

EXHIBIT B

Expert Witness Report
Elizabeth L. Jeglic Ph.D.

AB 511 Doe v. Lyndonville Central School District; Lyndonville Elementary School

Overview and Purpose:

This report has been prepared at the request of Webster Szanyi LLP law firm who represent the defendant Lyndonville Central School District; Lyndonville Elementary School (LCSD/LES) in the above-captioned matter. I have been asked to render my professional opinion on items I-IV below. All my opinions are rendered to a reasonable degree of certainty based upon the materials reviewed as listed below, my expertise as a sexual violence prevention researcher and clinical psychologist, and research, legislation, and reports conducted in the field of educator sexual misconduct. Full details of my qualifications and experience entitling me to give expert opinion are listed in my curriculum vitae (see Attachment 1). As this report and my opinion are based upon information available at the time of writing as listed below, I reserve the right to amend this report should additional evidence become available.

Materials Reviewed in Formulating my Opinions:

1. Deposition of Plaintiff AB 511 Doe
2. Deposition of Russell Martino
3. Deposition of Donald Bow
4. Deposition of Joseph DiPassio
5. Deposition of Jason Smith
6. Deposition of Anthony Figurilli
7. Deposition of Kathleen Hurtgam
8. Deposition of Ruth Bane
9. Deposition of Nancy Townsend
10. Plaintiff exhibits 1-7; Exhibit 9 and DiPassio Exhibit 1
11. Plaintiff's Summons and Complaint
12. Plaintiff's Response to Defendant's First Request for Interrogatories
13. Defendant's Response to Interrogatories
14. Defendant's Response to Request for Production dated July 20, 2021
15. Plaintiff's Expert Disclosure
16. Trial Transcript from Houseman's 1990 Criminal matter (District 000001-000200)
17. Board of Education Appointment (District 000201)
18. Houseman's Personnel File (District 000202-000361)
19. 1990 Complaint against Houseman (District 000363)
20. 1990 Criminal Investigation regarding Houseman (District 000364-000384)
21. Record Retention Policy (District 000440-000606)
22. Russell Martino Personnel File (District 000613-000806)
23. Donald Bow Personnel File (District 000807-000833)
24. Lyndonville Teacher Association Agreements from 1981-1991 (District 000834-000945)

25. Board of Education Policy (Student and Personnel) Dev. 1978, Rev 1982 (District 000955-001040)
26. Board of Education Policy (Student and Personnel) 1989 (District 001041-001159)
27. Board of Education Policies (9-26-1983 BOE meeting) (District 001160)
28. Child Abuse Policy (10-24-1983 BOE meeting)(District 001161)
29. Houseman Resignation (District 001162).
30. My research and expertise in the area of sexual offending behavior, educator sexual misconduct, sexual victimization and sexual violence prevention.
31. Research, legislation, and reports in the field of sexual offending, sexual grooming, and educator sexual misconduct (see Attachment 3).

Professional Opinions and Basis for those Opinions:

- I. **It is my opinion that the sexual abuse perpetrated by those employed in child serving organizations such as schools was not well known in the 1980s.**

My opinion is based upon the historical research on child sexual abuse. In the 1970s and 80s most information about child sexual abuse focused on abuse perpetrated by strangers and family members (Lanning, 2018). The wide-spread risk of child sexual abuse by individuals employed in child serving organizations such as schools only became known to the public in the 2000s. It was early 2002 when the Boston Globe first reported on the widespread scope and cover-up of sexual abuse by priests within the Catholic Church. Similarly, allegations of sexual abuse by leaders within the Boy Scouts of America had been surfacing for decades, but it was only in 2010 that a judge ordered the release of records showing that over 12,000 boys had been abused by 7,800 Scoutmasters between 1944 and 2006. It was only in the No Child Left Behind Act of 2001, which amended Section 5414 of the 1965 Elementary and Secondary Education Act, that “a national study of sexual abuse in schools” was required. Thus, at the behest of the U.S. Department of Education, Charol Shakeshaft was asked to conduct a review of the research on educator sexual misconduct to assess the scope of the problem. In Shakeshaft’s 2004 report to the U.S. Department of Education entitled “Educator Sexual Misconduct: A Synthesis of Existing Literature”, colloquially known as the Shakeshaft Report. Relying on results from an expansive survey, in the report Shakeshaft stated that while the vast majority of schools in America are safe places, the best estimate is that 6.7% of students will experience contact educator sexual misconduct at some point in their educational career. Shakeshaft however cautioned that even given that statistic relatively little was known about the characteristics and prevalence of educator sexual misconduct and firm conclusions could not be drawn as there are few empirical studies on educator sexual misconduct and the existing studies has serious methodological limitations. Except for one study which was published in 1986 broadly examining the link between child molestation and homosexuality and was not focused on educator sexual abuse, all other empirical research reviewed in the Shakeshaft Report was published in the 1990s and 2000s. 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” however that publication authored by Broadhurst speaks specifically to 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.

In terms of policies and legislation in New York State, The Child Protective Services Act was enacted in 1973, but the text of the legislation only applied to abuse perpetrated by a parent or person legally responsible for the child and did not address sexual abuse perpetrated by educators. It was only in 1973 under this Act that school authorities became mandated reporters of child abuse. It was not until the passage of New York State Education Law Article 23-B in 2001 that standardized policies and procedures for the reporting, investigation and identification of educator sexual misconduct were implemented. This was 14 years after AB 511 Doe alleged sexual abuse by Terry Houseman at LCSD/LES.

II. It is my opinion that LCSD/LES officials and employees could not have known that Terry Houseman was abusing Plaintiff AB 511 Doe based upon his publicly observable behavior in the school or in the community.

My opinion is based upon the depositions of former teachers Ruth Bane, Anthony Figurilli, Nancy Townsend and Kathleen Hurtgam and former Principal Russell Martino who all worked with Terry Houseman at LCSD/LES for multiple years. None of the educators reported witnessing inappropriate behavior, hearing rumors of inappropriate behavior or suspecting Terry Houseman of engaging in inappropriate behavior with children. All stated in their depositions that if they had seen or suspected that Terry Houseman was abusing children that they would have reported it to the principal. Plaintiff AB 511 Doe reported in his deposition that he believed that Ruth Bane witnessed Terry Houseman sexually abusing him in the classroom but in her deposition, Ruth Bane denied that she ever witnessed anything and stated that if she had witnessed abuse, she would have reported it immediately.

During the time frame that Terry Houseman was alleged to have perpetrated the sexual abuse on AB 511 Doe (1986-87), sexual grooming had yet to be identified by researchers and law enforcement and thus behaviors which today could be construed as sexual grooming such as putting his arm around students were viewed positively by Principal Martino as an indication of a caring teacher. In his deposition Plaintiff AB 511 Doe reported that he never told anyone about the abuse, and he does not think that the LCSD/LES administrators knew he was being abused at the time.

The research on child sexual grooming only began in the 2000s with theoretical papers and case studies (see Craven et al., 2006; McAlinden, 2006). The empirical study of child sexual grooming then started in the 2010s (Williams, 2015; Williams & Hudson, 2013; Wolf et al., 2018). However, it was only in 2020 that Winters and colleagues developed and content validated the Sexual Grooming Model (SGM) of child sexual grooming in which a list of 42 specific sexual grooming behaviors and tactics employed by those who abuse children was empirically derived. Subsequently in 2022 a universal definition of child sexual grooming was proposed (Winters et al., 2022) and a measure of child sexual grooming was developed (Winters & Jeglic, 2022). Furthermore, the first empirical study identifying “red flag” sexual grooming behaviors which identify specific sexual grooming behaviors that are indicative of child sexual abuse and differentiate them from normal adult-child interactions was just published in 2023 (Jeglic et al., 2023).

It was not until 2011, when it was revealed that Penn State football coach Jerry Sandusky had been abusing minors for over 15 years that the public was introduced the term sexual grooming (Winters & Jeglic, 2016). Current research suggests that sexual grooming is subject to a hindsight bias and that sexual grooming behaviors are more easily identified retrospectively (i.e., after they know sexual abuse has occurred), and even today people may have a difficult time recognizing potentially predatory sexual grooming behaviors especially those that

do not involve sexual content or touch (Spensard & Cash, 2022; Winters & Jeglic, 2016; 2017). Also, most sexual grooming behaviors mirror caring adult-child interactions, and it is only their nefarious intent (which is not easily visibly discerned) that determines whether the intent of the behavior or tactic is to groom the child for sexual abuse (Winters et al., 2020).

It should also be noted that in a manual prepared by Broadhurst in 1979 for the National Center on Child Abuse and Neglect entitled "The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect" she describes the physical and behavioral indicators of child sexual abuse as known at the time to include:

Physical Indicators	Behavioral indicators
<ul style="list-style-type: none"> • Difficulty in walking/sitting • Torn, stained or bloody underclothing • Pain or itching in genital area • Bruises or bleeding in external genital, vaginal or anal areas • Venereal diseases, especially in pre-teens • Pregnancy 	<ul style="list-style-type: none"> • Unwilling to change for gym or participate in physical education class • Withdrawal, fantasy or infantile behavior • Bizarre, sophisticated or unusual sexual behavior or knowledge • Poor peer relationships • Delinquent or run away • Reports of sexual assault by caretaker

None of the physical or behavioral indicators of sexual abuse as listed in the table above were reported to officials or employees at LCSD/LES by Plaintiff AB 511 Doe or his parents as stated in his deposition, nor were any of these indicators reported to be observed by any of the teachers as reported by Ruth Bane, Anthony Figurilli, Nancy Townsend or Kathleen Hurtgam or Principal Russell Martino in their depositions.

Further, in the 1980s it was not uncommon for teachers in rural communities to be involved with their community including participation in activities with students and their families outside of the school setting. Lyndonville, New York is a "is a small rural village located in Orleans County midway, between Buffalo and Rochester. Income is derived primarily from agriculture, particularly orchards and dairy farms." (www.lyndonvillecsd.org/page/district). In a 1982 report to the National Institute of Education entitled "the Preparation and Certification of Teachers for Rural and Small Schools", Gardener and Edington state that "In the rural or small school community, the teacher can and should become more involved with community activities. The teacher knows and is known by everyone in the community. This closeness to the people often results in the teachers becoming the leaders within the community. They must, therefore, be able to use the resources available within their community' as well as to work with the community." Other articles on rural education in the period emphasize the relationships, connectedness and emotional closeness that rural teachers and administrators work to create with rural students and their families. As such, in a rural community such as Lyndonville in the 1980s, it would not have been considered unusual for a student to spend time outside of school with an educator with the parents' permission. Educators in rural communities often had multiple roles and relationships with their students and their families outside of the classroom that did not involve the school. For example, teachers Kathleen Hurtgam, Nancy Townsend and their children were part of the 4-H club with Terry Houseman and his wife. Russell Martino stated in his deposition that it was not uncommon for students to be sleeping over at teachers' houses as many of the teachers lived in the community and had children who were also students at LCSD/LES and so their friends were often in the teachers' homes. As

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.