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## **Study of State Policies to Prohibit Aiding and Abetting Sexual Misconduct in Schools**

### **Task 3.3 OMB Package Second Draft Appendix D, Study Overview**

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SRI Project P25500

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## Study of State Policies to Prohibit Aiding and Abetting Sexual Misconduct in Schools

Section 8546 of the *Elementary and Secondary Education Act of 1965 (ESEA)*, as reauthorized by the *Every Student Succeeds Act of 2015 (ESSA)*, requires that states, state education agencies (SEAs), and local school districts that receive ESEA funds have laws, regulations, or policies in place to prohibit aiding and abetting sexual misconduct. Too often, teachers or other school staff who have engaged in sexual misconduct with a student or minor at one school have been able to obtain employment at another school, without that other school ever learning of the prior misconduct. Under Section 8546, every state must have laws, regulations, or policies that prohibit the SEA, a district, a school, or any school employee, contractor, or agent, from assisting an individual in obtaining new employment if they know, or have probable cause to believe, that the individual has engaged in sexual misconduct with a student or minor in violation of the law.

The U.S. Department of Education is conducting a study that will examine SEAs' implementation of laws and policies to prohibit aiding and abetting sexual misconduct in schools, the challenges SEAs have encountered implementing the requirements of Section 8546, and how they have addressed these challenges. The study will not determine the extent to which each state is complying with Section 8546. Rather, the Department seeks to understand how states are addressing federal requirements in order to inform its technical assistance efforts. The Department also expects to share information about the most prevalent features of state laws and policies designed to prohibit aiding and abetting of sexual misconduct in schools.

The study is being conducted under contract to the Department by SRI International (SRI), in partnership with Policy Studies Associates (PSA) and Magnolia Consulting. The study has two parts: (1) a systematic review of publicly available state documents related to Section 8546, including state statutes, pending legislation, and regulations from all 50 states, Washington, D.C., Puerto Rico, and the island territories (American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands); and (2) interviews with knowledgeable SEA staff in all 56 jurisdictions about their jurisdiction's laws and policies to prohibit aiding and abetting of sexual misconduct in schools.

The study will address the following questions:

1. To what extent do states have statutes, legislation, or regulations that prohibit aiding and abetting continued employment of school employees, contractors, or agents who have engaged or allegedly engaged in sexual misconduct with a student or minor?
2. How did states develop statutes, legislation, regulations, and/or policies to address Section 8546?
3. How are SEAs implementing statutes, regulations, and/or policies that prohibit aiding and abetting continued employment of school employees, contractors, or agents who have engaged in sexual misconduct with a student or minor?
4. What challenges have SEAs faced in implementing the requirements of Section 8546?

The study team will produce a final report that will aggregate findings from interviews and document reviews across states. The report may also include state-by-state tables based on an analysis of public documents. States will have the opportunity to review and verify these tables before the report's release. The final report is planned for public release in spring 2021.

For additional information about the study, please contact:

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