse perpetrated by others outside of the school environment, specifically the child's parents and guardians, and does not address educator sexual misconduct at all. (Ex. B, p. 2).

12. Instead, based on the lack of data as to abuse by educators, the dearth of research on the issue and the absence of anecdotal evidence, in the 1980s the education community was focused on identifying and reporting abuse by parents and others legally responsible for a child's care per statutory requirements such as the New York Social Services Law. (Ex. B, pp. 2-3).

13. It was not until 2001 that the first large-scale study of sexual abuse in schools was commissioned by the United States Department of Education. In 2004, Carol Shakeshaft produced the commissioned report analyzing the existing research on educator sexual misconduct. (Ex. B, p. 2).

14. Shakeshaft's 2004 report, entitled "Educator Sexual Misconduct: A Synthesis of Existing Literature" found that prior to this comprehensive study, relatively little was known about the characteristics and prevalence of educator sexual misconduct. (Ex. B, p. 2).

15. Of the research reviewed by Shakeshaft, only one study was published prior to 1990, and it did not focus on educator sexual misconduct. All other studies reviewed were published after 1990. (Ex. B, p. 2).

16. The fact that this threat to students was neither understood nor well-known in the 1980s may best be evidenced by the fact that in New York State, it was not until 2001, with the passage of New York State Education Law Article 23-B, that policies and procedures for investigating and reporting abuse in the educational setting were established. In passing Article 23-B, the Legislature specifically noted that the problem of educator sexual abuse was largely unaddressed in state statute or regulation and that no standard statewide policy existed for the reporting, investigation or identification of this form of child abuse. (Ex. B, p. 3).

17. The behaviors of individuals in child serving organizations such as schools that we consider to be "grooming" today, were not understood to be warning signs of possible sexual abuse in the 1980s. (Ex. B, p. 3-4).

18. "Sexual grooming" only began to be recognized by researchers in the early 2000s. (Ex. B, p. 3).

19. The behaviors Plaintiff AB 511 Doe identifies as "grooming" would not have been recognized by the District as potential warning signs of sexual abuse based upon what was known in the 1980s. (Ex. B, pp. 3-4).

20. Officials and employees of the District could not have known that Terry Houseman was allegedly abusing Plaintiff AB 511 Doe based upon his publicly observable behavior in the school or in the community and because Plaintiff AB 511 Doe did not report the alleged abuse to anyone. (Ex. B, pp. 3-4).

21. Educator sexual abuse prevention training was not standard practice in school systems in the 1980s. (Ex. B, p. 5).

22. In the 1980s, any training given by schools regarding child abuse prevention focused on identifying and reporting abuse by parents and/or guardians, not by educators. (Ex. B, p. 5).

23. It was not until 2007 that comprehensive guidelines on the development of policies and procedures for the prevention of child sexual abuse within child serving institutions were developed and disseminated by the Centers for Disease Control and Prevention. (Ex. B, pp. 5-6).

24. In a 1994 study, Carol Shakeshaft found that very few school districts had official outlines of reporting procedures and policies when the perpetrator of abuse was a staff member or employee. There was often confusion about the legal responsibilities and reporting procedures and principals and superintendents rarely contacted law enforcement or reported the allegations to a child abuse hotline. (Ex. B, p. 6).

25. When allegations of abuse by educators arose in the District, they were handled promptly in line with standard practice at the time. (Ex. B, p. 6).

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