

mecasa

MAINE COALITION AGAINST SEXUAL ASSAULT

February 24, 2026

Senator Rafferty, Representative Murphy, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Lisa Råvar, and I am offering testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's sexual violence prevention and response programs as well as Maine's Children's Advocacy Centers. MECASA initiates and advocates for victim-centered public policy; provides expert training, technical assistance, and resources for providers and partners; and funds the service providers in your communities.

MECASA is here today in support of LD 2192, "An Act to Protect Students by Ensuring Schools Have Complete Information About School Employees and Applicants for Employment." Thank you to Senator Rotundo for sponsoring this important legislation.

Whatever our work, we all share a commitment to keep children safe, whether they are in their homes, the community, or schools. Studies in the last two decades have used student-reported survey data to estimate that between 10–17% of young people have experienced K-12 educator sexual misconduct.¹ Most school employees do not cause harm, but the few who do succeed by abusing the trust, power, and access they have with young people.

Since 2020, all jurisdictions have required criminal background checks for school employees, but background checks alone are not always comprehensive and have not always protected children from employees who have caused harm, been discovered, but as part of the system, have been able to move on and harm again. Instead, a thorough and coordinated approach that involves prospective applicants, their current and former employers, prospective employers, and departments of education together can close the loopholes that have allowed those who have committed abuse in one school to abuse again

¹ National Center to Stop Educator Sexual Abuse Misconduct and Exploitation. 2025. National Blueprint: Understanding and Preventing Sexual Misconduct and Abuse by K–12 School Employees. Accessed: <https://www.ncsesame.org/files/ugd/b75d1baee450e8b2a94b28aceae4296798ed52.pdf>

in another. Research indicates that as many as 1 in 3 school employees who sexually abused a child in a K-12 setting had multiple victims. According to one study, one teacher can have as many as 73 victims.²

As of 2024, at least 18 states and the District of Columbia have enacted comprehensive laws to address educator sexual misconduct and abuse by requiring new standard practices to screen prospective employees and to prohibit schools from enabling school employees engaged in sexual misconduct to secure positions in other schools through confidentiality agreements aimed at suppressing information about the misconduct. These laws are simply about sharing vital information and communicating well, and they go a long way toward better ensuring children's safety while they are in school. LD 2192 follows the lead of these states by proposing to require:

- Applicants to provide employment history information; written authorization to consent to the disclosure of an employee's records and release of the former and current employers from liability; and a written statement as to whether the applicant has ever been the subject of an investigation for behavior that endangers the health, safety, or welfare of a student or another employee;
- Potential employers to contact prior and current employers to verify an applicant's work history, to request information of the applicant's dates of employment and a statement as to whether the applicant has ever been the subject of an investigation for behavior that endangers the health, safety or welfare of a student or another employee, to check the eligibility for employment or certification status and whether the applicant has been the subject of professional discipline, and to request records of previous investigations from the Department of Education;
- Current and former employers to provide all requested information to prospective employers; and
- That no school may enter into a collective bargaining agreement, employment contract, agreement for resignation or termination, a severance agreement or any other contract or agreement or take any action that interferes with the operation of mandated reporting of suspected abuse or neglect that suppresses information relating to an ongoing investigation related to a report of suspected abuse by a current or former employer. Any collective bargaining agreement, employment

² Government Accountability Office. (2010). K-12 education: Selected cases of public and private schools that hired or retained individuals with histories of sexual misconduct. United States Government Accountability Office, GAO-11-200.

contract, agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after the enactment of this bill would be void.

We know that sexual misconduct does not happen out of nowhere; it is preceded by ethical and boundary violations that serve both to develop trust with minors (and even adults in minors' lives) and to help people avoid detection. These behaviors might not be considered criminal and therefore would not raise red flags in a criminal background check. However, these violations (like sending dressed but sexy images to a student, playing with a student's hair, or making suggestive jokes) would be grounds for an investigation.

Importantly, as such, LD 2192 also requires schools to notify DOE if an employee who is being investigated leaves employment before the investigation is complete and to ask DOE about any current or previous investigations. The bill also clarifies that upon learning of alleged misconduct by an employee, a school must begin an investigation – no formal complaint is necessary – and once a school begins an investigation, it must complete the investigation. Finally, LD 2192 requires a school to immediately notify DOE if an employee is disciplined, suspended, or terminated because of a covered investigation in which the school determined that a student's health, safety, or welfare was endangered.

Schools' responses matter for survivors' healing after harm has occurred. "Institutional betrayal" is caused when a place that was supposed to keep someone safe failed to protect, actively covered up, or retaliated against them when they reported abuse; it compounds harm and deters future help-seeking. "Institutional betrayal" can both exacerbate and cause psychological harm, like PTSD, anxiety, and depression.

What is the antidote to institutional betrayal? Psychologist Jennifer Freyd has described the concept of "institutional courage": institutions engaging in accountability, transparency, and support of individuals who are harmed within their care. Though this bill requires more coordinated communication by all parties, the purpose cannot be understated. It is a shared responsibility to better keep children safe, and this bill, dare we say, *courageously* codifies the steps to do that in the school setting.

We would also like to bring to your attention two related recommendations from the 20th Annual Report of the Right to Know Advisory Committee (RTKAC), which were presented to the Joint Standing Committee on Judiciary this session. The RTKAC recommended 1) amending Title 20-A, section 13025 to require a school entity to notify the Department of Education immediately if a credential holder who is facing allegations that are the subject of, or would have triggered a covered investigation, leaves the school entity's employment for any reason prior to the conclusion of the covered investigation, and 2) requesting that the Maine School Management Association work with school districts to encourage the adoption of a question in their hiring forms asking if a potential employee has ever resigned over allegations of misconduct or an investigation into misconduct from a previous employer. The first recommendation requiring notice to the Department if an employee

leaves prior to the completion of an investigation is incorporated in LD 2192, and we strongly support this. Though well-intentioned, the second recommendation that only encourages the inclusion of a question regarding misconduct on an application form is not enough to ensure that this information will be disclosed. Therefore, when considering this issue, we encourage you to follow the comprehensive proposals in LD 2192 to specifically include this disclosure by a prospective employee. (The Judiciary Committee has not yet scheduled public hearings on the RTKAC's proposed legislation.)

For these reasons, we strongly support the bill. Thank you for your consideration. We hope you will support LD 2192 and would be pleased to answer any questions now or at the work session.

About Maine's Sexual Assault Service Providers

One in five Mainers will experience sexual assault at some point in their lifetime.³ Each year, 19,000 Mainers will experience sexual violence.⁴

Maine's sexual violence service providers provide free and confidential services across the state to victims/survivors of sexual harassment and sexual assault and those close to them, as well as to individuals who wish to increase their understanding of the issues. Just some of the services include a 24-hour statewide sexual assault helpline, crisis intervention and information, support groups, in-person accompaniment and advocacy through the medical and legal systems, and school- and community-based prevention education. Services are provided for a victim/survivor regardless of when they experienced sexual violence, and regardless of what type of sexual violence they experienced. Types of sexual violence include, but are not limited to, sexual harassment and gender-based bullying, child sexual abuse, elder sexual abuse, stalking, sex trafficking, and sexual violence within an intimate partner relationship.

24/7 Confidential

Maine Sexual Assault Helpline: 1-800-871-7741

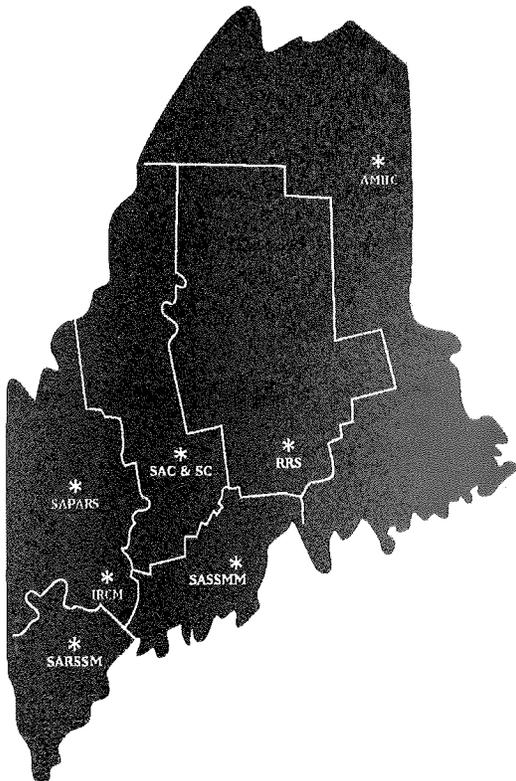
³ Murray, C., Dumont, R & Shaler, G. (2022). *Maine Crime Victimization Report: Informing public policy for safer communities*. Maine Statistical Analysis Center. University of Southern Maine.

⁴ *Ibid.*

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MAINE COALITION AGAINST
SEXUAL ASSAULT

info@mecasa.org | mecasa.org
207-626-0034



STATEWIDE
SEXUAL ASSAULT HELPLINE
1-800-871-7741

Free. Private. 24/7.

MAINE'S SEXUAL ASSAULT SUPPORT CENTERS

AMHC Sexual Assault Services (AMHC)

Serving Aroostook, Hancock, & Washington Counties •
amhcsas.org

Immigrant Resource Center of Maine

Serving Androscoggin & Cumberland Counties • ircofmaine.org

Rape Response Services (RRS)

Serving Penobscot & Piscataquis Counties • rronline.org

Sexual Assault Prevention & Response Services (SAPARS)

Serving Androscoggin, Oxford & Franklin Counties and the towns of
Bridgton & Harrison • sapars.org

Sexual Assault Crisis & Support Center (SAC & SC)

Serving Kennebec & Somerset Counties • silentnomore.org

Sexual Assault Response Services of Southern Maine (SARSSM)

Serving Cumberland & York Counties • sarssm.org

Sexual Assault Support Services of Midcoast Maine (SASSMM)

Serving Eastern Cumberland, Sagadahoc, Knox, Waldo & Lincoln
Counties • sassmm.org

MORE SEXUAL VIOLENCE SERVICES

Maine TransNet • mainetrans.net • info@mainetransnet.org

Wabanaki Women's Coalition • wabanakiwomenscoalition.org
207-763-3478

Aroostook Band of Micmacs, Domestic & Sexual Violence
Advocacy Center • 207-551-3639

Houlton Band of Maliseets, Domestic & Sexual Violence
Advocacy Center • 207-532-6401

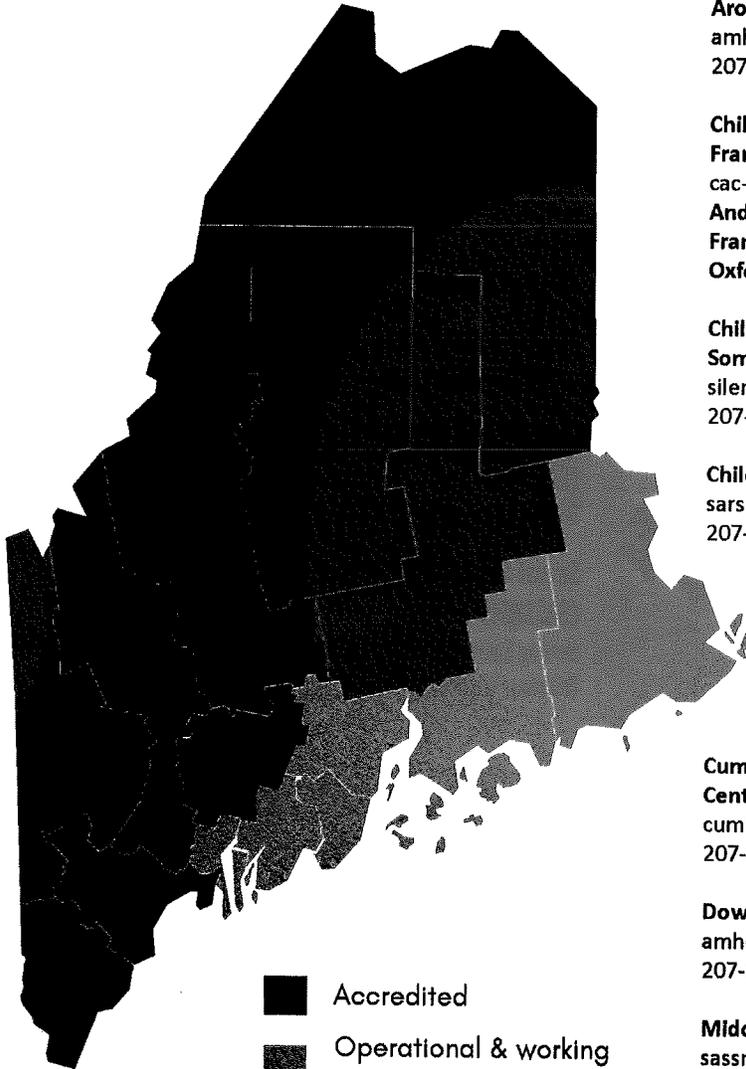
Indian Township Passamaquoddy, Domestic & Sexual
Violence Advocacy Center • 207-214-1917

Passamaquoddy Peaceful Relations • 1-877-853-2613

Penobscot Indian Nation, Domestic & Sexual Violence
Advocacy Center • 207-631-4886



Maine's Children's Advocacy Centers



Aroostook County Children's Advocacy Center
amhcsas.org
207-472-6134

**Children's Advocacy Center of Androscoggin,
Franklin, and Oxford Counties**
cac-afco.org
Androscoggin: 207-784-0436
Franklin: 207-778-9777
Oxford: 207-739-1228

**Children's Advocacy Center of Kennebec &
Somerset Counties**
silentnomore.org/about-our-cac
207-861-4491

Children's Advocacy Center of York County
sarsmm.org
207-459-2380

**Cumberland County Children's Advocacy
Center**
cumberlandcountycac.org
207-879-6160

Downeast Children's Advocacy Center
amhcsas.org
207-255-3687

Midcoast Children's Advocacy Center
sassmm.org
207-522-7162

Penquis Children's Advocacy Center
penquiscac.org
207-974-2469

**COMPARISON OF STATES THAT HAVE ENACTED LAWS TO
PROTECT STUDENTS IN SCHOOLS BY SCREENING POTENTIAL
EMPLOYEES & DISCLOSING MISCONDUCT**

Table of Contents

California	2
Colorado	3
Connecticut	4
Illinois	5
Indiana	6
Iowa	7
Maryland	8
Massachusetts	9
Michigan	9
Missouri	10
Montana	11
Nevada	11
New Jersey	12
North Dakota	13
Oregon	13
Pennsylvania	14
Vermont	15
Washington	16

California

Assembly Bill No. 2534, c. 570 (amends Sec. 44939.5 of Ed. Code)

SB 848 signed into law 10/7/25, eff. 1/1/2026 - enhances school safety

Applicant Requirements

Must provide info about every school where previously employed.

Prospective Employer Requirements

Must contact all prior school employers to verify history and ask whether that employee “was the subject of any credible complaints of substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the commission.”

*Enhanced employment screening for all applicants, not just certified applicant positions.

Previous and Current Employers Duties to Prospective Employers

Must disclose to potential employer all relevant info of credible complaints against applicant of egregious misconduct required to be reported to credentialing commission; must provide a copy of all relevant information that was reported to the commission within its possession; districts may not expunge records of egregious conduct.

Other Duties of Previous & Current Employers & Depts. of Ed

Must report changes in employment status of the credential holder to the credentialing commission within 30 days of change in employment status as a result of an allegation of misconduct or while an allegation of misconduct is pending, is dismissed, is nonreelected, resigns, is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse action, retires, or is otherwise terminated by a decision not to employ or reemploy; must disclose to commission if employee resigns while investigation pending.

NDA's & Suppression of Information

All schools and education departments prohibited from entering into private agreements with employees that circumvent mandatory disclosure, reporting, or expungement of egregious misconduct from an employee's personnel file.

Civil Immunity Against Liability for Disclosure

Provides employers immunity against liability for providing required information.

Additional Information

If costs incur to school district from carrying out requirements, they will be reimbursed to the school.

Note:

***SB 848 strengthened AB 2534 – just took effect 1/1/26** - Requires enhanced employment screening for all applicants, whether certified or noncertified in schools.

Expands the definition of “sex offense” in education Code to include contacting a minor with the intent to commit a felony against them, which can include serious felonies like sexual offenses; solicitation of a minor for lewd purposes, and second conviction of felony sexual offense with a minor – this means that as of 1/1/2026, moving forward, no one who has been convicted of these crimes can be hired or retained in employment by a K-12 school district, county office of education, K-12 charter school, State special school, or diagnostic center operated by the CDE.

Expands application of prohibition of agreements not to report credible complaints of egregious misconduct to private schools and diagnostic centers operated by CDE.

Beginning July 1, 2026, requires adoption of written policies addressing professional boundaries between students and school employees; students and adult volunteers; students and contractors/vendors; among and between students; and among and between adults employed, volunteering, or under contract with the educational institution; written policies must also explicitly establish appropriate limits on communication during or outside of the school day.

Expands definition of mandated reporters and revisions to content of mandated reporter training; includes expanding definition of “mandated reporters” to include all school employees; volunteers; contractors; and governing board members.

Creates and implements student instruction on the topic of preventions of sexual abuse and assault and authorizes but does not require instruction.

Effective 7/1/27 - Creation of new statewide database operated by the CTC and new reporting requirements, contingent on funding.

Colorado

Senate Bill 21-017

Applicant Requirements

Applicant must provide written authorization to allow previous or current employer to release records.

Prospective Employer Requirements

Must check with DOE to see if applicant ever dismissed or resigned due to allegation of unlawful sexual behavior or allegation of sexual act w/ student 18 or older.

Previous and Current Employers Duties to Prospective Employers

Must share details regarding an applicant's work-related skills, abilities, habits, and the reasons for their separation from employment.

Other Duties of Previous & Current Employers & Depts. of Ed

Must notify DOE when employee is dismissed due to allegations of sexual misconduct with student.

NDA's & Suppression of Information

Schools prohibited from entering into a private agreement that prohibits them from sharing information about an employee's history of sexual misconduct with the department or another school.

Civil Immunity Against Liability for Disclosure

Provides immunity from civil liability for disclosing this information unless the district knew or should have reasonably known that the information was false.

Additional Information

DOE must adopt rules defining standards of unethical conduct involving sexual act between an applicant or employee and a student.

Connecticut

Public Act No. 16-67

Applicant Requirements

Must list contact info of each of former employers at which they had contact with children; provide written authorization to school to access their employment records and exempt the school from liability for accessing them; provide written statement of whether: has ever been subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless investigation resulted in a finding that all allegations were unsubstantiated; disclose whether has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while allegation of abuse, neglect or sexual misconduct was pending, or has ever had professional or occupational license or certificate suspended or revoked or ever surrendered a license or certificate while investigation of sexual misconduct pending or under investigation.

Prospective Employer Requirements

Must conduct review of applicant's former employers to verify history using form developed by DOE, getting the dates of employment and a statement whether the applicant has ever been the subject of a sexual misconduct investigation for which there is a result pending or whether applicant was ever disciplined or had a license revoked due to sexual misconduct; must request information from DOE concerning eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit, whether the department has knowledge that a finding has been substantiated of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

Previous and Current Employers Duties to Prospective Employers

Must disclose requested information.

Other Duties of Previous & Current Employers & Depts. of Ed

DOE to share information when requested by a school regarding whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, and any information concerning such a finding, and whether the department has received notification that the applicant has been convicted of a crime or has criminal charges pending.

NDA's & Suppression of Information

Schools prohibited from entering into agreements that suppress information about investigations into an employee's suspected abuse or sexual misconduct.

Civil Immunity Against Liability for Disclosure

Provides schools immunity from liability for accessing and releasing personnel records required, unless knowingly supply false information.

Illinois

Public Act 102-0676; Public Act 102-0702;

105 ILCS 5/22-94

Applicant Requirements

Must complete form disclosing whether subject of past allegation of sexual misconduct, whether previous employment ended due to finding of misconduct or while investigation pending, and whether license, certificate or application for either ever suspended, surrendered or revoked during an investigation of allegations of sexual misconduct; must also complete another form authorizing the release of information regarding any sexual misconduct with children.

Prospective Employer Requirements

Schools must conduct an employment history review of applicants, including sending applicant's forms to former and current employers and asking whether the potential employee has a history of sexual misconduct (includes but is not limited to any act that is verbal, nonverbal, written, or electronic communications or physical activity, by an employee or agent of the school district, charter school or nonpublic school with direct contact with a student that is directed towards or with a student to establish a romantic or sexual relationship with the student, with students, including investigations, discipline related to allegations.

Previous and Current Employers Duties to Prospective Employers

Must provide requested information to prospective employers.

Other Duties of Previous & Current Employers & Depts. of Ed

Superintendents must notify the State Superintendent of Ed. and applicable regional superintendent of schools if the superintendent has reasonable cause to believe that a license holder committed an act of sexual misconduct that resulted in license holder's dismissal or resignation from the school district

Provisions requiring an employer to review and delete records concerning disciplinary actions that are more than 4 years old do not apply to a school district sharing information related to an incident or attempted incident of sexual misconduct.

NDA's & Suppression of Information

Prohibits separation agreements that conceal findings of sexual misconduct.

Civil Immunity Against Liability for Disclosure

Provides immunity from liability provided to former and current employers that share records of misconduct.

Additional Information

Districts must adopt and distribute a policy defining "sexual misconduct, "including electronic, verbal, or physical actions aimed at establishing a romantic relationship with a student—and setting boundaries for staff-student interaction.

Illinois State Bd. of Ed. provided a Sexual Abuse Response and Prevention Resource Guide to assist schools in educating staff and responding to incidents.

Indiana

SB 342

Applicant Requirements

Applicant must provide written authorization for release of records to prospective employer.

Prospective Employer Requirements

May not hire anyone who is required to wear an ankle monitor as the result of a criminal conviction; who engaged in grooming behaviors in an academic environment; who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at any school, if the agreement included a nondisclosure agreement covering the alleged misconduct; or (3) who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity, "unless a majority of the members elected or appointed to the governing body of the school corporation, or the equivalent body for a charter school, approves the hire or contract as a separate, special agenda item, or unless the school administrator of a state accredited nonpublic school informs the administrator's appointing authority of the hiring.

Previous and Current Employers Duties to Prospective Employers

Requires schools to consider using more comprehensive expanded criminal history background check for employment.

Requires a school that receives a reference request from another school to disclose specified incidents to the requesting school.

Other Duties of Previous & Current Employers & Depts. of Ed

If school hires someone who has committed sexual misconduct or other certain offenses, the school must: (1) notify the DOE in writing of the hiring; (2) explain why hiring was necessary; and (3) set forth the school's plan to protect the safety of students.

Civil Immunity Against Liability for Disclosure

Provides immunity from civil liability to schools disclosing factual information in good faith.

Iowa

IA HF 430

Prospective Employer Requirements

Must contact all of applicant's former school employers and view board of ed. examiners' public license information to determine if applicant has a case pending with a finding of probable cause or any licensure sanction.

Previous and Current Employers Duties to Prospective Employers

Must maintain reference information for all employees and respond to requests from prospective employers.

Not required to disclose unfounded, closed investigations.

Other Duties of Previous & Current Employers & Depts. of Ed

If a school employee is being investigated for misconduct and resigns or is fired during an investigation, school board must provide all documentation and information related to the incident to the board of educational examiners for investigation.

School's governing body is required to complete an investigation even if the employee resigns or is terminated.

NDA's & Suppression of Information

Prohibits schools from entering into any agreements that waive liability of a school employee for sexual misconduct or other past allegations of wrongdoing.

Prohibits schools from entering into agreements prohibiting discussion of teacher or other school employee's past sexual misconduct, allegations or resignation with any governmental agent, governmental officer, or any potential employer.

Civil Immunity Against Liability for Disclosure

Provides schools immunity from civil and criminal liability for sharing information about employee's misconduct, if they do not knowingly share false information, with potential employer or government agent.

Additional Information

A school employee or school governing body that is found to have failed to follow investigation or reporting process, or to have concealed information about it, is subject to a hearing by the board of ed. examiners.

Board is required to submit an annual report on the number of disciplinary hearings and trends to the General Assembly.

All written complaints filed must be collected and retained.

If board determines written complaint is not founded, complaint and all records related to complaint must be kept confidential.

Maryland

HB 486; HB 373

Applicant Requirements

Must provide information regarding any past allegations, investigations or findings of child sexual abuse or misconduct, consent to review of employment history.

Prospective Employer Requirements

Must contact current and former employers for applicants who have direct contact with minors for records regarding child sexual abuse or sexual misconduct.

Must verify employment history and current certification and eligibility.

May hire applicant for up to 60 days pending review of history.

Previous and Current Employers Duties to Prospective Employers

Must send requested information to prospective employer within 20 days.

NDA's & Suppression of Information

Prohibits confidentiality agreements that hide information about investigations or findings of child sexual abuse.

Civil Immunity Against Liability for Disclosure

Provides immunity from liability for disclosure of records made in good faith.

Additional Information

Law modeled after MA bill (pending)

Massachusetts

(pending)

Additional Information

Strict laws on mandatory reporting suspected child abuse; do not require physical evidence or corroborating reports to start abuse investigation.

Michigan

Section 8548 and compiled laws related to

Applicant Requirements

Must provide written authorization for current and former employers to disclose employment information and records; a written release of current and former employers from liability for providing information about unprofessional conduct; a written statement disclosing any criminal convictions and unprofessional conduct; contact information for all current and former employers; written consent for a criminal history check.

Prospective Employer Requirements

Must request current and former employers to disclose any unprofessional conduct; require an applicant to release all current and former employers from liability for providing records documenting unprofessional conduct; request an applicant's current or previous employer to provide information about the applicant's unprofessional conduct; request an applicant's current or previous employer to provide results of a criminal history check.

Previous and Current Employers Duties to Prospective Employers

Must make available copies of personnel record documents related to unprofessional conduct of applicant; within 15 days after being notified or learning from that an employee who holds an educator credential convicted of criminal sexual conduct must notify the superintendent of public instruction; retain personnel files for employees cited for unprofessional conduct for not less than 50 years after the individuals are no longer employed by the district; retain all other personnel files for not less than 6 years after the individuals are no longer employed by the district; respond to prospective employers' requests for information about unprofessional conduct within 20 business days; respond to prospective employer requests for results of criminal history checks.

Other Duties of Previous & Current Employers & Depts. of Ed

Within 60 days after receiving a criminal history report that discloses a felony conviction, notify the Michigan Department of Education.

NDA's & Suppression of Information

Provides immunity from civil liability when providing information about a current or former employee's job performance or unprofessional conduct to a prospective employer, provided acting in good faith.

Civil Immunity Against Liability for Disclosure

Schools are prohibited from entering into agreements (such as severance packages) that suppress information about an employee's unprofessional conduct or expunge such information from personnel files.

Missouri

SB 1212 ; HB 604; SB 81

Applicant Requirements

Must disclose employment history.

Prospective Employer Requirements

Must conduct background checks and prior employers request information regarding employment history, especially related to student safety.

Previous and Current Employers Duties to Prospective Employers

Must pass on information relating to any former employee who was found to have violated their policies due to sexual misconduct with a student; prevents schools that have fired or dismissed an employee for sexual misconduct with a student from failing to mention those allegations in a reference for the employee.

Other Duties of Previous & Current Employers & Depts. of Ed

Every school district must adopt a written policy on information that the district may provide about former employees to other public schools; must fire employees found by the department of children's services to have engaged in sexual misconduct with a student; protects employees who report sexual misconduct from retaliation; must report to child protective services within 24 hours if a student reports alleged sexual misconduct by a teacher or school employee; prohibits the school from conducting an investigation for the purposes of determining whether the allegations should be substantiated - a district may investigate the allegation only for the purposes of making a decision regarding the alleged abuser's employment - not to determine if the suspected abuse should be reported to officials.

NDA's & Suppression of Information

Provides civil immunity to school district employees who report or discuss employee job performance for the purpose of making employment decisions that affect the safety and overall well-being of a student or students, if done in good faith and without malice.

Civil Immunity Against Liability for Disclosure

Per SB 81, after August 28, 2025, all current NDAs voided and makes those covering child sexual abuse (CSA) unenforceable; state law prohibits confidentiality agreements that conceal sexual misconduct allegations in certain contexts.

Additional Information

Holds school district liable for damages and third-party liability if a district's employee has been alleged to have abused and the district dismisses the employee, allows the employee to resign, and fails to disclose allegations in a reference to another school district, or when responding to a potential employer's request for information regarding the employee, fails to disclose the information

Montana

SB 132

Other Duties of Previous & Current Employers & Depts. of Ed

"No officer, trustee, employee, agent, or contractor of a school, school district, county superintendent of schools, or the state superintendent of public instruction and who knows or has probable cause to believe that a current or former school employee, contractor, or agent has committed or has attempted, solicited, or conspired to commit an act with a child or enrolled student that constitutes a violation of Montana's sexual abuse law, may assist that school employee, contractor, or agent in obtaining new employment apart from the routine transmission of administrative and personnel files." (applies to both public and nonpublic schools)

Nevada

AB No. 362

Applicant Requirements

Must provide information about employment history and written authorization for previous employers to release information about employment history; providing false information or failing to disclose relevant information is a misdemeanor.

Prospective Employer Requirements

Schools hiring for positions that have direct contact with pupils must verify employment history information received from applicants, ensure that the applicant has a license (if one is required), and verify that DOE has not received notice that the applicant is a defendant in a criminal case.

Previous and Current Employers Duties to Prospective Employers

Must provide requested records, including employment dates, position titles, performance evaluations, and records of disciplinary actions.

Other Duties of Previous & Current Employers & Depts. of Ed

Schools may not assist an employee who has engaged in sexual misconduct with a minor with obtaining new employment.

NDA's & Suppression of Information

Provides immunity from civil liability when disclosing employee misconduct records to prospective school employers, provided the disclosure is made in good faith.

Civil Immunity Against Liability for Disclosure

Prohibits schools from suppressing information relating to an investigation concerning the report of suspected abuse or sexual misconduct by a current or future employee.

New Jersey

NJS Title 18A, Chapter 6

Applicant Requirements

Must provide dates and contact information for current and former employers for last 20 years; must provide a written statement to prospective employer disclosing any child abuse or sexual misconduct allegations; a written authorization and release for records and liability of employers; written statement as to whether been subject of any child abuse or sexual misconduct investigation, unless unsubstantiated; written statement as to whether disciplined, discharged, nonrenewed, or asked to resign while allegations under investigation or due to an adjudication; has ever had license or certificate suspended, revoked or surrendered while allegations were pending or under investigation.

Prospective Employer Requirements

Must contact all current and former employers and conduct employment history of applicant before can hire applicant for position having regular contact with children; must contact former and current employers and request information to verify employment history and regarding child abuse and sexual misconduct allegations.

Previous and Current Employers Duties to Prospective Employers

Within 20 days must provide information requested by prospective employer.

NDA's & Suppression of Information

NDA's are void and unenforceable - current or former employers must disclose sexual misconduct of employee to prospective employer.

Civil Immunity Against Liability for Disclosure

Provides current and former employers immunity from liability that may arise from the disclosure or release of records employee records.

Additional Information

Holds school district liable for damages and has third party liability, if a school district's employee has been alleged to have abused and the district dismisses the employee, allows the employee to resign, and fails to disclose.

North Dakota

HB No. 1082

Other Duties of Previous & Current Employers & Depts. of Ed

Any school entity receiving federal funds under Section 8546 of the ESEA, is prohibited from aiding or abetting a school employee from obtaining a job in another school, if the individual or agency knows, there is confirmation, or there is an investigation into whether the employee engaged in sexual misconduct with a minor or student in violation of law; violation is Class B misdemeanor.

Exceptions – this does not apply if the employee has been exonerated or acquitted of the misconduct, or if the investigation remains open but no charges were filed within one year of the date when it was reported to law enforcement.

Oregon

HB 2062; HB 2184

Chapter 93 Oregon Laws 2009

Applicant Requirements

Must submit a list of current and past employers and provide written authorization and release of information and documentation from those employers.

Prospective Employer Requirements

Must verify list of applicant's current and former employers who are education providers; request records including whether the applicant has been the subject of a substantiated report of child abuse or sexual conduct, or is the subject of an ongoing investigation related to a report of suspected child abuse or sexual conduct; whether the applicant was the subject of any substantiated reports of child abuse or sexual conduct related to the applicant's employment with the education provider; dates of any substantiated reports; definitions of child abuse and sexual conduct used by the education provider when the education provider determined that any reports were substantiated; and standards used by the education provider to determine whether any reports were substantiated; any disciplinary records required to be released for an applicant who is licensed, registered or certified with the Teacher Standards and Practices Commission, access online information provided by the commission to verify: that the applicant is licensed, registered or certified by the commission; and whether the commission has provided any information relating to conduct by the applicant that may constitute child abuse or sexual conduct.

Previous and Current Employers Duties to Prospective Employers

Education providers must provide records upon request – includes all of applicant’s conduct that is known by the employer, regardless of whether the conduct occurred before, on or after July 1, 2010 (when law was enacted – retroactivity was challenged and affirmed).

Other Duties of Previous & Current Employers & Depts. of Ed

All public schools must submit reports to the school district board regarding certain employee activity.

A school employee who has reasonable cause to believe that a student has been subjected to sexual conduct must report the information to a supervisor or other person designated by the school board.

NDA’s & Suppression of Information

School district board, school district or school prohibited from entering into an agreement or contract that suppresses information about the employee’s sexual misconduct or abuse or that affects the school’s duty to investigate suspected child abuse, report suspected child abuse, or discipline of employee.

Civil Immunity Against Liability for Disclosure

Provides immunity from civil and criminal liability for schools who disclose information in good faith.

Additional Information

Allows parent or legal guardian of student abused by school employee to bring action against the education provider if the school employee previously committed abuse and the education provider did not investigate or report the abuse. SB 856 mandates that all public schools (K-12) implement age-appropriate child sexual abuse prevention instruction. It requires a minimum of four sessions per year to teach students about body safety, recognizing abuse, and reporting to trusted adults.

Pennsylvania

HB 1816; Act 168

Applicant Requirements

Must provide contact information of current and all former employers that were school entities.

Must sign a written authorization to allow disclosure of employment information that releases employers from liability.

Must indicate whether ever subject of an abuse or sexual misconduct investigation, unless allegations were proven false; was ever disciplined, discharged, non-renewed, asked to resign while abuse or sexual misconduct were pending or under investigation or due to finding of abuse or sexual misconduct; or had license suspended, surrendered, or revoked.

Prospective Employer Requirements

Must contact the applicant's current and former school employers if the person was in a position directly involved with children.

Prohibits the school from hiring an applicant who does not provide information; school must contact past employers and request dates of employment, any abuse, sexual misconduct or whether the employee was disciplined, resigned or had their license suspended.

Previous and Current Employers Duties to Prospective Employers

Former employers must provide information regarding, but not limited to, abuse or sexual misconduct, and any disciplinary action related to such behavior.

NDA's & Suppression of Information

Invalidate confidentiality agreements that would otherwise prohibit the disclosure of inappropriate conduct or sexual misconduct by former employees.

Civil Immunity Against Liability for Disclosure

Provides immunity from civil and criminal liability for past employers who disclose information, unless the information shared is known to be false.

Vermont

13 V.S.A. §1386

Previous and Current Employers Duties to Prospective Employers

Must share with each other correct information concerning a former employee's employment record.

NDA's & Suppression of Information

May not enter into on behalf of a supervisory union, school district, or recognized or approved independent school a confidential employment separation agreement that inhibits the disclosure to prospective employers and responsible licensing entities of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor.

Civil Immunity Against Liability for Disclosure

Provides schools and other education personnel from civil or criminal liability for disclosing the information required while acting in good faith.

Additional Information

Directs Agency of Education, in collaboration with VT School Boards' Association and Council of Independent Schools shall develop a model policy on electronic communications between school employees and students designed to prevent exploitation of children; model policy must be adopted by all schools.

Washington

Chapter 28A.400, Sec. 303

Applicant Requirements

Must provide written statement allowing the prospective employer district to request information about past sexual misconduct, physical abuse or verbal abuse from previous school employers, including those from out-of-state.

Failure to provide this permission prohibits hiring.

Prospective Employer Requirements

Must request applicant's current and past employers, including out-of-state employers, to provide investigative, or other files relating to sexual misconduct by the applicant.

Previous and Current Employers Duties to Prospective Employers

Within 20 days must provide requested records and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual misconduct.

NDA's & Suppression of Information

Prohibits a collective bargaining agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files.

Civil Immunity Against Liability for Disclosure

Provides protection from civil liability for schools that request or provide to other schools information about an employee's misconduct.

Resources

US DOE Office of Elementary and Secondary Education, “Elementary and Secondary Education Act Provisions Prohibiting Aiding and Abetting of Sexual Misconduct in Schools,” June 2022. <https://www.ed.gov/media/document/elementary-and-secondary-education-act-provisions-prohibiting-aiding-and-abetting-of-sexual-misconduct-schools-june-2022-12504.pdf>

Enough Abuse, “Screening School Employees to Prevent Educator Misconduct and Abuse,” October 2024. <https://enoughabuse.org/get-vocal/laws-by-state/screening-school-employees/>

Enough Abuse, “A Call to Action for Policymakers and Advocates: Child Sexual Abuse Prevention Legislation in the States,” June 2021. https://preventchildabuse.org/wp-content/uploads/2021/06/A_Call_to_Action-June2021.pdf

Enough Abuse Campaign, Model Legislative Language: Sexual abuse Prevention Screening, Hiring and Dismissal Requirements, <https://www.icmec.org/wp-content/uploads/2016/05/Policy-and-Audit-Guide-for-Protecting-Children.pdf>

USGAO Report to the Chairman, Committee on Education and Labor, House of Representatives: K-12 Education – Selected Cases of Public and Private Schools that Hired or Retained Individuals with Histories of Sexual Misconduct, December 2010. <https://www.gao.gov/products/gao-11-200>

K-12DIVE, “Ed Dept report shows ‘pass the trash’ states policies uneven,” June 2022. <https://www.k12dive.com/news/ed-dept-report-shows-pass-the-trash-state-policies-uneven/625212/#:~:text=Dive%20Brief:,across%20states%2C%20the%20report%20found>

United Educators EduRisk, “Educator Sexual Misconduct: A Policy and Audit Guide for Protecting Children,” <https://www.icmec.org/wp-content/uploads/2016/05/Policy-and-Audit-Guide-for-Protecting-Children.pdf>